THE WAR IN UKRAINE'S

DONBAS

Origins, Contexts, and the Future

EDITED BY DAVID R. MARPLES

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Acknowledgements

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Introduction

DAVID R. MARPLES

In November 2018, together with the Kule Institute of Advanced Study at the University of Alberta, I organized a conference on the theme "Russian Policy and the War in Ukraine's Donbas: Options for the Future and Canadian Responses," sponsored by the Defence Engagement Program, Department of National Defence, Government of Canada, with support from various units of the University of Alberta. This book is the product of the conference, and participants have had an opportunity to revise and update their papers.

Our goal was to explain the origins of the war, discuss its continuance and ramifications, and offer some suggestions as to how it might be ended. In so doing, we sought to understand why the Donbas is so different from other areas of Ukraine.

Since the conference was held, Ukraine has a new President and a newly elected Parliament. In April 2019, Volodymyr Zelensky won a resounding victory over incumbent President Petro Poroshenko in the second round of the presidential election, with over 73% of the vote. In June, his party Servant of the People attained an outright majority in the new Parliament (43.16%), avoiding the need to form a coalition with the other parties that received over 5%, the necessary threshold needed to acquire seats, namely the Opposition Platform—For Life (13.05%), Batkivshchyna (8.18%), European Solidarity (8.1%), and Voice (5.82%). Zelensky thus received a strong mandate to fulfill his election platform, which was geared to improving the economic situation and bringing an end to the Donbas conflict. Poroshenko, whose platform in the presidential election (Army, Faith, Language) had been firmly rejected, gradually adopted a hostile attitude to Russia that precluded any compromises or revival of the Minsk Accords that had brought an end to the fiercest fighting in the east in September 2014 and February 2015.

Though Zelensky has taken some steps toward his goals, the remainder of 2019 and early 2020 saw some major world events that overshadowed them. First, the impeachment of US President Donald J. Trump by the US Congress

took place on the basis of his reported demand for information from Zelensky inculpating his likely main challenger in the 2020 presidential elections, Joe Biden. Trump and others also accused Ukraine, falsely, of likely having interfered in the 2016 US presidential elections, thus diverting attention from the largely proven Russian role in this same process. Thus, Zelensky was obliged to adopt a defensive and protective attitude, attempting to prevent the embroilment of Ukraine in a major international scandal involving its chief supplier of military weaponry. Second, the shooting down of a Ukraine International flight over Tehran by Iranian forces followed by the assassination of its chief general, Qasem Soleimani, on January 3, 2020, again drew attention to Ukraine. The fact that Iran used a Russian-made weapon brought back memories of the shooting down of Malaysian Flight 17 in the Donbas by a Buk missile on July 17, 2014.

The response of Zelensky to both events was very cautious. Likewise, his efforts to end the war in the east began slowly with some prisoner releases and a pullback of Ukrainian forces from some towns that now bordered with the Donetsk and Luhansk People's Republics, the self-acclaimed governments in the regions occupied by separatists, with Russian backing. News about the proposed revival of the Minsk Accords, with the renewed participation of the presidents of Russia, France, and Germany resulted in some protests by more militant circles in Kyiv and other cities, and accusations that the new president was betraying Ukraine by making concessions to Russia. The meeting took place not in Minsk, but in Paris, hosted by French President Emmanuel Macron, but was not decisive. The two sides—Ukraine and Russia—remained far apart on the question of federalization and the proposed autonomy for Donetsk and Luhansk, as well as how new elections could be conducted. Zelensky insisted, based on the original agreements, that Ukraine must be allowed to secure its eastern borders before any referendum is held.

Thus, today, we have not advanced much from the time of the conference that we held at the University of Alberta on November 1, 2018. There is, nonetheless, an important question to examine, namely the extent of Russian involvement and the use of the term "civil war." Our contributors did not reach a consensus on this question, which has become a matter of deep divisions within discussions on Ukraine. Thus, if the conflict is a civil war, then Vladimir Putin can reasonably claim that there is no large-scale Russian involvement, and only "volunteers" have crossed the border to get involved in the fighting in Donetsk and Luhansk oblasts. If it is exclusively a Russian war on Ukraine—the title of a recent book by Taras Kuzio—then one can dispense with the idea of autonomous thinking in the breakaway regions and accept that they are completely under Russian control.

To deal with the former supposition: the Russian role has not been static. There is ample evidence that after the annexation of Crimea, Russia sent a combination of intelligence and mercenary forces into eastern Ukraine to foment rebellion and overthrow local governments. This was part of a mission to establish a Russian world in the southern and eastern parts of Ukraine, and perhaps elsewhere. The attempt failed, and with the wider development of war and Ukraine's initiation of what it termed an "anti-terrorist operation" (ATO), there was every chance that the country could regain all the territories in the east. The response was the antithesis to how Ukraine had reacted to Russia's takeover of Crimea, but the military situation there was unwinnable. Vladimir Putin then appears to have lost his nerve and abandoned the Russian World quest, leaving the so-called DNR Minister of Defence Igor Girkin-Strelkov to fend for himself in his chosen outpost of Sloviansk. It was Girkin-Strelkov, rather than Putin, who chose to extend the struggle, retreating to the city of Donetsk and holding out there with his remaining forces and some sympathetic locals. That maneuver caused Ukraine many problems, not least how to remove the separatists from the city without shelling homes of local civilians. In any event the ATO went ahead anyway but failed to remove the insurgents.

After Girkin-Strelkov resigned from his post and returned to Moscow, several other leaders rose to prominence, some of which were locals. Most prominent was Aleksandr Zakharchenko, a native of the city of Donetsk, who held the position of Prime Minister of the DNR for four years, until his assassination on August 31, 2018. Thus, the war leadership passed into local hands, ostensibly because the Russian leadership wished to give the impression that a civil war had developed. However, as the ATO attack reached its culmination point and the DNR/LNR forces were close to defeat, the Russian regular army interceded and reversed the situation in battles at Ilovaisk and Debaltseve, in the Fall of 2014 and early Spring of 2015, forcing the Ukrainian president Petro Poroshenko to agree to an armistice known as the Minsk Accords. The advance over the border may be regarded as Russia's second intervention—or third if one includes Crimea—into Ukraine, but it was one of limited ambition. There was no further talk of establishing a Russian World on the part of Moscow, though Zakharchenko did anticipate further expansion.

On the other hand, without some local support, the insurrection would still have failed. Without access to reliable opinion polls, it is impossible to ascertain sentiment in the areas no longer under Ukraine's control, but their histories suggest years of disaffection or dissent, both toward the Soviet Union and subsequently Kyiv. Only by 2010 could the region be satisfied, with a ruling President and Prime Minister, and key members of the cabinet that lasted until Viktor Ianukovych was removed from power by the Euromaidan uprising. There fol-

lowed the total collapse of Ianukovych's Regions Party and the displacement of the Donbas leadership of Ukraine by a centrist-radical combination led by an oligarch, Poroshenko, who was considered a compromise candidate with appeal to both sides. Five years later, he appealed to neither and was removed from office in a democratic election. But the question remains as to the sentiments of Donbas citizens. There is little evidence to support a desire for Russian occupation; but there are many signs that local residents support more autonomy and control over resources. They contain a large number of ethnic Russians and a majority of exclusively Russian speakers, and they prefer to do business with Russia rather than the European Union or the West.

As for Russia, the current situation of a frozen conflict is satisfactory as long as there is no integration, which would prove an onerous economic burden at a time when oil prices have fallen, and Western sanctions are still in place. Russia also sought the removal of Poroshenko, which has now been attained without its interference. Ukraine instead has an inexperienced Prime Minister and an unstable cabinet—at the time of writing the first cabinet under Zelensky had been largely replaced after only six months. There is no immediate threat of Ukraine joining NATO or the European Union, but Ukraine under Zelensky remains westward leaning and is unlikely to join any of the Russian-led structures such as the Eurasian Economic Union or the Collective Security Treaty Organization (CSTO). Though fighting continues in the east, Russian participation currently is linked to mercenaries, supplying of weapons and material aid, and anti-Ukrainian propaganda through social media. Still, without it, the insurgency would likely collapse.

In any case, Russia would likely describe its intervention as a response to a US-led uprising in Kyiv that removed a legitimate president from office and installed a "neo-Nazi regime" in power. Vladimir Putin and his colleagues do not need the above statement to be fully correct, as long as it contains partial truth, then the propaganda line can be continued. Thus, prominent US politicians *did* support Euromaidan, and there were far-right elements in the uprising, though they were not appointed to leading positions in the Poroshenko administration. The term Euromaidan has been replaced with "Revolution of Dignity," but without completion of the inquiry into the perpetrators of the massacre of protesters from the rooftops of nearby buildings. All these factors have brought about a sense of transience in Ukraine, and lack of stability and permanence, and little possibility of it returning to its borders of 1991. Some of this instability is the responsibility of Russia, but certainly far from all of it. The regional and political divisions of the country are deep and require policies of thoughtfulness and compromise.

The papers herein cover a variety of topics and are listed in rough chronological order. At the original conference, they were divided into two parts, the first

covering Ukraine and Donbas in the Spring of 2014 and an analysis of the conflict and its results, and the second part looking at Russia's role and goals, and the future of the Donbas. I have modified that structure. We begin with a paper by William J. Risch, a professor at Georgia College (US), which examines the impact of the Maidan in Donbas, where he was a visitor in 2014, conducting a number of interviews. Next, Alina Cherviatsova, a Kharkiv-based lawyer, looks at the Minsk Accords and how they corresponded to Ukrainian and international laws. We follow with a paper by University of Tokyo scholar Kimitaka Matsuzato, who has spent many weeks inside the "Donetsk People's Republic" and offers an interview-based analysis of its first four years of existence.

The next four papers all deal with social and public life in the conflict zone. Oksana Mikheieva of the Ukrainian Catholic University in Lviv also has an interview-based paper, this time of combatants on both sides of the conflict and their motivations. Natalia Stepaniuk, who recently completed her PhD at the University of Ottawa, analyzes civilian engagement on the frontlines of the conflict in Donbas. Ernest Gyidel, who completed his doctoral dissertation in 2019, examines Internally Displaced Persons and the prospects for the Donbas region. Finally, in this section, Oleksandr Melnyk, a postdoctoral fellow at the Ukrainian Research Institute at Harvard University, looks at wartime casualties and "inter-communal ethics" on the border of Russia and Ukraine from the beginning of the war to the present. The final three papers focus on the war and its potential conclusion. Alla Hurska, a graduate student at the University of Alberta, focuses on Russia's hybrid policy in the Sea of Azov, noting the consequences of Russian control of the sea route between the Black and Azov Seas. Sergei Sukhankin, a Fellow at the Jamestown Foundation and Associate Expert at the Internatiomal Center for Policy Studies in Kyiv, outlines the role of Russian private military contractors in the Donbas. Lastly, Sergiy Kudelia, Associate Professor of Political Science at Baylor University in Texas, offers possible scenarios for ending the war and establishing a more stable environment in the region.

Prelude to War?
The Maidan and Its Enemies in the Donbas

WILLIAM JAY RISCH

"We are not Donetsk bandits, we are not zombies, and we know Europe not from Soviet textbooks. We have our own view of the world, our own truth. And if the opposition treats its own people with such condescension, there is nothing to expect from it." A 38-year-old man who was a writer and scholar, working in higher and specialized education, wrote this in a questionnaire I had distributed through friends to Donetsk residents when I visited that city in mid-January 2014, nearly two months after the Euromaidan protests had first swept Ukraine.[1] He was responding to a question I had asked him about what criticisms he had about the political opposition that claimed leadership over these protests. I had posed such questions to this man and other Donetsk residents because I wanted to understand why the Euromaidan lacked support in such regions as the Donbas and other parts of southern and eastern Ukraine. Admittedly, I wanted to know how much these protests could polarize the country and even produce a civil war. After living together as part of one country for twenty years, Ukraine, I reasoned, could not descend into such a conflict, yet I also feared what would happen if a violent revolution would consume it.

This paper considers the potential for civil conflict in the Donbas through the lens of the political crisis that erupted in Ukraine with the Euromaidan protests of 2013–14. In the Donbas region, a grassroots Euromaidan protest movement emerged, fostered by local grievances over government corruption and inspired by events at the Kyiv Maidan. While relatively small in numbers, it pro-

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[1]   I had formulated a set of questions to residents of Kharkiv and Donetsk about their knowledge of and attitudes towards the Euromaidan protests, their attitudes towards the Ianukovych regime and the political opposition, their attitudes towards the European Union and the Eurasian Customs Union, and what they thought united and divided Ukrainians in "eastern" and "western" Ukraine, as well as who they thought should be Ukraine's next president. Through two friends I was staying with in Donetsk, I circulated this form and received a total of 9 of them over the week of January 9–17, 2014, before I had to return to the United States. All the respondents were anonymous, and their responses were submitted through one of my friends by email.

voked conflict in a region where local political clans, under the Party of Regions, as well as pro-Russian civic organizations, offered different visions for Ukraine's future. These alternative visions of Ukraine's future focused on the Donbas region's specific history and identity and its close ties with neighboring Russia. Admittedly, local elites used coercion, namely hired thugs or *titushky*, as they became known in Ukraine, to intimidate and discredit Euromaidan activists in the Donbas. Yet the radicalization of the protests in Kyiv and in parts of western and central Ukraine made the Euromaidan threat real. The toppling of the Ianukovych regime in late February 2014 reinforced impressions that radical Ukrainian nationalists were about to bring chaos and disorder to the Donbas, as well as oppress the language and way of life of Donbas residents. Pro-Russian organizations, and local politicians seeking greater independence from the new government in Kyiv, encouraged the emergence of protests in the spring of 2014 that further polarized political life. While outside military intervention from Russia led to war, local support for Russian-backed armed separatists was considerable. That local support was a logical consequence of the escalation of violence and polarization of political life during the Euromaidan protests.

Donetsk and the European Dream

The Euromaidan protests came to Donetsk like any other city in Ukraine. They reflected a grassroots protest movement against corruption, abuse of power by law enforcement and the justice system, and for what Ukrainians associated with "Europe" (a country governed by law, equality of opportunity, and the defense of individual rights). Ievhen (Zhenia), a 27-year-old artist involved in local theater productions, reflected this spirit of the Maidan in Donetsk. He did not like the way residents picked fights with foreigners visiting the city. He wanted such guests to be treated with dignity. He wanted to change the way his city government worked. As a student in Kyiv, Ievhen had taken part in the Orange Revolution of 2004. Years after that revolution had passed, while working in Moscow, he demonstrated in front of the Ukrainian Embassy there on the anniversary of the Orange Revolution, to remind people of the ideals it had stood for. On the evening of November 21, 2013, when he found out that the administration of President Viktor Ianukovych had cancelled plans to sign an Association Agreement with the European Union, Ievhen decided to act. He told friends on the social networks that he was going to ride his bike out to the Shevchenko monument in Donetsk and protest, and that others could join him if they wanted to.[2]

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2   Interview, Ievhen and Katia, interview with the author, Donetsk, January 15, 2014;; Kateryna Iakov-lenko, "Hudok Akhmetovu, abo zhaduiuchy donetskyi Maidan," *UKRRUDPROM*, October 20,

Around five people gathered near Shevchenko that night, but in the days that followed, others joined them. The local online press in Donetsk showed a crowd of several dozen assembled in front of Shevchenko, with one of the demonstrators holding a sign proclaiming that the European Union would stretch from Lisbon to the Donbas.[3]

The Euromaidan protests in Donetsk were small. They did not get the support of Ukraine's national political opposition that headed the protests in Kyiv. None of its leaders came to visit the Donetsk Euromaidan, despite invitations to do so.[4] Yet the Euromaidan generated great enthusiasm among the local adherents who gathered in front of Shevchenko to make speeches, watch films, express solidarity with the Euromaidan in Kyiv, and listen to music (including a live performance by the poet Serhiy Zhadan and the punk rock group, Dogs in Space [*Sobaki v kosmose*], as well as the Ukrainian folk-rock group Haidamaky). Katia (Kate), a photographer also in her late twenties, and a friend of Ievhen's, said that the Euromaidan became like a second family to her. Ievhen saw the Euromaidan as giving him a chance to transform people's way of thinking, be it one person at a time. He told me about one evening where he showed the Donetsk Euromaidan a documentary on the life of US civil rights leader Martin Luther King Jr. He discussed the film with a local activist from the far-right political party Svoboda. Ievhen said he convinced the Svoboda activist that the Euromaidan protests were about Ukrainians defending their civil rights. He thus turned this young man from the exclusive ethnic nationalism Svoboda leaders espoused.[5]

The ideals of fighting for civil rights, the rule of law, and transparency in government were important values for Euromaidan activists in Donetsk. For Iurii, a 20-year-old student at Donetsk National University involved with the Committee of Ukrainian Voters in Donetsk, these values were part of a "European dream" that united all Ukrainians. Iurii saw the Donetsk Euromaidan and other Euromaidan movements in Ukraine uniting the nation from below. This mood to become part of Europe could unite the people, and not "with blood and steel, like Bismarck did" (referring to Otto von Bismarck's unification of Germany in 1871 following a series of wars with other European powers). Elements of this unification "should be European," and "optimism," "faith in the good future," could be a part of this mood to aspire to European values. The Euromaidan, said Iurii, would bring together Ukrainians peacefully, by focusing on nonviolent resistance and these values of the "European dream," a "civilizational choice," as

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2014, http://www.ukrrudprom.ua/digest/Gudok_Ahmetovu_abo_zgaduyuchi_donetskiy_Maydan. html. I only cite first names of interview participants to ensure their anonymity.

3   "V Donetske ustroili svoi Evromaidan," *62.ua,* November 22, 2013, http://www.62.ua/news/424301.

4   Stanislav, interview with the author, Lviv, July 27, 2015.

5   Ievhen and Katia, interview.

he put it, that mattered more than the economic difficulties that Iurii knew would not be solved by an Association Agreement. "It's about the values," he said, "because, I want to live in a country where there are human rights, democracy, and the rule of law. It's not just words, but the guiding principles of every single person of every single institution."[6]

Fear and Loathing of the Kyiv Maidan

Despite these lofty aims of the Euromaidan, expressed to me in Donetsk in mid-January 2014, support for the Euromaidan remained weak in Donetsk and other regions of eastern and southern Ukraine that for nearly a decade had voted for Ianukovych's Party of Regions in parliamentary elections and for Ianukovych in presidential elections. In the two weeks of November 2013 leading up to the planned signing of the Association Agreement with the European Union in Vilnius, Lithuania, the Kyiv International Institute of Sociology (KIIS) indicated that Ukrainians were sharply divided over whether closer relations with the European Union were feasible. When asked how they would vote on a referendum on whether Ukraine should join the European Union, 39.7% of all Ukrainians polled said that they would vote "yes," while 35.1% would vote "no." In the eastern regions of Ukraine that included Donetsk, only 18.4% said they would vote "yes," while 55.2% would vote "no." By contrast, when asked how they would vote in a referendum on whether or not Ukraine should join the Customs Union with Russia, Belarus, and Kazakhstan, a total of 40.8% of all Ukrainians polled said they would vote "yes," while only 33.1% would vote "no" (The rest did not answer the question, said it would be difficult to answer the question, or said they would not vote.). In the eastern regions that included Donetsk, 64.5% would vote "yes," while only 10.9% would vote "no."[7]

The beginning of the Euromaidan protests in Kyiv and other cities failed to sway most Donbas residents, though even those opposing closer ties with the European Union spoke out against the Ianukovych regime during some critical moments. Sergei's Center for Political Studies at Donetsk National University took two major decisions after the signing of the Association Agreement was cancelled on November 21 and after a Berkut special police unit beat up Euromaidan protestors in Kyiv on November 30. One public statement they made

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6 Iurii and Serhii, interview with the author, January 15, 2014, Donetsk. The interview was conducted in English. Some quotes have been edited to reflect grammatical clarity.

7 The KIIS poll was taken during November 9–20, 2013, before the Euromaidan protests began. "Iakym shliakhom ity Ukraini—do iakoho soiuzu pryiednuvatys? (Preferentsii naselennia za dva tyzhni do vilniuskoho samitu)," *Kyivskyi Mizhnarodnyi Instytut Sotsiolohii*, November 26, 2013, http://kiis.com.ua/?lang=ukr&cat=reports&id=204&page=1&y=2013&m=11.

claimed that cancelling negotiations over the Association Agreement was a violation of Ukrainian laws declaring that the government should make progress with European integration. Their second public statement said that it was unconstitutional to beat up people and violate their right to assemble. In both statements, the Center for Political Studies concluded that it would not cooperate with the executive branch of government until the latter followed democratic principles and replaced the government of Prime Minister Azarov. These statements, said Sergei, meant that they were boycotting Ianukovych's Party of Regions. Other Donetsk regional NGOs and civic activists joined their two statements, forming a coalition against the regime.[8]

As Sergei put it, there were even what he called "pro-Russian" figures who supported these public statements critical of the Ianukovych regime. Still, the violent seizure of buildings in downtown Kyiv on December 1, 2013, pitched battles between far-right nationalists and police in front of the Presidential Administration building that day, and unresolved questions about what the Association Agreement would do to the Donbas economy, discouraged support for the Euromaidan in the Donbas. In a poll conducted by the Research & Branding Group in Ukraine on December 4–9, 2013, only 13% of respondents in Ukraine's eastern regions (including the Donbas) supported the Kyiv Euromaidan, while as many as 81% said they did not support it.[9] While I do not have specific numbers for Donetsk or the Donbas, a nationwide poll on voter preferences for president suggests that by the end of January 2014, kidnappings, torture, and murder of Euromaidan activists, and violent clashes between police and Euromaidan protesters in Kyiv, only reinforced the regime's existing base of support and, as a consequence, opposition to the Euromaidan protests. When likely voters were asked over January 17–26, 2014, who they would vote for as President, a total of 28.9% said they would vote for Viktor Ianukovych in a hypothetical first round of elections. That figure had not changed at all from the last poll taken on December 26, 2013 (28.9%).[10]

The brief field work I did in Donetsk in mid-January 2014 gave a good sense of the indifference, contempt, and downright hostility Donbas residents had towards the Euromaidan protests, especially those events in Kyiv. Katia,

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8   Iurii and Sergei, interview.

9   "Evromaidan—2013," *Research & Branding Group*, December 10, 2013, accessed December 17, 2017, http://rb.com.ua/rus/projects/omnibus/8836/. The page is no longer in existence as of October 31, 2018. It is available at http://rb.com.ua/blog/evromajdan-2013/.

10   "Dani zahalnoukrainskoho sotsiolohichnoho doslidzhennia monitoringu 'Ukraina i ukraintsi,'" *SOCIS*, January 31, 2014, http://old.socis.kiev.ua/ua/press/dani-zahalnoukrajinskoho-sotsiolohichno-ho-doslidzhennja-monitorynhu-ukrajina-i-ukrajintsi.html; "Suspilno-politychna sytuatsiia v Ukraini hruden 2013," *SOCIS*, December 26, 2013, http://old.socis.kiev.ua/ua/press/suspilno-politychna-sytuatsija-v-ukrajini-hruden-2013.html.

a 26-year-old English teacher in Makiivka, claimed that what was going on in Kyiv was an orchestrated attempt by politicians to seize power. She said, "I think that the reason [for the protests] is that someone is hungry for power, and someone doesn't want to give it up." While Katia had no real opinion of the protests, Olesia, a 30-year-old housewife from Makiivka, was against them, while her husband supported the protests. Neither Olesia nor Katia saw the Euromaidan offering Ukraine leaders who could deal with the country's economic problems.[11] While acknowledging that young people made up many of the protesters, Katia and Olesia saw them as naïve, impressed by what they had seen on trips through Europe, yet unaware of what the Association Agreement really meant, and often just following the bandwagon. Still, their opposition to the Euromaidan protests did not mean that they supported Russia. Katia said that Ukraine would be better going on its own, not with the Eurasian Customs Union or the European Union. When she disagreed with Olesia over what the Donbas's customs and traditions were (Olesia said they were closer to Russia), Katia suggested that the Donbas residents preferred that Ukraine take an independent position, connected with neither "West" nor "East": "With us, in general, it's something in between ... Donbas, Eastern Ukraine, it's all spread between ... like, I don't want to say a bad word, between everyone. It's something like ... back-and-forth."

The Donbas was different from Lviv, from western Ukraine, yet it was not somehow more connected with Russia. It was somewhere between Russia and Ukraine. Katia thus echoed a sentiment of Donbas residents noted by historian Hiroaki Kuromiya, who in his *Freedom and Terror in the Donbas*, argues that the Donbas became a region at odds with both Kyiv and Moscow, with Ukrainian nationalists and Soviet communists, from the late nineteenth century onward.[12]

Being in-between did not mean that the Donbas, or "eastern Ukraine," was incompatible with the rest of the country. When I asked them, what divided "western Ukraine" from "eastern Ukraine" (a split that allegedly demonstrated the limits to the Euromaidan protests' influence), Katia disagreed with Olesia's assertion that nothing united the two parts of Ukraine:

> Actually, there is no obvious split, there's no hostility. If there'd been hostility, there would have been a civil war. Well, it's something made up. I think that the European Union's government is doing a good job at, and is determined, to split the people, so that the people part ways. Because even though

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11 Olesia and Katia, interview with the author, January 10, 2014, Makiivka, Ukraine.

12 Hiroaki Kuromiya, *Freedom and Terror in the Donbas: A Ukrainian-Russian Borderland, 1870s–1990s* (Cambridge: Cambridge University Press, 1998).

it's half of Ukraine, they must seize it. Therefore, they build up pseudo-distrust between people. I think there's no such thing [a lack of trust]. It's invented, contrived. It's disinformation.[13]

Yet Katia later admitted in her interview that maybe it was better if western Ukraine went to "Europe" and left the Donbas alone:

It would be interesting what would happen if Ukraine, well purely in theory, were divided in half, along the Dnipro River. So that the West went to Europe and the East, roughly speaking, went to Russia. I'd be interested in knowing then, would the European Union be interested only in the West? I think no. Because the European Union needs Ukraine's industrial part. They don't need the West, it's not interesting as an economic entity. I think, let them leave for the European Union. Goodbye![14]

Even while admitting that outside factors were responsible for dividing Ukrainians, Katia, as well as Olesia, said that they resented Ukrainians' treatment of Donbas residents in places like Lviv. Katia mentioned that she and her family visited Lviv on vacation and did not get help from a local resident after that person found out that they were from the Donbas. She added that western Ukrainians acted like Donbas miners unfairly earned more money than they did. All these people did was complain and talk, rather than working, Katia insisted. "So, they say all the time that we here in Donbas live very well," she said. "They are mistaken, actually. Because most of us, a big segment of the population, is made up of miners, people who work in factories, and we have only a very small segment of people who are well off. So, I would like to propose to people from the West, those who have nowhere to work, who have small wages, let them come here and work in the mines." Then she laughed.

Some of the anonymous written responses were even more frank in their criticisms of the Euromaidan, opposition politicians in Kyiv, and foreign powers influencing events on the ground. The 38-year-old writer and scholar

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13 In the original: "Tak eto vezde. Na samom dele takogo priam raskola net, vrazhdy net. Byla by vrazhda, byla by grazhdanskaia voina. Nu, eto takoe, nadumannoe. Ia schitaiu lichno, shto pravitelstvo Evrosoiuza khorosho i userdno rabotaet nad tem, shtoby narod raskolot, shtoby narod razoshelsia. Potomu, shto khot polovinu Ukrainy, no otkhvatyt nado. Poetomu mezhdu liudmi sozdaiut psevdonedoverie. Ia dumaiu, shto net takogo. Eto pridumano, nadumano. Eto dezinformatsiia."

14 In the original: "Mne interesno, esli by Ukrainu, nu tak, chisto teoreticheski, razdelili popolam, po Dnepru. Shtoby Zapad otoshel Evrope, a Vostok, grubo govoria, k Rossii. Mne interesno, togda Evrosoiuz byl by zainteresovan tolko v Zapade? Ia dumaiu, shto net. Potomu shto Evrosoiuzu nuzhna promyshlennaia chast Ukrainy. Im ne nuzhen Zapad, on ne interesen kak ekonomicheskoe iavlenie. Ia dumaiu, pust ukhodiat v Evrosoiuz. Dosvidaniia!"

I quoted at the beginning of this paper viewed the Euromaidan protests as inspired from abroad to tear Ukraine away from Russia. While he admitted people were dissatisfied with the President and government of Ukraine, he also attributed the protests to "Russophobia heated up from abroad (an attempt to establish a buffer zone around Russia, including imposing European integration ideas)." Regarding the slogans used at protest rallies, he viewed them negatively, "because Russophobia is hidden behind these slogans, and the opposition is no better than the current regime." He accused the Ianukovych administration of not considering the needs of the Donbas when it came to the issue of European integration. He wrote, "When making such important decisions as entering the European Union, I also would like them [the current government] to consider the opinions of not only the Lviv Region. At a minimum, half of Ukraine is against this step." He offered a constructive solution to Ukraine's geopolitical situation. Ukraine needed to belong to no power blocs, and it needed to develop friendly, productive partnerships with the United States, the European Union, and Russia.

The most hostile response to my questionnaire came from a 58-year-old electrical engineer who identified himself as Russian. He dismissed the Euromaidan in Kyiv as a "circus" that had made a disgrace of Ukraine's capital (especially with its unfinished New Year's Tree, turned into an exhibit of protests flags and signs, and with what he said was a very dirty protest city). The people of Donetsk, in contrast, had a proper tree and were working hard instead of protesting. He urged the government to "squish" the far-right elements at the Maidan and end the protest camp. The other politicians leading the Maidan were "pathetic," and with the defeat of the far right, they would disappear from the political scene. Ukraine's European integration plans had been flawed from the start, and only the ignorant were demanding an Association Agreement. The engineer blamed the leaders of the Orange Revolution for splitting the country in 2004 and after, and that the people of Ukraine were not really divided. Finally, he saw outside powers responsible for the crisis that had developed by mid-January 2014. Here, I, too, was a foreign agent responsible for it:

> Your survey won't do much because your respondents will just express their emotions, not knowing the main point or the economics of the agreement, and thus its risks and its benefits. And this is very dangerous, because people need to be prepared for the changes that will inevitably come, and understand them! Using people like the Maidan bestial mob, like an instrument to put pressure on the state is a crime. Especially when this hysteria is being fed from outside; this is addressed to you, because even your survey's set of questions are openly one-sided and clear, unfortunately. I don't believe in

the objectivity of your research, because I am sure that emotions interest your dear audience more.[15]

The opposition to the Euromaidan in Donetsk and the Donbas, and grievances with Ukrainians from other regions, did not mean that Ukraine was on the verge of a civil war. No one I spoke to or received written responses from said that Ukraine was inherently divided. That was a crisis manufactured by politicians and by outside powers. Still, hostility towards the Euromaidan, generated by pro-Ianukovych media in the Donbas and in neighboring Russia, and unresolved social grievances in the Donbas, threatened to unleash tensions that marginal separatist groups, with help from Russia, were glad to exploit in the name of their own "revolution of dignity." The evolution of the Euromaidan protests in Kyiv and in cities of western and central Ukraine only further alienated Donbas residents. The violent implosion of the Ianukovych regime suggested that extremists with far-right leanings really had taken power in Kyiv and had plunged Ukraine into anarchy and chaos.

Playing with Separatism

To be sure, the political elites of the Donbas bore much of the responsibility for creating this artificial division between "western Ukraine" and "eastern Ukraine." Over the twenty years of independent Ukraine's existence, they sponsored political parties, civic organizations, and media that espoused the notion that the Donbas was an industrial center that the government in Kyiv and its Western partners were dismantling. Even though substantial majorities in the regions of Luhansk (83.3%) and Donetsk (83.9%) had voted for independence for Ukraine in the 1991 referendum, the collapse of Ukraine's economy and the rapid de-industrialization of the Donbas in the early 1990s fueled resentment towards Kyiv and the Ukrainian state.[16]

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15   In the original: "Vash opros malo shto dast, potomu shto Vashi respondenty prosto vyskazhut svoi emotsii, ne znaia suti, ekonomiki dogovora, a znachit riskov i pliusov. A eto ochen opasno, potomu shto liudiam nuzhno gotovitsia k peremenam, kotorye nepremenno pridut, i ponimat ikh! Ispolzovat liudei kak maidannoe bydlo, kak rychag davleniia na vlast—prestuplenie. Osobenno, esli eta isterika podkarmlivaetsia izvne, eto uzhe k Vam, potomu shto dazhe sostav voprosov Vashei ankety otkrovenno odnobok i poniaten, k sozhaleniiu. Ia ne veriu v obektivnost vashego issledovaniia, potomu shto, uveren, emotsii zainteresuiut uvazhaemuiu publiku bolshe."

16   Konstantin Skorkin, "Donbasskii separatizm: 25 let postsovetskogo gnoinika," *Argument,* March 26, 2016, http://argumentua.com/stati/donbasskii-separatizm-25-let-postsovetskogo-gnoinika. Note that the original has a different title at http://realgazeta.com.ua/25-let-donbasskogo-separatizma-1/. For figures on the 1991 vote for independence, see Bohdan Nahaylo, *The Ukrainian Resurgence* (Toronto: University of Toronto Press, 1999), 419.

Donbas industrial managers, political bosses, and emerging oligarchs channeled this resentment into movements that advocated either the decentralization of power in Ukraine or even the Donbas's possible separation from Ukraine. This could be seen in 1993–94, when Donbas politicians encouraged coal miners to go on strike and demand political concessions from Kyiv. Thus, referendums were held in the Luhansk and Donbas regions in 1994, where majorities favored greater self-rule for their regions (79.69% for the Donbas Region, and 90.3% for the Luhansk Region). Separatist movements like the International Movement of Donbas (*Interdvizhenie)*, an organization formed initially to oppose Ukraine's independence bid in 1991, gained notable followings. The specter of separatism died down when President Leonid Kuchma made concessions to the Donbas elite to secure his reelection as President in 1999. This led to Viktor Ianukovych and the "Donbas clan" of oligarchs and politicians coming to power first in the region, then in Ukraine's central government. Eventually, it was the "Donbas clan" that formed the core of the Party of Regions when it became a major force in parliament beginning in 2006.[17] The 2004 presidential elections led Donbas leaders to label supporters of Ianukovych rival Viktor Iushchenko "fascists" and "Nazis" funded by the United States. They arranged provocations that prevented Iushchenko from campaigning in Donetsk in the fall of 2003. It was the Orange Revolution of 2004, a protest movement demanding that falsified presidential election results be rescinded, that inspired Party of Regions leaders in the Donbas and other parts of Ukraine's south and east to consider setting up an autonomous republic at a conference of politicians from Ukraine's south and east that met in the Luhansk regional city of Severodonetsk on November 28, 2004. That congress, known as the "Severodonetsk Congress," featured speakers who threatened to seize power from Kyiv and even seek military help from Russia should Iushchenko become President. This crisis only ended when Ianukovych spoke to the congress and urged politicians to avoid splitting up the country and possibly shedding blood.[18]

Political elites from the Donbas backed away from the idea of separatism, yet they continued to treat the Donbas as a region different from the rest of Ukraine and at odds with forces from Ukraine's "nationalist," "far right," West. Party of Regions leaders in Donbas and elsewhere succeeded in making Russian an official language at the local level in Ukraine's southern and eastern regions in 2012, thus creating the conditions for cultural autonomy that they had demanded at the Severodonetsk congress in 2004 and at a subsequent congress, also in Sever-

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17   Skorkin, "Donbasskii separatizm: 25 let postsovetskogo gnoinika."
18   Konstantin Skorkin, "Donbasskii separatizm: 25 let postsovetskogo gnoinika. Chast 2," *Argument,* March 26, 2016, http://argumentua.com/stati/donbasskii-separatizm-25-let-postsovetskogo-gnoinika-chast-2; http://realgazeta.com.ua/25-let-donbasskogo-separatizma_-chast-vtoraya/.

odonetsk, in 2008. Besides that, there were political organizations, such as "Donetsk Republic" *(Donetskaia respublika*, later also known as the "Donetsk Federal Republic," *Donetskaia federativnaia respublika*), which emerged after the Orange Revolution to counter the influence of "nationalism" and "Nazism" from Ukraine's West. Pro-Russian organizations, like Pavel Gubarev's "Fans of Novorossiia Club" (*Klub liubitelei Novorossii*), which he formed with university classmates at Donetsk National University in the early 2000s, did not enjoy much financial support at all, even though they did have connections with nationalists in Russia, such as Alexander Dugin's Eurasian movement and the Russian National Unity (*Russkoe natsionalnoe edinstvo*) organization. Pro-Russian organizations like Viktor Medvedchuk's Ukrainian Choice (*Ukrainskyi vybir*) organization by 2013 were sponsoring events in places like Luhansk that warned of the dangers of fascism and right-wing extremism in western Ukraine. Public intellectuals like Vladimir Kornilov of the Institute for the Study of CIS Countries, a Kremlin-sponsored institute, published works glorifying the history of the Donetsk-Kryvyi Rih Republic that existed in February–March 1918 and lobbied for Ukraine to become a federal state.[19]

These personalities and organizations, though, were marginal. It was interesting to find an article by a Donetsk journalist about Kornilov's book on the Donetsk-Kryvyi Rih Republic in 2011. The article complained that no one in Donetsk wanted to put on a public event to mark the book's release, while people in Kyiv did. It was as if this republic, a glorious page from the Donbas's history, was of interest to no one.[20] Up until the fall of the Ianukovych regime in late February 2014, pro-Russian events in Donetsk gathered almost no public mention at all. While the online news source *Liga.net* covered such events as attacks on Euromaidan activists and efforts by local government in Donetsk to crack down on the movement, it only had one story about an early February 2014 rally for supporters of the "Donetsk Republic." Made up of members of Natalia Vitrenko's Progressive Socialist Party of Ukraine (whose activists included future separatist leader Pavel Gubarev), the Russian Bloc (*Russkii blok*), and other pro-Russian organizations, it was a small rally of only some fifty people, gathered to commemorate the anniversary of the creation of the Donetsk-Kryvyi Rih Republic in 1918. Its participants condemned Ukraine's attempts at European integration and fascists from Galicia threatening the Donbas. They called for the defense of Russian Orthodoxy and claimed their republic belonged in the Russian Federation. Waving imperial Russian flags and flags of the Rus-

19 Skorkin, "Donbasskii separatizm: 25 let postsovetskogo gnoinika. Chast 2."

20 E. Iasenov, "Rasstreliannaia mechta i iuzovskii miatezh," *Donetskii: avtorskii sait E. Iasenova,* November 6, 2011, http://donjetsk.com/retro/1023-rasstrelyannaya-mechta-i-yuzovskiy-myatezh.html.

sian Federation, they issued passports for their "Donetsk Republic" (*Donetskaia respublika*), whose covers featured the colors of the flag of the Donetsk People's Republic later made infamous during the Russian Spring.[21]

Kyiv Nightmares Come to Donetsk

If anything, the enemies of the Donetsk Euromaidan probably assumed that the protest movement would die out. There were attacks by hired thugs, or *titushky*, mostly young men out to make money and willing to start a fight to do it. As Pavel Gubarev himself admitted, the anti-Maidan and its *titushky* stood for nothing except for Ianukovych and other thieves and bandits from the Party of Regions. They had no chance of winning against the Euromaidan in Kyiv.[22] Yet the Donbas was awash in socioeconomic grievances despite Ianukovych and the Party of Regions promising better times. In late 2011, veterans of the Chernobyl nuclear power plant cleanup forces, as well as Afghan veterans and pensioners, protested cuts to benefits that the Mykola Azarov government mandated that year. In late November, they set up a tent city outside the Pension Administration Fund headquarters for the Donetsk Region. They threatened to seize administrative buildings. They demanded the resignations of Azarov and even Ianukovych, at one point. Others faced with such benefit cuts joined their protest in Luhansk, in other parts of the Donbas, in Kharkiv, in Dnipropetrovsk, and even in Lviv in Ukraine's West.[23] The 2008 recession, as well as accumulated decades of de-industrialization and theft of state property had almost emptied mining towns across the Donbas.[24] While Ianukovych after his election as president in 2010 promised "improvement," the economic situation only got worse for ordinary workers and miners in the Donbas. Pro-Russian activists like Gubarev stress how much they hated Ianukovych and the Party of Regions leaders in the Donbas, claiming they were the epitome of decades of theft and law-

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21 "V Donetske razdavali pasporta 'Donetskoi respubliki,'" *Liga.net,* February 10, 2014, http://news.liga.net/news/politics/977260-v_donetske_zhelayushchim_razdali_pasporta_donetskoy_respubliki.htm.

22 Pavel Gubarev, *Fakel Novorossii* (Moscow: Piter, 2016), 74–75.

23 For press coverage of these protests in Donetsk and elsewhere, see press bulletins from *Ukrainska Pravda* for the period from November 14, 2011–November 27, 2011, https://www.pravda.com.ua/archives/year_2011/.

24 For example, see Bohdan Butkevych, "Peredrevoliutsiyna baiduzhist: zhyteli Donbasu vzhe shkoduiut pro svii politychnyi vybir," *Tyzhden,* February 29, 2012, http://tyzhden.ua/Society/43105; Frankensstein (Denis Kazanskii), "Kak regional Efremov unichtozhal luganskuiu promyshlennost," July 28, 2012, http://frankensstein.livejournal.com/315629.html#cutid1; Stanislav Kmet, "Ikh 'ekonomicheskoe chudo.' Strashnaia realnost shakhterskoi glubinki," *OstroV,* August 1, 2012, http://www.ostro.org/general/society /articles/403904/; "Protests Increased in 2013," *International Renaissance Foundation*, April 29, 2014, http://www.irf.ua/en/allevents/news/protesti2013_aktivnist_zrosla/.

lessness that the Ukrainian state had suffered from since 1991.[25] In this sense, support for the Party of Regions was indeed weak. Support for the Maidan remained weak as well. What would happen if, all the sudden, the Ianukovych regime came to a violent end?

Euromaidan and the Disorders

At this point, I have no choice but to lay part of the responsibility for the disorders that soon came to pass in the Donbas on the Euromaidan and its leaders. Despite hagiographic accounts about the Maidan "transforming people's souls," and demonstrating the victory of nonviolent protest despite some violence, the Maidan in Kyiv became ensnared in violence, sometimes driven by far-right political forces like the Svoboda Party and the nebulous Right Sector, but also by confrontations between police and demonstrators.[26] This happened in the very first days of the protest, when radical nationalists clashed with police in front of the Presidential Administration building on December 1, 2013, literally driving a grader into a line of policemen. It happened when, on that very day, radicals violently seized control of Kyiv City Hall. It showed up when radical nationalists, including Svoboda activists but not just them, tried to take down Kyiv's Lenin monument on December 1 and then succeeded on December 8.

Whether or not these were provocations done with police help, they turned the "European dream" into a chamber of horrors for viewers in places like the Donbas. This kaleidoscope of chaos and disorder only grew richer after the "Dictatorship Laws" of January 16, 2014 virtually outlawed civil protest in Ukraine. After this, fights erupted between radicalized protesters and riot police at Hrushevsky Street that turned into a series of pitched battles and led to at least three Euromaidan protesters being killed. Protesters occupied regional state administrative buildings in western and central Ukraine and blocked riot police bases. Some of these actions produced scenes of violence captured and distributed on video and in photos. Out of the clashes on Hrushevsky Street, the mysterious Right Sector gained a name for itself in not just Ukraine, but in Russia, and its members exploited that name for the sake of the "national revolution" that its leader, Dmytro Iarosh, aspired to achieve.

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25 Gubarev, *Fakel Novorossii,* 59.

26 The clearest example of such hagiography of the Euromaidan protests is Marci Shore, *The Ukrainian Night: An Intimate History of Revolution* (New Haven, CT: Yale University Press, 2018). Shore treats the Kyiv Maidan as an unchanging entity that brought about a moment of "moral clarity" for Eastern Europe. While also hagiographic at times, journalist Sonia Koshkina (Ksenia Vasylenko) offers a detailed account of events in Kyiv from the perspective of both supporters and opponents of the Euromaidan protests. Sonia Koshkina (Ksenia Vasylenko), *Maidan. Nerozkazana istoriia* (Kyiv: Brait Star Publishing, 2015).

Finally, there were the lethal clashes in Kyiv on February 18–20, 2014. These clashes were provoked by young men demonstrating on February 18 in front of Parliament and along Instytutska Street. They led to an overwhelming use of force used by riot police and Berkut forces, where over 100 protesters died and where the Maidan and the Trade Unions Building burned. By the night of February 18–19, 2014, protesters were using firearms on the Maidan. Eyewitnesses, including Ukrainian politicians speaking on record to journalist Sonia Koshkina, admit that this happened. The protesters had lost their minds and no longer had any reservations about killing people, an inevitable response to escalating violence. Leaving aside who shot and killed people on the Maidan (a source for many conspiracy theories), the fact remained that the Euromaidan had become violent. In Lviv, such images of violence flared up the night of February 18–19, 2014, as well, when demonstrators attacked local police, riot police, chief prosecutor, and SBU headquarters, damaging property, ransacking offices, and burning documents. Foreign diplomats heard rumors that protesters had stolen weapons in this mayhem. Andriy Parubiy, head of Kyiv's Maidan Self-Defense, warned them on February 20, 2014, that if the international community did not intervene and call for Ianukovych to withdraw security forces from the Kyiv Maidan, events could spin out of control. Thus, he hinted that if they did not force major concessions from Ianukovych, these missing weapons could be used by protesters on security forces in Kyiv.[27]

Background to the Russian Spring

It was this bloodshed that accompanied Ianukovych's sudden departure from Kyiv on February 21, 2014, and eventually from Ukraine. The situation made Ukrainians feel threatened with anarchy and chaos. At that evening Maidan Assembly (Viche) in Kyiv, besides the Maidan crowd booing the opposition leaders for making a compromise with Ianukovych, activists made announcements onstage trying to convince people that *titushky* were not out robbing

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27 Koshkina only mentions these events in Lviv in passing. For an overview of the "Night of Rage" (*Nich hnivu*), see Bohdan Holovko and Danylo Mokryk, "Nich Hnivu. Shcho stalosia u Lvovi v nich na 19 liutoho?" *Zakhid.net*, February 19, 2014, http://zaxid.net/news/showNews.do?nich_gnivu_shho_stalosya_u_lvovi_v_nich_na_19_lyutogo&objectId=1302802. Regarding the spread of weapons to Kyiv, see Andrew Higgins and Andrew E. Kramer, "Ukraine Leader Was Defeated Even Before He Was Ousted," *New York Times,* January 3, 2015, https://www.nytimes.com/2015/01/04/world/europe/ukraine-leader-was-defeated-even-before-he-was-ousted.html?_r=0. I know of some people who had stolen pistols in Lviv that night and brought them with them when they went to defend the Kyiv Maidan the night of February 21, 2014. One of Parubiy's aides confirmed to me that Parubiy told foreign diplomats about the possible spread of weapons from Lviv to Kyiv to compel them to act more decisively against Ianukovych.

stores and threatening people on the streets of Kyiv. They assured them citizen patrols were protecting them. Kyiv residents themselves had assumed the functions of law enforcement by forming such patrols.[28] The state clearly had fallen apart. Thus, when discussing the Russian invasion of Crimea at the National Security and Defense Council (RNBO) on February 28, 2014, Vitalii Iarema, Vice Prime Minister in charge of security issues, admitted that the law no longer functioned in Ukraine, and that the Kyiv Maidan had unintentionally set a dangerous precedent of seizing administrative buildings, thus encouraging residents of Crimea to do the same. Crimeans were also seizing power for themselves because they saw videos of Right Sector figure Sashko Bilyi threatening officials with automatic weapons in the western Ukrainian city of Rivne. Prime Minister Arsenii, Iatseniuk stressed that the Ukrainian state had to be rebuilt before they could consider any kind of conflict with Russia. "We need to win time to reanimate the security forces in the country, to renew elementary authority in Ukraine," he said.[29]

It was in this context, where Donbas residents perceived chaos to be reigning in Ukraine and radical nationalists were getting ready to invade the region in which the Russian Spring gained grassroots support, at least in late February and March 2014. We can see this with the rumors that circulated because of anti-Maidan propaganda that politicians, journalists, and activists loyal to Ianukovych had circulated in the preceding months. By the end of March 2014, a local journalist, using the LiveJournal blog under the name "Pauluskp," com-

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28　The speech is in videos of that evening's assembly, archived on YouTube. For a mostly complete broadcast of the assembly, see "Maidan 21.02: Klychko, Iatseniuk, Tiahnybok, Poroshenko, Iarosh. Ultymatum Ianukovychu," April 25, 2014, Slavik Slavikus, https://www.youtube.com/watch?v=U4IWe4a2k9Y. See also "Vystup politykiv na Maidani. Viche 21 liutoho," *Hromadske Telebachennia*, April 14, 2014, https://www.youtube.com/watch?v=mzfpVm98B68. For one story about Kyiv residents forming patrols to maintain law and order in place of the police, see "Operatsiia HOP STOP! Kyiany zakhyshchaiut misto / #Ievromaidan," *5 kanal*, February 20, 2014, https://www.youtube.com/watch?v=-R1Ubx5YEBM&feature=youtu.be.

29　The full record of the meeting of this committee was made public in early 2016 after a member of the Supreme Rada, Boryslav Bereza, had published some pages from it on his Facebook page. For an online version of this document, see "Polnaia stenogramma chrezvychainogo zasedaniia SNBU po Krymu (dokumenty)," *Ukrainski novyny,* February 22, 2016, http://ukranews.com/news/411852-polnaya-stenogramma-chrezvychaynogo-zasedanyya-snbo-po-krymu. The title of the document is "Stenohrama zasidannia Rady natsionalnoi bezpeky i oborony pid holovuvanniam v.o. Prezydenta Ukrainy, Holovy Verkhovnoi Rady Ukrainy O. V. Turchynova," February 28, 2014, with the agenda item, "Pro nevidkladni zakhody shchodo zabezpechennia natsionalnoi bezpeky, suverenitetu i terytorialnoi tsilisnosti Ukrainy." The page numbers cited here are from the copy sent to Serhii Pashynskyi, head of the Supreme Rada's Committee for National Security and Defense, by Oleksandr Turchynov, Secretary of the Council of National Security and Defense of Ukraine on February 17, 2016. For these remarks by Iarema and Iatseniuk, see pages 16–17 and 28. For the original version of Iatseniuk's remarks, see "Treba vyhraty chas, shchob reanimuvaty v kraini sylovyi blok, shchob [vid]novyty v Ukraini elementarnu vladu."

piled an entire list of such rumors. The blogger had collected these rumors from journalists who observed what he called pro-Russian demonstrations in Donetsk. They gave a real sense of actual fears residents shared, reflecting not just the impact of the sudden overthrow of the Ianukovych regime, but also the geopolitical earthquake caused by the Russian occupation of Crimea and possible retaliation from the United States and other NATO states. And as the blogger Pauluskp noted, these wild rumors only reinforced demonstrators' calls for Putin to intervene on their behalf.[30]

The rumors ranged widely, reflecting possibly a propaganda of fear generated by social networks, local media, Russian state media, and probably "whispering" propaganda, but, like the hysteria that broke out online during the Euromaidan protests, they reflected real fears people shared. Rumors focused on nefarious plans afoot by Ukraine's new leaders. One claimed that the new Prime Minister, Arsenii Iatseniuk said the state was going to expel from Ukraine anyone who did not speak Ukrainian. Demonstrators claimed Kyiv was compelling local businesses to deduct employees' earnings to support Right Sector financially and restore the pavement destroyed at the Kyiv Maidan in February (naming specific businesses ordered to do so). The "Banderites" now running the central government were getting rid of state financial support for children. They were already firing Russian speakers from state jobs. State workers, demonstrators claimed, were going to lose all their supplements (government benefits and subsidies) and only receive their base pay, another sign of the new regime imposing austerity.

Demonstrators alleged that the Kyiv regime planned to ban celebration of Soviet-era holidays, such as May 1 and Victory Day (May 9), the Soviet holiday celebrating victory over Nazi Germany during World War Two. One rumor repeated a trope connected directly with the Euromaidan, namely the idea that greater integration with Europe, through the Association Agreement, would end the traditional family and make homosexuality and other nontraditional lifestyles the law of the land: "Gays, pedophiles and zoophiles are seizing power and will make everyone marry everyone else." Rumors spread that people were planning on tearing down Lenin monuments. While this partly reflected the truth (there were Donbas residents who wanted to demolish their own Lenins, and Lenin monuments were being removed in other parts of Ukraine), said Pauluskp, "even the most radical Donbassians think that this can only be done with the agreement of the community." Though, to be fair, these Lenin monuments

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30 "Strakhi zhitelei Donbassa (spisok)," *Arkhiv zhurnalista,* March 29, 2014, https://pauluskp.livejournal.com/2014/03/29/. A translation of this blog in English was posted by Nathaniel Knight to the Facebook group, "Euromaidan News in English" (now secret) on March 30, 2014. The link related to this posting is https://www.facebook.com/william.risch/posts/10203446321027443:76. I rely on Knight's translation for the direct quotes that follow, making slight corrections.

being removed often were done without any prior agreement by the community, as happened in Kyiv on December 8, 2013.

Readers of Pauluskp's blog gave further examples of rumors about the new government's misdeeds. "Iatseniuk gave the Scythian gold away to the Americans," alleged one rumor. The rumor referred to a total of 2,111 cultural artifacts, many in gold, made by the Scythians, nomadic horse warriors who controlled the Eurasian steppe lands centuries before the Christian era. A total of four museums in Crimea had loaned these artifacts to the Allard Pierson Museum in the Netherlands in February 2014, before the Russian invasion and annexation.[31] Another reader said members of the Russian Orthodox Church of the Moscow Patriarchate in Mariupol claimed "that the Uniate-Schismatic-Catholics will take away their churches." Thus, the rumor claimed that the "Uniate-Schismatic-Catholics," the Ukrainian Greek Catholic Church, the most popular church in western Ukraine, was about to become the religion of all of Ukraine with the victory of the Euromaidan.

Rumors reproduced, in a more fantastic manner, stereotypes about the Euromaidan protests in Kyiv. A reader of Pauluskp's blog conveyed one rumor where a woman had made a lot of money taking part in the protests on the Kyiv Maidan. The rumor had different versions, where she was paid 8,000 hryvnias, or even from 24,000 to 30,000 hryvnias. All these rumors claimed that when this woman came back to the Donbas, "she had to be treated for drug addiction and she spent everything on the treatment." These rumors about this one woman were so widespread that it seemed like "she, or someone like her, seems to show up in every city."

Even notorious right-wing nationalists associated with the Maidan events (even if they did not take part in Euromaidan protests) fed the rumor mill. Sashko Bilyi, the Right Sector leader who helped protesters seize power in the western Ukrainian city of Rivne, figured prominently in rumors. Videos of him threatening a city prosecutor and displaying his guns and knives in front of a Rivne Regional Council meeting became symbols of the Maidan spreading chaos, anarchy, and violence in Ukraine. As Pauluskp notes, "Sasha Belyi was a special topic of fears and rumors. Usually he would be brought up in conclusion, when someone wanted to definitely trump an opponent and bring the discussion to a victorious end."[32] The sudden death of Sashko Bilyi in late March transformed these rumors. On March 24, 2014, Ministry of Internal Affairs

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31   On the fate of this exhibit, one of many tragedies connected with Ukraine's loss of Crimea, see Alec Luhn, "Russia Threatens to Cut Museum Ties with the Netherlands over Crimea Gold," *The Telegraph,* November 16, 2017, https://www.telegraph.co.uk/news/2017/11/16/russia-threatens-cut-museum-ties-netherlands-crimea-gold/.

32   "Strakhi zhitelei Donbassa (spisok)."

forces shot and killed him near Rivne while Bilyi allegedly was resisting arrest.[33] The rumors about Bilyi then suddenly changed. Pauluskp said it was an effect of Kremlin propaganda, but it may have been a popular rumor spread from below by people watching the news and interpreting it for themselves. "In the new version," wrote Pauluskp, "Sashko was actually not such a bad guy—he defended the poor, which is why his own Banderovites decided to rub him out." These Donetskites spreading such rumors, claimed Pauluskp, had forgotten about Bilyi's involvement in organized crime, "which is not uncharacteristic of Donetsk where a good portion of the local elite is made up of these very same bandits 'maintaining order in the region.'"[34]

The perceived radical geopolitical shifts that came from the Ianukovych regime's overthrow also fueled a variety of rumors. Besides the changes in sexual politics, closer ties to Europe threatened the local economy, the environment, and young people's future. "Our children will be sold into slavery to Europe," one rumor claimed. Greater ties with Europe and the United States, some said, would mean that both were going to take over Donbas mines, flood them and close them up, and then use them to bury radioactive waste from their countries. Ukraine was now importing all kinds of food from Europe and the United States that were "poisoned" (a possible reference to rumors about genetically modified foods flooding Ukraine's markets).

Some rumors cited by Pauluskp referred to a general collapse of the economy: "There is no more insulin in the region. Anyone who needs it will die." Rumors spread about food shortages, including shortages of table salt. When it came to table salt, said Pauluskp, even though it would hardly be something that would disappear even in war time, "there are actually people who are sweeping the store shelves clean of salt."

Possible war with Russia after the invasion of Crimea heightened fears about great power military involvement. A hairdresser claimed to one female journalist that the Americans were going to go to war in Ukraine, "using genetically modified soldiers." The Russian invasion of Crimea led to Ukraine's new government mobilizing forces for possible war. Those moves also sparked fears among Donbas demonstrators. "Soon there will be a total mobilization and people will lose their jobs and their pay," said one rumor about alleged plans for

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33   Iurii Bozhko, "Sashko Bilyi zahynuv pid chas provedennia spetsoperatsii po zatrymanniu ioho bandformuvannia—MVS," *Ukrainski natsionalni novyny (UNN)*, March 25, 2014, https://www.unn.com.ua/uk/news/1321508-sashko-biliy-zaginuv-pid-chas-provedennya-spetsoperatsiyi-po-zatrimannyu-yogo-bandformuvannya-mvs.

34   Still, this identification with Bilyi was something shared by others in Ukraine. I remember my friend Valerii, a Kyiv participant in Maidan protests, lamenting the loss of Bilyi on Facebook, claiming he had lived a life of poverty and cared for the oppressed.

a general draft and mobilization for all-out war. In the meantime, while it was not yet clear if there would be all-out mobilization, another rumor insinuated that those who volunteered for Ukrainian military service were not normal: "Drug addicts are going into the army. They put drugs in their tea so that they sign all the papers."

Mobilizing for possible war with Russia meant that Ukraine was now sending its forces to the Russian-Ukrainian border in the Donbas. Rumors by pro-Russian demonstrators refuted official claims that these Ukrainian forces were in the Donbas to protect them. "It is not border guards and the army that have arrived in the Donbass to protect citizens," alleged one rumor. "No, these are disguised Right Sector fighters and Banderites, who when given the signal will begin the slaughter of Russians in the Donbass." As the blogger Pauluskp noted, this was why there were crowds in the Donbas who were blocking the roads where military convoys were to pass through. Another rumor alleged that Ukrainian soldiers now stationed in the Donbas were attacking any residents who spoke Russian with them.

Pauluskp's readers noted other rumors connected with Ukraine tightening security near the Russian border and mobilizing for possible war with Russia. "An acquaintance's son was taken away for military training," went one rumor. "He came back and now he just sits on a chair rocking back and forth. They took him to the hospital and found out that he was on drugs." Another rumor claimed, "The soldiers stationed on the border near Volnovakha will shoot you in the back if you try to run away to Russia. That's why they need to be blocked [in their bases]." As Pauluskp commented, "[T]his makes no sense, but who needs logic[.]" Yet another rumor warned that war and death were coming to Donetsk very soon: "Trenches have been dug around Donetsk and tanks are being brought up in order to bomb the city."

Still other rumors suggested that pro-Russian Donbas demonstrators wanted to change the existing political system and that government officials stood in their way. One rumor claimed that in the Donetsk Region city of Druzhkivka, "the mayor threatened the people that if he is removed, they will stop paying state workers their salaries." This rumor implied that crowds at pro-Russian demonstrations there wanted to replace their mayor with a "people's mayor," just as residents of Sevastopol had demanded a month before in Crimea.

Last, but not least, rumors suggested that participants of these pro-Russian rallies were on the lookout for outsiders, especially Euromaidan activists from other parts of Ukraine seeking to stir up trouble. "The Banderites have already been seen in Donetsk," alleged one rumor. "At the train station they ask how to get to Lenin Square (where the separatists have set up tents), and they beat up everyone who doesn't answer them in Ukrainian." Lenin Square, Donetsk's

central square, had become the focal point of Russian Spring rallies, and any pro-Ukrainian forces from outside who meddled with them were looking for trouble (and thus, my Donetsk friend advised me in late March 2014 not to come to his city).

While these rumors reflected real fears among local Donbas residents, they did not appear spontaneously. An entire network of local elites spread these rumors and readily told them in front of television cameras. As Pauluskp noted, "Rumors in the Donbass are always spread in a centralized way. This is done by officials and managers of large enterprises. Sometimes they themselves give voice to tall tales in front of a TV camera. Their names are well known."[35] Thus the fears and hysteria, as well as the protests in the Donbas, were not entirely spontaneous. They received directions and encouragement from elites above them. Local and Russian media fed people's imaginations with such rumors. Yet from below, we can see a willingness to accept the validity of these rumors and even further embellish them, as the evolving rumors about Sashko Bilyi suggest. These rumors also suggest a sense of helplessness, where local elites, including Party of Regions figures, are absent, having betrayed the people. Thus, Russia became their only savior, the only entity such Donbas residents could appeal to in a time where it seemed like the end of days was coming.

Russian Spring in Donetsk

Admittedly, the Russian Spring was not exactly a spontaneous uprising. We now know that Kremlin advisors Vladislav Surkov and Sergei Glazyev had directed efforts to coordinate and organize these protests at the beginning of March 2014, turning them into a pro-Russian separatist movement.[36] Yet while Russians from across the border were involved in stirring up trouble at Russian Spring rallies, there were crowds of people who felt as if no one represented them. One demonstration that erupted across from a Euromaidan gathering on February 23, 2014, featured Donetsk residents guarding their regional administration building from radical nationalists allegedly from outside town. A Radio Liberty video featured a man who said that they were standing in front of that building to prevent what happened in Kyiv (at the Kyiv Maidan) from happening there, in their city. This gathering, as one local journalist later noted, included people who angrily swore at local officials, Ianukovych, and members of the

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35 "Strakhi zhitelei Donbassa (spisok)."

36 "Breaking Down the Surkov Leaks," *Digital Forensic Research Lab*, October 25, 2016, https://medium.com/dfrlab/breaking-down-the-surkov-leaks-b2feec1423cb ; "English Translation of Audio Evidence of [sic] Putin's Adviser Glazyev Involvement in War in Ukraine," *Ua Position*, August 29, 2016, https://youtu.be/ow78QuxBUe0.

Party of Regions, and who failed to heed any leaders, breaking through a police barrier to try and attack the nearby Euromaidan rally.[37] The March 1, 2014 rally in front of the Donetsk Lenin monument, organized originally by city officials to protest actions by the government in Kyiv, descended into mayhem when Gubarev and his recently formed "People's Defense of Donbas" (*Narodnoe opolchenie Donbassa*) occupied the stage and had Gubarev proclaimed the "people's governor." Here, too, people booed and shouted down such local Party of Regions figures as Mykola Leshchenko, then a member of the Supreme Rada from the Party of Regions.[38]

These demonstrations lacked coherence and direction, as noted by Kyiv journalist Sonia Koshkina, who observed gatherings at Lenin Square off and on that spring.[39] My friend, historian Zbigniew Wojnowski, who attended one such rally in mid-March, later wrote for Al Jazeera that the people in the crowd included a former Euromaidan supporter who turned against the Maidan after Ianukovych had been overthrown. The demonstrations were not exactly pro-Russian despite the Russian flags and flags of the Donetsk People's Republic flying on the square. Wojnowski noted that a speaker at one of these rallies said he did not support the Russian invasion of Crimea, but he demanded greater autonomy for the Donbas. Wojnowski noted one poignant moment (one he later included in his book on Soviet Ukrainian history) where a woman told the crowd of one of her sons serving in the military in Lviv, while her other son served in Crimea. One was for Crimea joining Russia, while the other was adamantly against it. She wondered aloud how they would live on as a family after all this.[40]

Conclusion

What does the Euromaidan and its enemies tell us about conflict in the Donbas? At least if we examine the way the Euromaidan protests played out in Donetsk, they did not bring Ukrainians together. Increased violence at the Kyiv Maidan and in other Ukrainian cities drove them apart. Donbas residents, including those familiar with Europe and the world, were not in favor of the

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37 "Donetskyi Ievromaidan vshanuvav pamiat zahyblykh…" *Radio Svoboda Ukraina*, February 23, 2014, https://youtu.be/bOFLlUGchRM; Vitalii Sizov, "Srabotaet li russkaia idea separatizma v ukrainskom Donbasse?" *Novosti Donbassa,* March 2, 2014, http://novosti.dn.ua/article/4794-srabotaet-ly-russkaya-ydeya-separatyzma-v-ukraynskom-donbasse.

38 Sizov, "Srabotaet li russkaia idea separatizma v ukrainskom Donbasse?"

39 Koshkina, *Maidan,* 385–86.

40 Zbigniew Wojnowski, "Economic Tensions Worsen Unrest in Eastern Ukraine," *Aljazeera America,* March 25, 2014, http://america.aljazeera.com/opinions/2014/3/protest-grows-indonbaseasternukrainenearrussia.html; Zbigniew Wojnowski, *The Near Abroad: Socialist Eastern Europe and Soviet Patriotism in Ukraine, 1965–1985* (Toronto: University of Toronto Press, 2017), 3–4.

Euromaidan's ideals and resented being talked down to. They took exception to being called "bandits" and "zombies" (tropes that, unfortunately, have recently been circulating in histories of the Euromaidan and the Donbas war).[41] There was plenty of potential for an uprising of some kind in the Donbas, but when it came, it lacked leaders, it lacked direction, and its only central message had been to oppose outsiders' interference in their affairs. In a situation where the Ukrainian state seemed to stop functioning, and where Banderites threatened to impose radical Ukrainian nationalism ("Bandera") on them, where the already fragile economy was threatened with the loss of Russian markets and suppliers, and where the Party of Regions had let them down, who could the people of the Donbas turn to?

At least for some, they could turn to Russia. They could follow Russians who came over the border to establish "order." They could even volunteer for its battalions to fight the forces of the Ukrainian "Junta."[42] Such desire for Russian help did not make war in the Donbas inevitable, but when it came to finding a lesser of two evils, armed men from Russia seemed not so bad. Because of this perception of Russia's involvement in the Donbas, we cannot assume that the withdrawal of Russian military forces and administrators will somehow solve the conflict in that region. The people of the Donbas will still feel defenseless, and they will not agree to having someone force their truth, their version of the "European dream," on them.

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41 For example, see Shore, *Ukrainian Night.* For such tropes about Ukraine's east among Ukrainian intellectuals, especially those from western Ukraine, see Andriy Portnov, "Ukraine's 'Far East': On the Effects and Genealogy of Ukrainian Galician Reductionism," *NYU Jordan Center for the Advanced Study of Russia*, August 15, 2014, http://jordanrussiacenter.org/news/ukraines-far-east-effects-genealogy-ukrainian-galician-reductionism/.

42 Such motivations for supporting Russian separatists in the Donbas are emphasized in Anna Matveeva, *Through Times of Trouble: Conflict in Southeastern Ukraine Explained from Within* (Lanham: Lexington Books, 2018), 80–88. On residents' support of separatists in their war with the government in Kyiv, see Matveeva, *Through Times of Trouble,* 93–188.

Hybrid War and Hybrid Law
Minsk Agreements in the Context of International Law and Ukrainian Legislation

ALINA CHERVIATSOVA

1. Introduction

The form of warfare which Russia has employed in Ukraine annexing Crimea and now in Ukraine's Donbas can be categorized as "hybrid war." This is a commonly used term to describe recent "mutations" of conflicts where the traditional categories, such as "war" do not grasp any longer all the complexity of circumstances. As Hoffmann noted: "Hybrid threats incorporate a full range of different modes of warfare including conventional capabilities, irregular tactics and formations, terrorist acts ... Hybrid wars can be conducted by both states and a variety of non-state actors."[1]

A war as such is a challenge for international law. Hybrid war brings additional problems to the complexity of "classical" war. One of them is a problem of attribution as the involvement of state or political forces in hybrid conflict is too uncertain to justify "traditional" responses against the use of force. In this sense, contemporary international law is not conceived to react to hybrid threats and conflicts. It is ready to ensure neither peace-building nor international responsibility for "hybrid" aggression. It is unclear which international mechanisms should be invoked when a state is attacked by a mixture of special forces and backdoor proxies. Thus, there are several questions that need to be answered: How should the international legal system react if the sovereignty and territorial integrity of a country have been threatened by one of the most powerful states which under international is obliged to guarantee security and independence of a victim state? Should international law have special, hybrid tools to settle hybrid conflicts and, if yes, what are these tools?

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[1] Frank G. Hoffmann, *Conflict in the 21st Century: The Rise of Hybrid Wars* (Arlington, VA: Potomac Institute for Policy Studies, 2007), 8.

In this sense, the Minsk Agreements that aimed to end the conflict in Ukraine's Donbas by providing a legal response are a type of hybrid law: the accords do not constitute a binding international treaty, and they are not a part of Ukrainian national legislation. However, the Minsk Agreements enjoy a certain degree of legitimacy among the involved actors and do play a role in the conflict settlement. Despite the fact, that not a single provision of the Agreements has been fully implemented—including the ceasefire provision—the accords continue to be the sole agreement between Ukraine and Russia to restore peace.

Here, I analyze the hybrid nature of the Minsk Agreements from the legal standpoint to assess their legitimacy and legality in terms of international law and Ukrainian national law. In the first section, the paper addresses question regarding legal and political qualifications of the Russian-Ukrainian conflict both on an international level and within Ukraine. Then, it considers the Minsk Agreements in their international and national dimensions.

2. How to Qualify the Russian-Ukrainian Conflict: Political and Legal Approaches

Russia's annexation of Crimea and the war in Ukraine's Donbas have violated the basic principles of international law and posed a threat to international peace and security. In turn, this move reflects a deep crisis of international order and collective security system established within the UN Charter.

a. International level: UN, Council of Europe, OSCE, EU and ICC on Russia's Aggression

Though international peace has been breached many times since the end of World War Two, the international community represented by the United Nations has failed to create an effective mechanism of responsibility for such acts. This problem is even more evident when the violations of international law are attributed to a permanent member of the UN Security Council whose veto power makes it difficult to react appropriately to the alleged illegal acts.

Although, Article 27(3) of the UN Charter obliges a party to the dispute to abstain from voting on decisions under Chapter VI, and under paragraph 3 of Article 52 (the Charter seeks to ensure that a Council member "should not be allowed to be party, judge and jury at the same time"), there seems to be a tacit agreement between the Security Council's permanent members not to invoke this provision. The practice of the Security Council, in terms of raising and complying with Article 27(3) abstention, has been inconsistent since 1946, and non-existent since April 2000, the last time the issue was raised by a member state to no effect

in the Council.[2] Over the years there have been no more than ten cases of "'voluntary abstention"' where a country concerned has either chosen to abstain or not to participate in the vote. Notably, the last such case took place in 1960. Since, permanent members have not recused themselves from voting, there is no reason to expect that the provision on abstention will be complied with in the future.

In the case of Ukraine, the Security Council is deadlocked by Russia and cannot take any concrete action. Particularly, in 2014, it failed to condemn Russia's annexation of Crimea and its illegal activity in Ukraine's Donbas. After the Security Council's resolution on Ukraine (S/2014/189) was vetoed by Russia, action on this issue moved to the General Assembly. On March 27, 2014, it adopted Resolution A/RES/68/262 to affirm its commitment to the territorial integrity of Ukraine within its internationally recognized borders and underscore the invalidity of the 2014 Crimean referendum.[3] One hundred states supported the resolution, 11 states voted against, 58 states abstained, and 24 states were absent when the vote took place.

The document expressed political support for Ukraine, but it avoided calling the perpetrator by name. The resolution did not condemn Russia's hostile policy against Ukraine; moreover, it did not even mention Russia with regard to the violation of Ukraine's national unity and territorial integrity. Instead, general statements were used: the document calls upon "all states to desist and refrain from actions aimed at the partial or total disruption of the national unity and territorial integrity of Ukraine," and urges "all parties to pursue immediately the peaceful resolution of the situation," and so forth.

In contrast to the UN General Assembly, the European organizations were much more outspoken in qualifying Russia's acts against Ukraine. Particularly, the Council of Europe not only strongly condemned "the violation of Ukrainian sovereignty and territorial integrity by the Russian Federation" but also imposed sanctions on Russia, stripping its delegation of voting rights and excluding it from the body's monitoring missions and leadership structures.

The Parliamentary Assembly of the Council of Europe (PACE) in its Resolution 1990 "Reconsideration on Substantive Grounds of the Previously Ratified Credentials of the Russian Delegation," adopted on April 10, 2014 following Russia's annexation of Crimea, reads:

> The Assembly considers that the actions of the Russian Federation leading up to the annexation of Crimea, and in particular the military occupa-

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2   "In Hindsight: Obligatory Abstentions," *Security Council Report*, March 31, 2014, https://www.securitycouncilreport.org/monthly-forecast/2014-04/in_hindsight_obligatory_abstentions.php.

3   The text of the resolution is available at: https://undocs.org/en/A/RES/68/262.

tion of the Ukrainian territory and the threat of the use of military force, the recognition of the results of the illegal so-called referendum and subsequent annexation of Crimea into the Russian Federation constitute, beyond any doubt, a grave violation of international law, including of the United Nations Charter and the Organization for Security and Co-operation in Europe (OSCE) Helsinki Final Act.[4]

This position was repeated in PACE's Resolution 2132 "Political Consequences of the Russian Aggression in Ukraine" dated by October 12, 2016. The very title of the document qualifies Russia's activity as "aggression in Ukraine." The document says:

For Ukraine, the conflict has resulted in the violation of its sovereignty and territorial integrity. This started, in the aftermath of the Euromaidan, with the illegal annexation of Crimea by the Russian Federation and has continued with Russia's support for separatists in eastern Ukraine and its growing role in the ongoing conflict."[5]

In January 2018, PACE in the Resolution 2198 "Humanitarian Consequences of the War in Ukraine" referred to "the ongoing Russian war against Ukraine." In the document, PACE expressed its concern about "the alarming humanitarian situation in the occupied territories in the Donetsk and Luhansk regions." It also urged the Russian authorities to:

cease all financial and military support to the illegal armed groups in the Donetsk and Luhansk regions; cease recognition of the passports and any other documents, including court decisions and documents confirming property rights, issued on the territories controlled by the illegal armed groups of the Donetsk and Luhansk regions; uphold all its obligations under applicable international law as an occupying power and to ensure respect for the human rights and the security of all people living in occupied Crimea.[6]

The Russian Federation has ignored all resolutions of PACE. Moreover, the Council's attempt to introduce sanctions in 2014 trigged a long-lasting confrontation between Moscow and Strasbourg. In retaliation, Russia's parliament voted against sending a delegation to the Council and ceased paying its member-

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4   http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=20882&lang=en.
5   http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=23166.
6   http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=24432&lang=en.

ship due, which is about seven percent of the organization's budget. A new term—"Ruxit" which means Russia's exit or suspension from the Council of Europe—emerged from the confrontation.[7]

It should be noted that the Council of Europe is not alone in pointing at Russia. The Organization for Security and Co-operation in Europe (OSCE) has adopted several resolutions along the same vein. Particularly, the Resolution "On Clear, Gross and Uncorrected Violations of Helsinki Principles by the Russian Federation" adopted on July 2, 2014 condemned "the clear, gross and uncorrected violation of the Helsinki principles by the Russian Federation with respect to Ukraine, including the particularly egregious violation of that country's sovereignty and territorial integrity" and "the occupation of the territory of Ukraine."

According to the resolution, Ukraine is a victim of Russia's aggression, including "military aggression as well as various forms of coercion designed to subordinate the rights inherent in Ukraine's sovereignty to the Russian Federation's own interests," considering that these acts have not been provoked by Ukraine and are based "on completely unfounded premises and pretexts." In addition, the resolution condemned the March 16, 2014 referendum in Crimea as an illegitimate and illegal act, the results of which have no validity.[8]

In 2015 the OSCE adopted another resolution, "On the Continuation of Clear, Gross and Uncorrected Violations of OSCE Commitments and International Norms by the Russian Federation," to repeat its position.[9] There were other OSCE' documents in which the Russian Federation was labelled as a violator of international law principles and state-aggressor in the Russia-Ukraine conflict. However, all these "urges," "deep concerns," and "calls" expressed by the OSCE have also been ignored by the Russian Federation.

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7   Josef Janning, "Ruxit is Real: Russia's Exit from Europe," *European Council on Foreign Relations,* February 27, 2015, https://www.ecfr.eu/article/commentary_ruxit_is_real_russias_exit_from_europe311243.

8   For the text of the resolution see: https://www.oscepa.org/documents/annual-sessions/2014-baku/declaration-2/2540-2014-baku-declaration-eng/file.

9   "OSCE Parliamentary Assembly Adopts Resolution Condemning Russia's Continuing Actions in Ukraine," July 8, 2015, https://www.oscepa.org/news-a-media/press-releases/press-2015/osce-parliamentary-assembly-adopts-resolution-condemning-russia-s-actions-in-ukraine. Text of the resolution: https://www.oscepa.org/documents/annual-sessions/2015-helsinki/declaration-3/2977-2015-helsinki-declaration-eng/file. In the Resolution the OSCE: "Condemns the Russian Federation's unilateral and unjustified assault on Ukraine's sovereignty and territorial integrity and the continuation of clear, gross and uncorrected violations of the principles of the Helsinki Final Act which define this assault;" "Considers that the actions by the Russian Federation in the Autonomous Republic of Crimea and the city of Sevastopol, as well as in certain areas of the Donetsk and Luhansk regions of Ukraine, constitute acts of military aggression against Ukraine;" "Calls on the Russian Federation to halt its destabilization campaign in Ukraine, including the escalation of the conflict in certain areas of the Donetsk and Luhansk regions."

The European Union (EU) condemned Russia's aggression against Ukraine, using very clear and strong terms. Particularly, on March 3, 2014 the EU ministers for foreign affairs held an extraordinary meeting of the Foreign Affairs Council on the situation in Ukraine which adopted "Council Conclusions on Ukraine."[10] The document reads:

> The European Union strongly condemns the clear violation of Ukrainian sovereignty and territorial integrity by acts of aggression by the Russian armed forces . . . These actions are in clear breach of the UN Charter and the OSCE Helsinki Final Act, as well as of Russia's specific commitments to respect Ukraine's sovereignty and territorial integrity under the Budapest Memorandum of 1994 and the bilateral Treaty on Friendship, Cooperation and Partnership of 1997.

In addition, the EU introduced sanctions against Russia.[11] Since then, the EU has adopted a number of the documents to "strengthen" or "extend" sanctions "over actions against Ukraine's territorial integrity."[12]

In the Statement "Russia's Ongoing Aggression against Ukraine and Illegal Occupation of Crimea" adopted on November 10, 2016 the EU recalled "its unwavering support to the sovereignty, territorial integrity, unity and independence of Ukraine" and reiterated its "strong condemnation of the illegal annexation of Crimea and Sevastopol to the Russian Federation."[13]

From the very beginning of the conflict in Ukraine, the Russian Federation has denied its involvement. Although, Moscow has made many efforts to represent the situation in Ukraine as a solely internal problem, it could not prevent the Prosecutor of the International Criminal Court from the concluding the following:

> the situation within the territory of Crimea and Sevastopol would amount to an international armed conflict between Ukraine and the Russian Federation which began at the latest on 26 February 2014, and that the law of international armed conflict would continue to apply after 18 March 2014

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10   https://www.consilium.europa.eu/media/28853/141291.pdf.

11   "In the absence of de-escalating steps by Russia, the EU shall decide about consequences for bilateral relations between the EU and Russia, for instance suspending bilateral talks with Russia on visa matters as well as on the New Agreement, and will consider further targeted measures." (paragraph 4 of the "Council conclusions on Ukraine").

12   See the list of documents at: "Timeline—EU restrictive measures in response to the crisis in Ukraine," https://www.consilium.europa.eu/en/policies/sanctions/ukraine-crisis/history-ukraine-crisis/

13   https://eeas.europa.eu/sites/eeas/files/pc_1118_eu_on_ukraine.pdf.

to the extent that the situation within the territory of Crimea and Sevastopol factually amounts to an ongoing state of occupation.[14]

As for Donetsk and Luhansk regions, the ICC Prosecutor indicated "the existence of international armed conflict from 14 July 2014 at the latest" with due regard to the Russian Federation's "exercising overall control over armed groups in Eastern Ukraine."[15] The ICC position is fundamental for the legal qualification of the Russia-Ukraine conflict and its further treatment.

Thus, despite the hybrid nature of the conflict, the Council of Europe, the OSCE, the European Union and the ICC had no doubts in attributing hostilities in Crimea and Donbas against Ukraine to the Russian Federation. At the same time, the UN cannot react effectively over the illegal actions against Ukraine as the UN Security Council's initiatives have been vetoed by Russia.

b. Political and Legal Rhetoric in Ukraine: Russia's Aggression or Terrorism?

Paradoxically, Ukraine, a victim state in the conflict, failed to put forward a consistent position regarding the Russian Federation and has been using, for a long time, an inconsistent rhetoric. On the one hand, there have been several documents adopted by the Ukrainian parliament, the Verkhovna Rada (Supreme Council), to label Russia as "aggressor"; on the other hand, until January 2018, Ukraine's resistance against Russia's armed aggression in Donbas was called an "anti-terrorist operation."

In the Declaration "On the Fight for Liberating Ukraine," adopted on March 20, 2014 in response to the annexation of Crimea, the Verkhovna Rada stated: "Russia has with undisguised challenge to the entire world, flagrantly violated not only the existing legislation of the sovereign Ukraine, but also fundamental provisions of international law."[16] The Law "On protecting Rights and Freedoms of Citizens and Legal Regime on Temporarily Occupied Territories of Ukraine" dated April 15, 2014 used such terms as "temporary occupied territories" and "Russia's military aggression."[17]

In the Resolution "On the Appeal from the Verkhovna Rada to the United Nations, the European Parliament, the Parliamentary Assembly of the Council of Europe, the Parliamentary Assembly of NATO, the Parliamentary Assembly

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14 "Report on Preliminary Examination Activities (2018)," https://www.icc-pi.int/itemsDocuments/181205-rep-otp-PE-ENG.pdf, paragraph 68.

15 "Report on Preliminary Examination Activities (2018)," https://www.icc-pi.int/itemsDocuments/181205-rep-otp-PE-ENG.pdf, paragraphs 72–73.

16 https://rada.gov.ua/en/news/News/News/89892.html.

17 https://zakon.rada.gov.ua/laws/show/1207-vii.

of the OSCE, the Parliamentary Assembly of GUAM, the National Legislatures of All the States of the World to Recognize the Russian Federation as an Aggressor State" adopted on January 27, 2015 the Ukrainian parliament stressed that "Ukraine remains an object of military aggression realized by the Russian Federation, among other means, through massive terrorist attacks."[18]

These and other documents adopted by the Verkhovna Rada during 2014–2016[19] have formed a sufficient legal base to invoke the Law of Ukraine "On the Defense of Ukraine" dated December 6, 1991, which allows the President of Ukraine in case of aggression "to call a partial or full mobilization, to declare a state of war in Ukraine or in specific areas of the country, or to use the Armed Forces of Ukraine or other military formations established in accordance with Ukrainian law" (article 4). However, it has never happened. Instead, Ukraine based its self-defense against Russia's aggression on the Law "On Fighting Terrorism" dated March 20, 2003 and implemented through the Presidential Decree "On Urgent Measures to Overcome the Terrorist Threat and Preserve the Territorial Integrity of Ukraine" dated April 14, 2014.[20]

The confusion of terms—"Russia's aggression" on the level of political rhetoric and "antiterrorist operation" on the level of concrete measures—reflects the confusion in Ukraine's policy regarding the Russian Federation. Moreover, the wording "counterterrorism" and "antiterrorist operation" was in line with the Russian narrative to present Ukraine's situation as an internal conflict. Legally and politically, there is a principle difference between fighting terrorism and self-defense against an act of foreign aggression.

It took Ukraine four years to label the Russian Federation as aggressor not in political statements and speeches, but in law. The Law "On the Peculiarities of the State Policy on Ensuring Ukraine's State Sovereignty over Temporarily Occupied Territories in Donetsk and Luhansk Regions" (also known as the Law on De-Occupation or Reintegration of Donbas) which became active on February 24, 2018, changed the qualification of events in Ukraine's Donbas.[21]

The law clearly called Russia the "aggressor state" which "initiated, organized and supported terrorist activities in Ukraine, carries out armed aggression against Ukraine and temporary occupation of parts of its territory." The law reorganized the structure of military leadership in the Donbas operation and increased presidential powers. The anti-terrorist operation (headed by the Security Service) was turned into "measures to ensure national security and

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18   https://zakon.rada.gov.ua/laws/show/129-19.

19   A list is provided in: Volodymyr Vasylenko, "War or imitation of war: A legal view," *The Ukrainian Week,* March 15, 2017, https://ukrainianweek.com/World/187785.

20   https://www.president.gov.ua/documents/4052014-16886.

21   https://zakon.rada.gov.ua/laws/show/2268-19.

defense, containment and deterrence against Russian armed aggression in the Donetsk and the Luhansk oblasts" (headed by the Ukrainian Armed Forces). According to the law, the purpose of the Ukrainian state policy is to ensure the state's sovereignty in the temporarily occupied territories of Donbas which includes the liberation of these territories; protection of rights and freedoms of people suffering from the conflict; and ensuring the unity and territorial integrity of Ukraine.

Russia's hybrid war against Ukraine received contradictory responses from Ukraine's side: the military rhetoric and the use of force have not excluded economic cooperation between the two states and, until recently,[22] the validity of the 1997 Russian-Ukrainian Treaty "On Friendship, Cooperation and Partnership."[23]

3. Minsk Agreements in International and National Legal Dimensions

Although two ceasefire agreements between Moscow and Kyiv, the Minsk Agreements, have failed, they remain the only written document between Russia and Ukraine to end the hybrid war and restore peace. On the other hand, the documents have a dubious (hybrid?) legal nature: they contradict Ukraine's Constitution but, at the same time, have received wide international recognition. In this section, I analyze the Minsk Agreements in the context of national and international law.

The Agreements include a package of documents adopted in September 2014 (Minsk-1) and February 2015 (Minsk-2). Minsk-1 refers to the Protocol on the results of consultations of the Trilateral Contact Group (Ukraine, Russia, OSCE with the participation of the separatist leaders) dated September 5, 2014 and a subsequent Memorandum dated September 19, 2014. These documents contain provisions to ensure an immediate bilateral ceasefire, the monitoring and verification of the situation by the OSCE mission, immediate release of all hostages and illegally detained persons, withdrawal of the illegal armed groups and military equipment as well as fighters and mercenaries from the territory of Ukraine, prohibition for drones except those owned by the OSCE, etc.

A few weeks after the signing the Minsk-1 ceasefire provisions were heavily violated, and the conflict deepened. The parties involved had to continue the so-called "Minsk process" and negotiate a new document. On February 12, 2015,

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22 On December 6, 2018 the Verkhovna Rada adopted the Law "On Termination of the Treaty on Friendship, Cooperation and Partnership between Ukraine and the Russian Federation" proposed by President Poroshenko: https://zakon.rada.gov.ua/laws/show/2643-19.

23 https://treaties.un.org/doc/Publication/UNTS/No%20Volume/52240/Part/I-52240-08000002803e6fae.pdf.

the Package of measures for the implementation of Minsk Agreements, known as Minsk-2, was agreed. Minsk-2 was intended to revive Minsk-1; but it does not work well either.

It should be noted that Minsk-1 and Minsk-2 are similar but not identical in content. Minsk-2 is more detrimental to Ukraine, since it was negotiated under significantly worse terms during the heavy battle for Debaltseve. First, it demands from Ukraine recognition and legalization of local separatist powers on the occupied territories through local elections. Second, it suggests that Ukraine assume full control over its border with Russia only in case of implementation of the constitutional reform in Ukraine to provide decentralization as a key element, including a reference to the specificities of certain areas in the Donetsk and Luhansk oblasts, agreed with the representatives of these areas.

In addition, under Minsk-2, Ukraine is obliged to adopt permanent legislation on the special status of the certain areas of the Donetsk and Luhansk oblasts to guarantee the following:

> exemption from punishment, prosecution and discrimination for persons involved in the events that have taken place in certain areas of the Donetsk and Lugansk regions; right to linguistic self-determination; participation of organs of local self-government in the appointment of heads of public prosecution offices and courts in certain areas pf the Donetsk and Lugansk regions; possibility for certain governmental authorities to initiate agreements with organs of local self-government regarding the economic, social and cultural development of certain areas of the Donetsk and Lugansk regions; state supports the social and economic development of certain areas of the Donetsk and Lugansk regions; support by central government authorities of cross-border cooperation in certain areas of Donetsk and Lugansk regions with districts of the Russian Federation; creation of the people's police units by decision of local councils for the maintenance of public order in certain areas of the Donetsk and Lugansk regions.[24]

Minsk-1 had no demands for constitutional reform in Ukraine. However, Minsk-1 takes priority over Minsk-2 as the former was endorsed by UN Security Council Resolution 2202.[25] The Minsk Agreements were concluded with the violation of Ukraine's legislation, particularly, the Constitution of Ukraine and the Law of Ukraine "On International Treaties of Ukraine." By the content, the

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24 https://peacemaker.un.org/sites/peacemaker.un.org/files/UA_150212_MinskAgreement_en.pdf.
25 https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_res_2202.pdf.

Minsk Agreements exemplify a peace agreement and as such fall into a category of agreements concluded on behalf of Ukraine. This type of agreements should be signed either by the President of Ukraine or according to his order (Article 3 of the Law).[26]

The above statement presents the first problem. On behalf of Ukraine, the Minsk Agreements were signed by Leonid Kuchma, former President of Ukraine, who participated in the negotiation process as a private person, according to the President's Decree "On the Authorization of L. Kuchma to Participate in the Triliteral Contact Group on the Peaceful Settlement of the Situation in Donetsk and Luhansk Oblasts" adopted on July 8, 2014.[27] Moreover, Leonid Kuchma exceeded his authority as he did not have the right to negotiate with the separatist leaders: the presidential Decree authorized Kuchma to represent Ukraine in the Tripartite Contact Group on the Peaceful Settlement of the Situation in Ukraine which should include representatives of OSCE, Russia and Ukraine. Thus, the question is whether an agreement signed by a private person following a dubious procedure should be obligatory for Ukraine?

The second problem is that under Minsk-2, Ukraine is supposed to conduct a constitutional reform on decentralization by amending the current constitution or adopting a new one. The fact that Ukraine has to do this while being threatened by the use of force and in order to gain "full control over its border with Russia" challenges the legality and legitimacy of the Minsk Agreements.

Finally, the third problem is that the Minsk Agreements and the negotiation process with Kuchma's participation contradict the parliamentary decree "On Initiating International Negotiation on De-escalation of the Situation around Ukraine" adopted on April 16, 2014.[28] In this Decree, the Verkhovna Rada stated that issues of Ukraine's sovereignty, particularly, constitutional order and territorial organization of Ukraine should not be a subject to any international negotiation. In addition, it is stated that a specially authorized delegation should represent Ukraine in the negotiation process to implement the approved directives. In such circumstances, the Verkhovna Rada is unlikely to ratify the Minsk Agreements. Meanwhile, their ratification is a precondition for the Ukrainian constitutional reform and full implementation of the Minsk Agreements.

Ukraine, as well as the Russian Federation, has never recognized the Minsk Agreements officially, except in political statements and speeches made by the politicians. The actors of the Minsk process, the way of concluding and treating

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26 https://zakon.rada.gov.ua/laws/show/1906-15.
27 https://www.president.gov.ua/documents/9532014-rp-17449.
28 https://zakon.rada.gov.ua/laws/show/1217-18.

the Minsk Agreements point in the direction that Minsk-1 and Minsk-2 constitute a political commitment rather than a legally binding international obligation. Interestingly, the text of the agreements has never been published officially in Ukraine but can be found in an international database. Moreover, with Resolution 2202 (2015) unanimously adopted on February 17, 2015, the UN Security Council endorsed the Package of Measures for the Implementation of the Minsk Agreements (Minsk-2) and called on all parties to fully implement the package, including a comprehensive ceasefire.[29]

The lack of the basic elements and standard structure of an international legal instrument in the Minsk Agreements lead to different readings of their provisions. Particularly, the accords have failed to clearly define the parties who are supposed to assume and fulfil the Minsk Agreements obligations (Minsk-1 and Minsk-2 refer to "both parties" with no specific description of who the parties are). According to Ukraine, the Russian Federation has obligations under the Minsk Agreements, while according to Russia, it is not a party to the conflict, thus the Agreements are addressed to Ukraine and DPR/LPR. Since it is not clear who—Russia or unrecognized republics—is responsible for ceasefire and who is obliged to withdraw "foreign armed formation, military equipment and mercenaries from the territory of Ukraine," the Minsk Process has stalemated: Ukraine insists that no political provisions can be fully implemented until security provisions; the Russian Federation, in turn, maintains that there are no Russian troops or weapons in eastern Ukraine, thus it is a mediator but not a party to the Minsk Agreements.

The international documents adopted in response to the Minsk Agreements' violations have supported Ukraine's position stressing that Russia has obligations under the Minsk accords. For instance, the Council of Europe expressed "a deep concern" about the continuing violations of the ceasefire by the Russian Federation, in breach of the Minsk Agreements; the OSCE underscores "the need for the Russian Federation itself to meet in full its commitments in the 2014 Minsk Agreements and the 2015 Package of Measures for the Implementation of the Minsk Agreements, as well as to use its considerable influence over the pro-Russian illegal armed groups … to do the same." Moreover, the EU sanctions against Russia have been tied to the implementation of the Minsk Agreements with the prospect of having economic sanctions enforced until Ukraine regains control over its borders in the east.

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29 https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_res_2202.pdf.

Conclusion

Despite all their imperfections, the Minsk Agreements are the only agreed upon framework for peace negotiation in eastern Ukraine. After having resulted in the formation of low-intensity conflict, the Minsk process has stalemated: on the one hand, no one wants to abandon the Minsk Agreements officially, but, on the other hand, the parties concerned are not ready to ensure their implementation. Minsk is a hybrid legal response to the Russia's hybrid war against Ukraine, which assumes that a bad peace is better than no peace at all. From the legal point of view, the Minsk Agreements constitute a strange phenomenon: being concluded in violation of procedures prescribed by Ukrainian law they have received international recognition and accepted as legally binding treaties.

To move from the hybrid nature of the Minsk Agreements and demonstrate its commitment to the ceasefire provisions Ukraine should consider an option of Minsk-2 ratification, yet with the fundamental reservations regarding its political part. Moreover, considering that Minsk-2 has placed impossible demands on Ukraine to implement constitutional reforms with military pressure, Article 52 of the Vienna Convention on the Law of Treaties can be invoked to declare the political part of the Minsk Agreements invalid: "A treaty is void if its conclusion has been procured by the threat or use of force in violation of the principles of international law embodied in the Charter of the United Nations."[30]

Although neither of the parties to the conflict is satisfied with the current state of the Minsk agreements' implementation, all of them understand that a better outcome is unattainable currently.[31] There will be no further developments in the Minsk process and no attempts to move away from the political deadlock before the end of 2019 when the internal political situation in Ukraine will apparently change after presidential and parliamentary elections.

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30 http://legal.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf.

31 Tim B. Peters, Anastasiia Shapkina, *The Grand Stalemate of the Minsk Agreements*, Conrad Adenauer Stiftung, Country Report: Country Office Ukraine, February 2019 https://www.kas.de/laenderberichte/detail/-/content/die-grosse-sackgasse-der-minsker-abkommen.

The First Four Years of the Donetsk People's Republic
Differentiating Elites and Surkov's Political Technologists

KIMITAKA MATSUZATO

Introduction

One way to investigate what a state is, one of the fundamental questions in political science, is to observe its birth. In this sense, studies of de facto states have significance, similar to that of studies of the Big Bang theory have for astrophysics. The Donetsk People's Republic (DPR) is no exception. This state was born as a result of the extreme polarization of Ukrainian society, has survived the military conflict with its former suzerain (Ukraine), and, at a certain stage of state building, began to enjoy Russia's support. Old post-Soviet de facto states that have emerged in the 1990s, such as Abkhazia, South Ossetia, and Transnistria, share these features. Yet, to obtain Russia's help, the DPR needed to purge a significant portion of its own founding fathers or heroes of the "Russian Spring" in 2014.

The level of its pluralism and political culture does not seem much higher than those of Russian and Ukrainian rural districts (*raiony*). For example, almost all national (regional) and local newspapers in the DPR printed a large photograph of State Leader Aleksandr Zakharchenko on the top page of every issue, while he was alive. After oligarchs fled the region, people of the middle ranks (*srednee zveno*), such as factory engineers and school principals, became parliamentarians and they represent the present political culture of the republic. This sharply contrasts with the old de facto states, which continue to display significant political pluralism and disobedience to Russia.[1] On the other hand, we do not see the poverty and devastation that characterized the old de facto states during the 1990s, at least in Donetsk City. Citizens spend time in cozy cafés, restaurants, and boutiques, though these facilities close early because of the curfew

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[1] See for example: Pål Kolstø, "Abkhazia: Russia's 'Obstreperous' Client State," paper presented at the ASEEES Convention, Chicago, November 9-12, 2017.

starting at 11 pm. Flowerbeds in city parks are tended with great care[2] and youths skateboard in city parks in the evening, though blasts are heard from several kilometers away.

None of the old de facto states experienced such a protracted war, which has already continued for longer than the German occupation of Ukraine during World War Two. About three million people live in the territory controlled by the DPR and the Luhansk People's Republic (LPR), so the male population can be estimated at 1.5 million. If, among them, 600-700,000 are of conscription age, it is not difficult to maintain a 30,000-strong army. The Karabakh and Abkhazian Wars in the early 1990s were much more painful total wars than the Donbas War regulated by the Minsk Agreements. As Evgenii Muraev (then leader of Ukraine's opposition party "Nashi") remarked, the DPR and LPR Armies are composed of men whose parents, wives, or children were killed by the Ukrainian Army's massive shelling, so it is naïve to assume that if only Russian president Vladimir Putin would call the DPR and LPR leaders and order them to lay down their arms, they would obey Putin and the war would end.

This essay describes several critical issues the DPR encountered during the first four years of its existence. In a sense, this essay is a follow-up to my previous essays on the DPR's domestic politics.[3] Therefore, I do not repeat what I have written in the previous papers, but compose this essay mainly from what I found through my fieldwork in the DPR in August 2017.

As preliminary knowledge, I need to explain how the Russian presidential administration conveys its "advice" to de facto states. From Autumn 2013 to his removal in February 2020, Vladislav Surkov (b. 1964), as presidential aid, was responsible for Russia's relations with Abkhazia, South Ossetia, and Ukraine. Surkov positioned his own personnel in Abkhazia, South Ossetia, the DPR, and the LPR. Local people nicknamed these personnel "Surkov's political technologists" (*polittekhnologi Surkova*). They were not numerous; even in Donetsk, they numbered "fewer than five." Therefore, they could not control concrete issues in the DPR's domestic politics. Their main responsibility was to confirm the selection of leaders and some crucial matters in the Minsk negotiations. DPR leaders

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2   According to Nikolai Ragozin, DPR parliamentarian in 2014-2016, for the people of middle rank, who became the new leaders of the Donetsk region two or three years ago, beautification of the streets is an important value and this is, at the same time, a relief measure for the unemployed. Moreover, there is a real elation and uplift of local patriotism among municipal workers, a significant number of whom sacrificed their lives when, for example, they were repairing the water supply system destroyed by Ukraine's artillery attacks (Interview with Nikolai Ragozin, Donetsk, August 15, 2017).

3   Kimitaka Matsuzato, "The Donbass War: Outbreak and Deadlock," *Demokratizatsiya: The Journal of Post-Soviet Democratization* 25, no. 2 (2017): 175–200; Kimitaka Matsuzato, "The Donbas War and Politics in Cities on the Front: Mariupol and Kramatorsk," *Nationalities Papers* 46, no. 6 (2018): 1008–27.

autonomously decided many domestic matters, such as the building of non-party democracy (see below), and this is one of the reasons for the provincialism we observe in DPR politics. I could not measure the quality of Surkov's technologists' since I was unable to meet them. Fragmentary and indirect contact with them tells us that they were, as a rule, social scientists (politologists and sociologists) who could not make a career at universities and research institutes, without professional expertise in military, intelligence, and international affairs, as was Surkov himself (Surkov is a specialist in public relations and commercial advertising). Surkov's political technologists did not know local languages and histories. Russia's frugality in human resources vis-à-vis its near-abroad de facto states may be inconceivable to the United States or European Union (EU) in comparison with how the latter cope with contested polities.

Surkov's political technologists were not, by nature, public figures. They should not have existed in Donetsk, Luhansk, Sukhum, or Tskhinval. They could not attend parliamentary sessions, be interviewed by the mass media, or meet with foreign delegations or researchers. They implemented their control only via conversations with a handful of top leaders. Therefore, many DPR parliamentarians did not even know about their very presence in Donetsk. If one of the top leaders declined his privilege to consult with Surkov's political technologists, his position was endangered. The technologists would report to Surkov that this leader was inappropriate and Surkov would pass on this remark to Putin, which is exactly what happened to DPR parliamentary speaker Andrei Purgin in 2015. In contrast, the DPR Communist leader Boris Litvinov, despite nearly bringing shame upon Putin by his harsh criticism of Minsk-1 in 2014, continued to be a relevant figure in DPR politics, perhaps partly because he actively contacted Surkov's political technologists to use them for his party's advantage.

The low quality of Surkov's machine was neutralized by the fact that he was never a monopolist in the Kremlin's decision-making concerning de facto states. As post-Soviet politicians and experts, including Donbas ones, often remark, "the Kremlin has ten towers and Putin sits among them." Each of the towers (Putin's aids) may have its own policy toward one or another de facto state. The harsh competition in the Kremlin is revealed by the fact that it may cause a proxy war on the spot. For example, in 2014, Surkov supported the state coup d'état in Abkhazia organized by Abkhaz nationalist Raul Khadzhimba, while the Russian Foreign Ministry supported the legitimately elected Abkhazian president Aleksandr Ankvab. The 2014 coup d'état seriously damaged Abkhazia's legitimacy as a state because the Abkhazians had always boasted that the government changes only as a result of democratic elections in Abkhazia, while independent Georgia has twice experienced a coup d'état.

Continuity from Precedent Movements

We may regard the "International Movement of the Working People (Inter-Movement)" of Donbas in the early 1990s and the protest against the Orange Revolution as precedents of Donbas separatism in 2014. The Inter-Movement of Donbas was an imitation of the movements with the same name in the Baltic Soviet republics at that time, and aimed to preserve the Soviet Union and defend local Russian speakers' rights. Initiators of the Inter-Movement of Donbas were the brothers Dmitry (b. 1962) and Vladimir Kornilov (b. 1968). Dmitry died in 2002 and Vladimir emigrated to Russia and, after 2014, became a favorite of *60 Minutes* and other pro-Putin Russian mass media. A historian by education, in 2011, Vladimir published a book on the Donetsk-Kryvyi Rih Republic.[4]

The Orange Revolution and the annulment of the results of the November 21 vote of Ukraine's presidential election of 2004 provoked resistance in Southeast Ukraine. In February 2005, Andrei Purgin, then thirty-three years old, organized the Union of the Born by Revolution (*Soiuz rozhdennykh revoliutsiei*) and imitated the Maidan kinetics of sit-ins with tents in Lenin (Central) Square in Donetsk, requesting that Ukraine be federalized and Russian made the second state language. The authorities removed the tents in early March. Even after the Orange Revolution, future DPR leaders did not endeavor to organize a united ethnic Russian party, but established multiple small, virtual, and sometimes absurd organizations. Vladimir Makovich, the future first chairman of the DPR Supreme Council (April-May 2014), organized the Union of Young Patriots. Roman Liagin, future chairman of the DPR Central Electoral Committee for the referendum on May 11, 2014, established the Politer. In December 2005, Aleksandr Tsurkan and Gennadii Prykov established the Donetsk city and oblast organizations of the Donetsk Republic, the future party of power of the DPR. They justified their requests by historical experience of the Donetsk-Kryvyi Rih Republic in 1918. The leadership of the Donetsk Republic steadily shifted to Purgin. He was a social marginal who was unable to maintain a stable job for more than ten years after graduating from the Donetsk Polytechnic Institute.

These ethnic Russian organizations had common features. First, they challenged Ukraine's territorial integrity, so they were illegal by nature. Not only Iushchenko, but also Ianukovych banned and repressed them mercilessly. For example, Ukraine's court made the Donetsk Republic illegal in 2009. Overwhelmed by the Party of Regions (POR)'s financial and administrative resources, they became marginal and their activities looked extravagant and farcical. The

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4   Vladimir Kornilov, *Donetsko-Krivorozhskaia respublika: Rasstreliannaia mechta* (Kharkov, 2011).

Donetsk Republic distributed "passports of the Donetsk Republic" and declared the "independence" of Donbas and Kherson from Ukraine. Lacking organizational potential and influence on the masses, these marginal organizations paradoxically developed "Internet, mobile, and elusive" technology for communication by exploiting newly emerging social media, such as VKontakte, exactly as the Ukrainian national-patriots were doing in Western Ukraine. Nevertheless, until spring 2014, few expected that these organizations and their leaders would achieve something historically relevant.

Let us examine the view of Aleksei Aleksandrov, a most systematic and consistent thinker and propagandist of pan-Rusism. Before 2014, he was the leader of the Russian World (*Russkii mir*) – Ukraine. When I met him in Donetsk in August 2014, he characterized his life as that of a professional revolutionary. At a summer school organized by the Shanghai Cooperation Organization (SCO) in 2013, on the eve of the Euromaidan Revolution, he gave a lecture with the following points. The post-Soviet territories used to be Russian speaking with a Soviet mentality and the majority of citizens were waiting for restoration of a single country. However, after Ukraine's independence, Russia was busy with its own problems and surrendered the initiative to its geopolitical rivals. Unsurprisingly, the new Ukrainian elites became anti-Russian and they de-Russified the population, while the "red directors," yearning by nature for close economic ties with Russia, were placed in a difficult situation. Trying to conclude the Association Treaty with the EU, Ianukovych and his company were attempting to build a new Lithuanian Rus, or a union alternative to Russia, rallying small satellite countries of the EU and North Atlantic Treaty Organization (NATO) around Ukraine. This project targeted not only the creation of a counterweight to Russia trying to restore its influence over its state border, but also laid the foundation to expand into Russian territory, to Don and Kuban, and further to the Caucasus and the Volga Region. To separate Ukraine from Russia, the West has many levers: control of local elites, influence on the economy, control of the Ukrainian mass media and education, and raising of public opinion leaders. By saving the Ukrainian comprador elites suffering from the world financial crisis, the West would eventually eliminate what remained of the Ukrainian economy. The Customs Union and the SCO might save Ukraine. From Kuchma to the POR, they have all implemented overtly anti-Russian projects, while disguising themselves as the "pro-Russian wing" in Ukraine. Deceived by them, Russia did not adopt serious measures even after the Orange Revolution.

Why does Russia fail to counteract asks Aleksandrov? First, "pro-Russian projects" have always been assigned from above, ignoring initiatives from below. Second, popular diplomacy filled with ineffective simulations has been rendered bankrupt. Third, Russia's soft power strategy lacks changes in substance, tech-

nology, and cadres, so it cannot compete with Western soft power not only in Ukraine, but also in the border regions of Russia itself. If we continue to act in this accustomed style, convenient for Moscow-Kyivan bureaucrats and elites, he continues, Ukraine will continue to be a zone of hatred controllable from outside and a destabilized bridgehead for aggressors. Once a wave of crises falls upon Ukraine, we will have a new *Drang nach Osten* not only by traditional "civilizers," but also by hundreds of thousands of "our former supporters," educated, prepared, and filled with hatred of Russia and every iota of Russianness. This is Ukraine's agenda today, with which we should deal as a matter of urgency.[5] Thus, Aleksandrov foresaw what happened after November 2013. His peculiar triad of civilizational imperialism, leftist-minded trust in people's power, and admiration of the newest communications technology and soft power in the West would compose the core ideology of the Russian Spring.

After the May 11 referendum, the DPR Supreme Council elected Denis Pushilin as its chair, replacing the first parliamentary speaker Makovich. On May 14, the Supreme Council adopted the Constitution, which was still parliamentary and bore in mind the possibility of being incorporated into "another federal state."[6] Based on this constitution, parliament elected Aleksandr Borodai, then forty-one years old, as Prime Minister, Igor Strelkov as Defense Minister, Andrei Purgin as Vice-Prime Minister, and Pushilin, then thirty-two years old, as parliamentary chair. Aleksei Aleksandrov became the Vice-Prime Minister for Propaganda and Economic Mobilization. On July 18, 2014, after Pushilin had revealed his lack of organizational ability, the parliament replaced him with Communist Boris Litvinov. Strelkov and Borodai had good relations with each other, and both enjoyed financial assistance from Russian oligarch Konstantin Malofeev. Kirill Cherkashyn, Assistant Professor of Donetsk University and deputy of the first DPR Supreme Council, remarks that we should not overestimate the significance of the cheer team from Russia. In these first weeks of the DPR, various civilian and military groups composing the DPR leadership did not know each other well, which made it difficult to understand partners' intentions and expectations. Indeed, the new state could have collapsed because of factional rivalry. Therefore, local leaders decided to invite uncommitted Varangians from afar to coordinate themselves.[7]

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5   "Sobiranie zemel': ot imitatsii k narodnomu frontu," *Russkii mir. Ukraina*, August 6, 2013, http://russmir.info/pol/4352-sobiranie-zemel-ot-imitacii-k-narodnomu-frontu.html.

6   On April 7, the Novorussianists began to occupy the Donetsk State Administration building and created the Supreme Council, which on the same day adopted the first constitutional document, "Declaration of the Sovereignty of the Donetsk People's Republic" (Matsuzato, "The Donbass War," 191). This declaration prescribed only the main principles of the future constitution.

7   Interview with Kirill Cherkashyn, Donetsk, August 22, 2014.

The End of the Novorussian Confederation

In spring and summer 2014, anti-Maidan activists, who requested the separation of their region from Ukraine, named their ideas "Novorussianism." Gerard Toal critically examines this terminology.[8] Indeed, the core of these activists' ideology is pan-Rusism, according to which the Veliko-, Malo-, and Belo-Rusians are the three subgroups of a single nation. In prerevolutionary Russia, the epicenter of pan-Rusism was Right-bank Ukraine, where the Slavophiles thought solidarity of the Eastern Slavs necessary for the struggle against the centuries-long Polish and Jewish yoke.[9] In contrast, a significant portion of the non-Eastern Slavic population, such as the Rum (Ottoman) Greeks, characterized prerevolutionary Novorussia (the present South Ukraine, captured from the Crimean Khanate during Catherine II's reign). Besides, Novorussia was the only region where Jews were allowed to live outside the Pale where they could contribute to the rapid development of local finance, commerce, and industry.

In the turmoil from spring to autumn 2014, the slogan "Novorussia" conveyed the anti-Maidan activists' wishful desire that separation from Ukraine would not end with only Crimea and Donetsk and Luhansk Oblasts, but continue to expand to cover the whole of Southeast Ukraine. However, Gerard Toal's survey reveals the differences in popular interpretations of the political crisis in Ukraine and of its solution between the three separatist regions and the "South East-6" (SE-6, Kharkiv, Dnipropetrovsk, Zaporizhzhia, Mykolaiv, Kherson, and Odesa). Geopolitically, among the SE-6, only Kharkiv has a border with Russia, yet Kharkiv is overly close to Kyiv, too. The central government did not suffer much trouble in crushing Kharkiv's separatist movement coercively. Because of its low level of urbanization, Kherson is the most Ukrainian-speaking and pro-Ukrainian region in the Southeast. Because of its thorough economic dependence on the gigantic port, any internationally unrecognized status is unacceptable for Odesa oblast. The closure of the port means death for this city and region. The Odesites learned this lesson from its neighbor Transnistria's quarter-century of isolation and suffering. Shrewd shipping and port agents of this city may have noticed that Sukhum Port still continues to be closed despite more than ten years having passed since Russia recognized Abkhazia. These circumstances determined the indecisiveness of Odesa activists, who occupied the

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8   Gerard Toal, *Near Abroad: Putin, the West, and the Contest over Ukraine and the Caucasus* (New York: Oxford University Press, 2017), Ch. 7.

9   A. I. Miller, *"Ukrainskii vopros" v politike vlastei i russkom obshchestvennom mnenii (vtoraia polovina XIX v.)* (St. Petersburg, 2000); K. K. Fedevich and K. I. Fedevich, *Za viru, tsria i kobzaria malorosiiski monarkhisty i ukrains'kii natsionalnyi rukh (1905-1917 roky)* (Kyiv, 2017); see K. Matsuzato, "Polskii factor v Pravoberezhnoi Ukraine. Konets XIX-nachalo XX v.," *Ab Imperio*, no. 1 (2000): 123–44.

Oblast State Administration building in early March, but quickly resolved the occupation. The massacre on May 2, 2014 that followed was absolutely unnecessary if its purpose was to keep this region within Ukraine.[10]

On the eve of the presidential election in Ukraine, May 24, 2014, a convention of people's representatives in Southeast Ukraine was held in Donetsk. During this convention, representatives did not reach a consensus on the future political configuration of Southeast Ukraine; their opinions varied from the federalization of Ukraine to unlimited self-determination by each region. After the convention, representatives of the DPR and LPR signed a joint declaration to create the Union of People's Republics (UPR) and formed a council to manage this union until the formation of a genuine UPR parliament and government. Three representatives from each republic composed this council. On June 24, the DPR Supreme Council (parliament) adopted the "constitutional act" to create the UPR and proposed the list of deputies delegated from the DPR Supreme Council to the UPR parliament. The initiator of this movement, who read the report on the UPR at the DPR parliamentary session, was Oleg Tsarev, a politician from Dnipropetrovsk. The then DPR Prime Minister, Aleksandr Borodai, supported Tsarev, though the Vice-Prime Minister, Andrei Purgin, and a significant number of deputies reacted skeptically to Tsarev's proposal. The next day, June 25, the LPR Supreme Council also adopted similar decisions.

On June 26, the first plenary session of the UPR parliament was held at the government building of the DPR, with the participation of forty-nine delegates from the DPR and LPR together. The session adopted a series of foundational documents, such as the constitutional act to found the UPR and regulation of the UPR parliament. The UPR parliament elected Tsarev, who attended the UPR parliament via the LPR's quota as its chairman with a one-year term. According to the constitutional act, the UPR was to create a single economic space and conduct unified financial, defense, security, and tax policies. The UPR was "open to accepting other [sovereign] states."[11]

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10 Before the tragedy, the then Odesa governor, Volodymyr Nemyrovs'kyi (a friend of then Ukrainian prime minister Arsen Iatseniuk), and leaders of anti-Maidan activists had already agreed to resolve the sit-in in the square in front of the trade union building (the former building of the Communist Party of the Soviet Union's Oblast committee) so that a parade could be conducted on Victory Day (May 9) and to continue their sit-in in a square on the periphery of Odesa. For this compromise, anti-Maidan leaders even received money (Interview with Sergei Dubrov, Odesa journalist, Odesa, September 1, 2016, Odesa). Indeed, this retreat could be interpreted as a victory for the anti-Maidan activists because even the governor appointed by the Euromaidan government agreed to celebrate Victory Day. It continues to be a mystery why and how systematic provocations on May 2 broke this deal resulting in about fifty activists' deaths.

11 Miroslav Rudenko, "Pamiati Parlamenta Novorossii," *Svobodnyi Donbass*, September 20, 2016 http://odsd.ru/news/miroslav-rudenko-pamyati-parlamenta-novorossii.

On July 14, the second session of the UPR parliament was held at the Luhansk City Council building. When twenty-three delegates from Donetsk approached Luhansk, they witnessed black smoke from both sides of the highway and blasts were heard when the parliamentary session was being held. The siege of Luhansk was slowly approaching its climax. The session adopted laws "on Parliament" and on the status of UPR parliamentarians. The second session changed the name of the confederation from the "UPR" to a more historical and sonorous name, "Novorussia." Plenary sessions of the Novorussian parliament should have been convened once every two weeks, but the third session, which would become its last, was held as late as August 21 in Donetsk. This session assigned each deputy to a certain administrative district, adopted the provision of parliamentary apparatus, and adopted two declarations: one on the MH17 incident, addressed to the European, Malaysian, Austrian, and US parliaments, while the other appealed to the Ukrainian people to resist the Kyivan authorities. Adopted too late, both declarations looked like attempts to revive issues that had fallen out of date.

In September and October, the intensifying war required individual Novorussian parliamentarians to be involved in humanitarian activities, accepting and coping with citizens' complaints, but the parliamentary session was no longer held. Tsarev's last endeavor for the Novorussian confederation was to create a joint Novorussian army in September 2014. This was not realized either and both republics created their own armies in late autumn.

There were several reasons for the failure of the Novorussian confederation. First, it was Tsarev's project. The fact that a politician from Dnipropetrovsk rather than Donetsk or Luhansk became the UPR's parliamentary speaker in late June shows that DPR and LPR leaders still wishfully hoped that Novorussia would continue to expand, but this did not take place. Second, Tsarev's decision to run for the Ukrainian presidential election in May, which the DPR and LPR leaders regarded as illegitimate, left him with an ambivalent reputation. Third, there was competition between Tsarev's and Purgin's factions in the DPR Supreme Council. The reshuffling of the Cabinet of Ministers in mid-August, the removal of Borodai, and the appointment of Aleksandr Zakharchenko as the DPR Prime Minister, deprived Tsarev of his support base in the DPR. Fourth, Luhansk's representatives, particularly then LPR Leader Valerii Bolotov, did their best to make the confederation purely symbolic. They intensified this endeavor as it became all the more obvious that Novorussia would no longer expand. If the confederation was to be composed of two subjects, the capital would be placed in Donetsk, since the DPR is more significant than the LPR by population size and military strength. Luhansk did not want to become a

younger brother of Donetsk again, a de facto status that had constantly irritated Luhansk's elites before 2014.[12]

Purge of the Founding Fathers

As many observers, including myself, argued, the best scenario for Putin in 2014 was to take only Crimea, but leave Donbas in Ukraine. As Paul D'Anieri calculated in detail, if Russia takes both Crimea and Donbas, the electoral demography of Ukraine would change drastically and "pro-Russian" presidential candidates would never win in Ukraine.[13] As a natural result, Ukraine would be ready to become a NATO member. Having built puppet states in remote Donbas, Russia would face NATO missile bases in Kharkiv or Sumy, much closer to Moscow than Donbas. It is difficult to assume that the two world-class masters of electoral authoritarianism (Putin and Ukrainian president Petro Poroshenko) did not notice these simple causal relations in spring 2014. I do not think that Putin's caution, addressed to the Donbas citizens on May 7, 2014, to postpone the referendum scheduled on May 11 was hypocrisy. From May to early August, Russia allowed various paramilitaries to cross its southwest border with Ukraine to assist the DPR and LPR without harboring any strategic purposes. Perhaps, the MH17 incident changed Putin's mind and he decided to intervene in the Donbas conflict seriously. Putin did not intend to repeat President Boris Ieltsin's half-hearted policy towards the old de facto states during the 1990s. At that time, Russia was too poor to support them. Moreover, Ieltsin wanted to become the leader of the CIS countries, an indispensable condition for which was a recognition of their territorial integrity. Suffering a lack of active support from Russia, leaders of the old de facto states instead enjoyed freedom. Even after Russia began to support the old de facto states more actively after 2008, it has not been easy to change the rules of the game established in the 1990s between them and Russia. In these states, presidential candidates supported by Russia continue to be defeated by more independent candidates.

Putin did not intend to allow the DPR and LPR this level of freedom. First, the DPR and LPR should agree to Minsk-2, prescribing their eventual reincorporation into Ukraine. Second, the Novorussian movement should abandon its initial social revolutionary characteristics against oligarchism and capitalism, limiting itself to a geopolitical project resisting EU and NATO expansion. For this purpose, the first targets of the purge were Igor Strelkov, Aleksandr Borodai, and

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12   Rudenko, "Pamiati Parlamenta Novorossii,"; Interview with Miroslav Rudenko, DPR parliamentarian from the Free Donbass, Donetsk, August 14, 2017.

13   Paul J. D'Anieri, "Gerrymandering Ukraine? Electoral Consequences of Occupation," *East European Politics and Sciences: and Cultures* 33, no. 1 (2019): 89–108.

other cheer-leaders from Russia. On August 7, 2014, Aleksandr Zakharchenko, leader of the Donetsk Branch of the social organization *Oplot* (meaning "stronghold"), succeeded Borodai as Prime Minister. On August 14, Strelkov resigned the post of Defense Minister and was succeeded by Vladimir Kokonov (b. 1974), who had been a judo trainer in Sloviansk before the war. Some observers say that Surkov played a decisive role in the rise of Zakharchenko (and Igor Plotnitskii in the LPR).[14] Yet we should not ignore the fact that these cadre reshufflings did, to some extent, satisfy local leaders' new expectations. They felt that their revolution was moving from a stage of provocation and uprising to a stage of institutional building. They noticed a serious need for able pragmatists, rather than sensational orators. In these days, I happened to be in Donetsk, but I did not hear any voice regretting the removal of their apparent hero Strelkov.

The second target of the purge was the Communists, represented by the Supreme Council chair, Boris Litvinov. Not only the ideological distance from the Kremlin, but also the Supreme Council's decisive criticism of Minsk-1 (signed on September 5, 2014) were reasons for the systematic purge of the Communists from parliament. Concerning the parliamentary elections held on November 2, 2014, with a purely proportional system, the Communists expected a significant number of parliamentary seats, considering their contribution to the early DPR state building. However, Surkov's political technologists did not agree to the Communists' participation in the elections as a party, but requested them to do so by receiving a quota in the candidate list of the social movement called Donetsk Republic, anticipated to become the ruling "party" after the parliamentary elections. The Communists reluctantly agreed. The next issue was how many "winnable" places the Communists should receive on the Donetsk Republic's candidate list, but they were eventually forced to agree to only three.[15] Among the three Communist parliamentarians, elected in November 2014, one died in the Battle of Debaltseve and the remaining two (Boris Litvinov and Nikolai Ragozin) were deprived of their deputy mandates in 2016. A decisive reason for this was their resistance to the removal of parliamentary speaker Andrei Purgin in September 2015.

The third target of the purge was the aforementioned leader of Donetsk Republic and parliamentary chair, Purgin. Since the Communists gained only three of 100 seats of the DPR People's Council in November 2014, Litvinov could not continue to chair it. Instead, the parliament elected Purgin, the leader of the largest fraction, Donetsk Republic, as parliamentary chair. He, in turn,

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14   "Byvshie lidery DNR rasskazali o roli Surkova v naznachenii Zakharchenko," *RBK*, May 11, 2017, https://www.rbc.ru/politics/11/05/2017/59144a319a7947212ee57035.

15   Interview with Boris Litvinov, the first secretary of the CP DPR, Donetsk, August 11, 2017.

appointed Aleksei Aleksandrov—who had been removed from the post of Vice-Prime Minister after Zakharchenko became Prime Minister—as chief of the Parliamentary Secretariat. The DPR security organ (and perhaps Surkov's political technologists as well) began to think that Purgin had fallen under Aleksandrov's ideological influence. Aleksandrov in his video interview uploaded on the site of the Russian Institute of Strategic Studies (RISI) on July 8, 2015, that is, about two months before his own downfall, stated the following:

> The DPR has made a strategic pause. There is a real danger of surrender. We took Russia as a model when we started to build a state, creating a parliament, ministries, and other usual state institutions. This was an erroneous strategy in time of war, when the enemy is occupying two-thirds of Donetsk Oblast. Instead of a cabinet of ministers, we should create a state committee of defense with wide-ranging plenipotentiaries, which dispatches commissars authorized to implement radical changes.[16]

Aleksandrov continues:

> We invited former specialists in industry and military, and thus gave rebirth to the POR and Ukrainian elements. If this continues, the DPR itself may soon face a civil war. Minsk-2 obliges us to conduct elections based on Ukrainian law. We do not have the informational resources to resist Ukrainian-style politics, which will be shown via TV. Today, we began to be aware that we are just a bridgehead to Novorussia (Southeast Ukraine), occupied by the enemy. Without the whole territory of Novorussia, we cannot stand against Ukraine. We are able to beat Ukraine militarily, but the most serious danger is internal Ukrainianization.[17]

Surkov's political technologists found it risky to keep such a figure as Aleksandrov, who was calling for eternal war against Ukrainianness and permanent social transformation, in the Parliamentary Secretariat. In September 2015, when Purgin, Aleksandrov, and other deputies visited St. Petersburg to attend a conference, the DPR's security services prohibited Aleksandrov's entrance (return) into the DPR.

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16 "DNR podtalkivaiut k Grazhdanskoi voine," July 8, 2015, https://youtu.be/LoDe4tzujDU. A similar regime existed in Nagornyi Karabakh during the Karabakh War, yet it did not target social transformation.

17 This interview was lifted from the RISI site and uploaded on the site Svarog Day. See "Aleksandrov: Novaia Ukrainizatsiia, DNR podtalkivaiut k sdache," http://www.svarogday.com/mnenie-donchan-novaya-ukrainizaciya-dnr-podtalkivayut-k-sdache/ .

According to Miroslav Rudenko, Purgin was indeed to be blamed because, on September 4, he tried to break through the Russia-DPR border control with Aleksandrov and to involve accompanying deputies in this dangerous attempt. The extraordinarily convened parliament removed Purgin from the post of chairman and elected Pushilin as successor, who immediately fired Aleksandrov. According to Litvinov, parliament's regulations were violated twice or indeed thrice on account of this decision. First, the parliamentary session started at 10 pm and the final decision was made after the midnight. Second, this was trial in absentia. The Communists and other Purgin supporters in vain requested that Purgin be given a chance to defend himself before parliamentarians. Third, the vote for removal did not reach a sufficient number, but parliamentarians were repeatedly requested to vote. After this event, all the Communist and the other parliamentarians who opposed the removal of Purgin were deprived of their deputy mandates by May 2016. The Communists submitted a complaint to court, which did not accept it. As Litvinov says, the DPR has neither strong parliamentarism nor an independent court system.[18]

After Purgin and Aleksandrov were removed, the DPR parliament established a Provisional Commission for Normalization of Interaction between the Legislative and Executive Branches of Power under the chairmanship of Deputy Aleksandr Kurenkov from Donetsk Republic, who is also an activist of *Oplot* (see below). Ministries submit bills to this commission for preliminary coordination with deputies and this commission presses ministries to respond to deputies' appeals.[19] Perhaps exceeding its competence, the commission "normalized" the DPR's relations with Russia, too. After the Putin administration rejected the DPR and LPR's desire to be integrated into Russia, a political trend seeing the DPR's future as an independent state developed in the DPR, as was the case with Nagorny Karabakh and South Ossetia after their initial failure to unify with Armenia and North Ossetia (Russia). Purgin represented this trend. The commission made it clear that the DPR's ideal is to be integrated into Russia, an ideal for which it yearned in 2014. Though Kurenkov did not tell me who represented Russia in this negotiation, he optimistically predicted that the West's sanctions and pressure on Russia may strengthen its resolve and eventually induce Russia to annex the DPR and LPR.[20]

Having been removed from the post of parliamentary chair three years before, Litvinov continued to use the chairman's office room on the top floor of

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18 Interview with Boris Litvinov, the first secretary of the CP DPR, Donetsk, August 11, 2017, Donetsk.

19 See the video "Deputat Aleksandr Kurenkov v teleperedache Parlamentskii vestnik," uploaded on April 20, 2016 on the official site of DPR People's Council (parliament), https://dnrsovet.su/deputat-aleksandr-kurenkov-v-teleperedache-parlamentskij-vestnik-video/.

20 Interview with Aleksandr Kurenkov (by telephone), January 24, 2019.

the government building in 2017, on the strange pretext that he needed to preserve archive papers from early DPR history. DPR leaders did not touch Litvinov, because he actively established connections with foreign leftist parties and invited their leaders. He boasted that the CP DPR had established communication with thirty-two Communist parties of the world (to their sorrow, they had not yet established contact with the Chinese and Japanese Communists). The candidate from the Communist Party of the Russian Federation, Pavel Grudinin, promised to recognize the DPR and the LPR if he won the Russian presidential elections in 2018. This was also Litvinov's contribution to a significant extent. Another former parliamentarian from the CP DPR, Nikolai Ragozin, continued to work as Professor of Donetsk Technological University and told me that there was no repression after being ousted from parliament.[21] While the Communists were elated, Purgin seems to have gone astray. He was removed not only as a parliamentary deputy, but also from his party leadership post in Donetsk Republic. Purgin did not recognize either removal as legitimate. He created a small, virtual party with the same name, Donetsk Republic, and a small research group "South Russia." Purgin continues to breed a geographic image inspired by the historical experience of the Donetsk-Kryvyi Rih Republic. In other words, he returned to the place whence he came.

Non-Party Democracy

The emergence of a non-party democracy in the parliamentary elections of 2014 was a result of interaction between Surkov's political technologists and indigenous Donetsk leaders. Surkov's technologists arranged to exclude the Communists as a party from the parliamentary elections and to regroup various factions into two social movements, Donetsk Republic and Free Donbass. This arrangement was repeated in the 2018 elections. Yet local leaders added positive value to this arrangement and even began to call it non-party democracy. They argued that political parties split society, which is unaffordable during civil war, so social movements should be the dominant players in Donetsk politics. In the DPR, according to Ragozin, a Communist deputy ousted from parliament in 2016, those who had been ordinary citizens two or three years ago came to power; such people often like to "reinvent the wheel" (such as non-party democracy). Moreover, there are many military men among DPR parliamentarians, who transfer the logic of the battlefield into politics and ask: "Why don't you obey commands?"[22]

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21   Interview with Nikolai Ragozin, Professor, Donetsk Technological University, DPR People's Council deputy in 2014–2016, Donetsk, August 15, 2017.
22   Interview with Nikolai Ragozin, Donetsk, August 15, 2017.

The DPR parliament had not adopted a law on political parties at the time of writing. The only legal political party in the DPR is the CP DPR, which held its founding convention on October 8, 2014 and was registered by the DPR Central Electoral Committee, not by the Ministry of Justice (which was at that time non-existent), because its participation in the coming parliamentary elections was at stake.[23] No other parties exist in the DPR. Later, Denis Pushilin and other DPR representatives in the Minsk negotiations began to use the absence of political parties in the DPR for the purpose of resisting Ukraine's request to allow Ukrainian political parties to operate in the DPR. DPR representatives argued that political parties had completely discredited themselves in the DPR. In response, the Ukrainian representatives remarked on the presence of two Communist deputies in parliament. Ragozin thinks that this was one reason why Pushilin decided to exclude Communist deputies from the assembly.

Communist leader Litvinov comments that the lack of parties and local self-government are serious obstacles to the DPR's state building. The lack of local self-government was caused by the incompetence of Ukraine's legislature in adopting laws on the special status of Donbas and on local elections in the DPR, though Minsk-2 requests that local elections be conducted in the DPR and LPR based on Ukrainian law. In my interview with him in August 2017, Litvinov predicted that if the DPR was unable to overcome the absence of political parties and local self-governments by the parliamentary and State Leader elections of 2018 (as turned out to be the case in reality), the DPR's state building would face a crisis. According to Litvinov, non-party democracy does not satisfy international norms of democracy and would disturb international recognition of the DPR. What is taking place in the DPR is similar to the situation in Moscow; a contest between two (DPR) or four (Russia) political forces, whose programs do not greatly differ from each other. The DPR's two-party system is easily manageable and "somehow reminds us of the American two-party system."

Litvinov argues that five or six parties should be allowed to exist on the condition that they support the DPR's independence and statehood. The existing social movements are catch-all and represent neither the concrete interests of social groups nor any coherent worldview. According to Litvinov, the lack of parties reflects the metamorphosis of the Novorussian movement. At its first stage, the movement was an anti-oligarch social revolution and "the struggle against fascism" was only an instrument for this purpose. As the civil war intensified, the struggle against fascism appeared to be the main purpose of the DPR movement. Even after the front had stabilized, DPR politics did not return to social issues, though Zakharchenko from time to time underscored the idea that the

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23 Interview with Boris Litvinov, Donetsk, August 11, 2017.

DPR had not forgotten the importance of social justice. Litvinov commented that he began to hear the questions: "For what did we fight in 2014?" and "For what did we make such tremendous sacrifices?" fortunately not yet loudly (in 2017—K.M.). Yet I remember that in August 2014 Litvinov himself was wary of creating a new DPR Communist party for fear of splitting a warring society.[24] Rudenko, leader of Free Donbass, remarked that violent skirmishes did in fact take place between vigilante groups in the early DPR.

As a result of the parliamentary elections held on November 2, 2014, Donetsk Republic gained 64.4% of the eligible vote and sixty-eight deputy seats, while Free Donbass gained 28.8% of the vote and thirty-two deputy seats. Though Donetsk Republic, as mentioned earlier, was born in 2005 to resist the Orange Revolution, after becoming the ruling "party" of the DPR it quickly lost its ideational features, replacing initial romanticism with pragmatism and catch-all tendencies. Donetsk Republic has established its youth organization, as the Communist Party of the Soviet Union had its Komsomol. The party leader, Pushilin, changed, too. Towards the parliamentary and State Leader elections in 2018 it was difficult to find the visage of the weak organizer of four years earlier. Pushilin vigorously visited various localities in the DPR and helped to build the party's branches. If we consider that Pushilin chaired the parliament and attended the Minsk negotiations, we should give credit to his devotion and energy. Pavel Gubarev, Miroslav Rudenko, and other stars of the Russian Spring of 2014 created Free Donbass in October 2014 to participate in the parliamentary elections. This social movement continued to harbor pan-Rusian romanticism and tried to reactivate itself by organizing veterans of the Russian Spring,[25] exactly as Abkhazia's *Aitaira* (the opposition to Vladislav Ardzinba in his late presidential term and initiator of Abkhazia's re-democratization in 2004) rallied veterans of the Abkhazian War in 1992–1993 and as Karabakh's Movement-88 tried to stir up the citizens' memory of 1988. Rudenko commented: "The days of 2014 have not been forgotten."

The third relevant social organization in the DPR is Oplot (stronghold). This organization was created first in Kharkiv, by Evgenii Zhilin, the former Ukrainian Internal Affairs Ministry officer, who was killed outside Moscow in 2016. Oplot's mission was to assist the families of policemen and military men killed during their performance of duty and those disabled for the same reason. Another mission was historical awareness activities; for example, to resist heroization of the Ukrainian Insurgent Army and to care for Soviet memorials

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24   Interview with Boris Litvinov, Donetsk, August 21, 2014. Another concern of his was that active participation of Donetsk Communists in DPR state building might give the Ukrainian leadership a pretext to prohibit the Communist Party in Ukraine, which indeed took place.

25   Interview with Miroslav Rudenko, Donetsk, August 14, 2017.

of World War Two.[26] Zhilin was an admirer of Bushido (Japanese Samurai warriors' ethical and behavioral code) and practiced vale tudo. One of Oplot's activities was to popularize this sport in Ukraine and Russia.

From December 2013 until his assassination in August 2018, Aleksandr Zakharchenko led the Donetsk branch of Oplot, which became active in the Russian Spring and was registered with the (still Ukrainian) Ministry of Justice in May 2014. After the law enforcement institutions in Donetsk Oblast collapsed in March–May 2014, Oplot's initial role was to patrol the streets and keep public order. After the air raid on the Donetsk Airport on May 26, Oplot participated in military operations; it snatched arms first from police offices, second from the office of Ukrop (Ukraine's right-wing paramilitary organization), and third by raiding the Russian Army's arsenal located in Beliaev village of Rostov Oblast (twelve kilometers from the Ukrainian border), similar to what commander Oleg Teziev did in the South Ossetian War of 1991–92. In Summer 2014, Oplot was one of the most powerful DPR paramilitary forces. In Autumn, it began to transform into a political organization as one of the groups supporting Zakharchenko in the DPR State Leader election. Since Donetsk Republic was becoming an ordinary party of power, losing dynamism and often accompanied by intra-party struggles, DPR leaders needed a political organization more devoted to the DPR's initial cause and Zakharchenko himself. Oplot played this role.

Let me introduce two of Oplot's leading activists. The first is Nikolai Zagoruiko. When I was studying local self-government in Donetsk Oblast in 2013, I got to know him as the executive director of the Donetsk Association of Local Self-Governance. During the Soviet period, he was never a member of the Communist Party. He worked as a physician, eventually promoted to vice-director of the oblast hospital. In 1992, he went into business and established a multi-profile company involved in construction, transportation, etc. He was the regional leader of the Liberal Party of Ukraine (created in Donetsk in September 1991) in 1994–1996, but failed to transform this party into a nationwide one in the 1994 parliamentary elections. Zagoruiko became a POR member in 2001, when it developed from its antecedent, the Party of Regional Revival of Ukraine, by incorporating several minor parties, one of which was LPU. Zagoruiko was elected as a deputy of the Donetsk Oblast Council from POR in 2002 and was reelected in 2006 and 2010. He focused on local self-government because he thought the lack of developed local self-government in Ukraine prevented

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26 Evgenii Zhilin, "Ia ubezhden, chto chast' deneg, kotorye ko mne prikhodiat, ia dolzhen otdavat' drugim liudiam," *Status Quo*, August 6, 2012, https://www.sq.com.ua/rus/news/teksty/06.08.2012/evgenij_zhilin_u_menya_est_dar_zarabatyvat_dengi_poetomu_ya_ubezhden_chto_chast_deneg/.

Donetsk citizens from exploiting the region's industrial potential for a better life. He actively supported Ianukovych in the 2004 presidential elections, serving as the Party of Regions' monitor of public opinion in Kyiv.

In the late 2000s, Zagoruiko initiated the establishment of the Donetsk Association of Local Self-Governance, which helped municipal leaders compose applications to be submitted to foreign foundations. Anatolii Blyzniuk, the Donetsk Oblast Council chair, later governor (after Ianukovych became president), actively pursued these financial tactics to supplement the state budget with domestic and foreign grant money. Blyzniuk nicknamed these tactics "synergy." This implies that the Donetsk Association of Local Self-Governance was a semi-governmental organization.[27] In addition, Zagoruiko helped municipal and regional administration officers to visit Europe to observe local self-government there, sometimes spending his own money. Donetsk governors suggested he accept a deputy position at their office, but he preferred to remain a non-government activist. Zagoruiko believed that entrepreneurs are more advantageous than state servants in educating people because of their economic independence. In January 2013, he told me: "Russia is our partner, but our model is Europe."[28]

When we met in March 2014, Zagoruiko still advocated the Party of Regions' policy, remarking that the party was not against holding a referendum to determine Donetsk Oblast's status, but that Ukraine needed a legal base to conduct a regional referendum.[29] Zagoruiko was one of the regional deputies who evacuated to Mariupol with Governor Serhii Taruta in June 2014. He shuttled between Mariupol and Donetsk to help citizens living in front areas. However, according to Zagoruiko (in an interview with the author), the Ukrainian Army's massive shelling of the civilian population and the connivance of the international community in this act (which he calls cynical lies—K.M.) reversed his position. He became an Oplot member, gave lectures, helped victims of Ukraine's artillery attacks by releasing construction materials from his company's stock, and convoyed fuel to the DPR by using his company's tanker trucks.

Zagoruiko's company's office building and car park are located in a western suburb of Donetsk and its assets had therefore almost been completely destroyed by the time I visited in August 2017. Before the war, about 350 people worked for

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27 On this synergy tactic, see my "The Donbass War," 183; Interview with Sergei Tkachenko, leader of the Venice Commission of the Council of Europe in Ukraine (leader of the Committee of Voters in Donetsk until 2014), Kyiv, September 14, 2016. Indeed, when I visited Artemivsk (the present Bakhmut) in January 2013, to interview the district chief, officers of the foreign cooperation department of the district administration ardently asked me to bridge their project for cleaning up polluted soil and rivers in the district to the Sasagawa Foundation of Japan.

28 Interview with Nikolai Zagoruiko, Executive Director of the Association of Local Self-Governance in Donetsk Oblast, Donetsk, January 13, 2013.

29 Interview with Nikolai Zagoruiko, Donetsk, March 22, 2014.

this company, half of them enlisted for the front; many died, and only nine workers remained by 2017. Zagoruiko's company exists by selling its remaining assets and materials. Zagoruiko does not lock the door of the office building so that the neighboring population can seek refuge in its basement when the Ukrainian artillery attacks. As an entrepreneur, Zagoruiko has influenced the DPR government's economic policy. For example, in 2014–15, there was an idea to introduce the DPR's original hard currency, as is the case with Transnistria. Zagoruiko argued against this proposal and advocated using existing currencies: the hryvnia, the ruble, and the US dollar. Eventually, the DPR government adopted his opinion and continued to use all three currencies.[30]

The second Oplot's leading activist is Aleksandr Kurenkov, who was the executive director of Oplot in 2017. Born in Donetsk in 1962, he was educated at Riga Civil Aviation Engineers Institute and worked at the Aeroflot office in Simferopol from 1983–91. After the collapse of the Soviet Union, he went into business providing video-surveillance systems. In February 2014, he became an active participant in the anti-Maidan movement in Donetsk, and became an Oplot member in April 2014, and a deputy of the DPR Supreme Council. He has played an important role in building the DPR Army as one of the rectorate members of the DPR military academy (Donetsk Higher Military Command School) since 2014.[31] It may seem strange that a fifty-two-year-old person without military education or professional military service became "one of the founders of the DPR Army." According to Kurenkov, this took place because his generation was the last generation trained in the Soviet Army, while the younger generations enjoyed generously widened draft exemption in independent Ukraine and "did not learn how to wage war." Indeed, in my fieldwork in the DPR in August 2014, I noticed that soldiers of my age (fifties) were serving at many spots.

Kurenkov has a great sense of humor. He has embroidered on the breast of his camo suit, "Hello. I am a Russian occupant!" though he is an ethnic Belarusian and native of Donetsk. I asked him whether even if Russia does not send officers and soldiers to Donbas, it perhaps sends military instructors to train DPR soldiers. Kurenkov replied negatively, adding that if they need to have their soldiers trained, they send them to Russia. In August 2017, Kurenkov kindly guided me on a tour to the northwestern suburbs of Donetsk. Around the ruin of Donetsk Airport, one of the harshest battlefields of the Donbas War, he asked me not to alight from his land cruiser because I might be sniped at, but collected

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30 Interview with Zagoruiko and author's tour to western suburb of Donetsk, August 12, 2017.

31 http://oplotdonbass.org/chleny-pravleniya/kurenkov-aleksandr-pavlovich/, accessed on January 28, 2019. Unfortunately, this interview was lifted from Oplot TV.

and presented me with rusted pieces of a shell as a souvenir. He showed me the famous memorial to the civilian victims of Ukraine's "Anti-Terrorist Operation," built near the ruin of Donetsk Airport. Two hundred and twelve names of civilian victims of its neighborhood are carved on the stones taken from the ruin of the airport. Kurenkov suddenly pointed to one of the names and said: "Look. This is my son. He was a civilian and twenty-three years old."[32]

War Crimes and NGOs

One of the most serious flaws of the present international legal system is that de facto states and their citizens do not have the right to contend cases at international courts, such as the International Criminal Court (ICC) and European Court of Human Rights (ECHR). From the viewpoint of positive law, international human rights norms, such as the Geneva Conventions (1949) and their Protocols Additional (1977), and the European Convention on Human Rights (1950), are applicable to citizens of de facto states, who are however excluded from procedural law. This is in a sense logical because none of the de facto states has been allowed to sign the treaties mentioned and international courts do not therefore accept their citizens' complaints. Lawyers and human rights defenders in these territories exploit the legal fiction that South Ossetia and Donbas still belong to Georgia and Ukraine and send complaints to the international courts in the name of Georgian and Ukrainian citizens. Thus, the ICC started to investigate the South Ossetian War of 2008 as late as 2016. In this sense, Karabakh citizens are privileged because, in 2016, the ECHR accepted complaints from "Karabakh" citizens, victims of the April 2016 War with Azerbaijan, and started an investigation, though the state name Nagorny Karabakh Republic was noted in quotation marks.[33] Karabakh's exceptionality became possible because the Armenians have influential lobbies in the United States and Europe, Karabakh does its best to show itself as a non-pro-Russian state, and the Azerbaijanis committed extreme atrocities in the April 2016 War. For example, they beheaded three Karabakh soldiers and uploaded videos and pictures of the act on social media. Last but not least, during the quarter-century of independence, a stratum of legal professionals has risen up in the old de facto states. They understand that propagandist methods of exposing atrocities in the mass media barely have an impact on foreign public opinion and that the only effective way to prevent a relapse is to contend in court.

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32 Interview with Aleksandr Kurenkov, executive director of *Oplot* and tour to northwestern suburb of Donetsk, August 14, 2017.

33 The defense counsel is composed of Armenian and Karabakh lawyers. Azerbaijan replied by submitting similar complaints to the ECHR.

As early as May 2014, several lawyers in the DPR, such as Elena Shishkina and Vitalii Galakhov, started to ascertain and record cases of destruction, death, injury, and torture and other war crimes committed by the Ukrainian Army and paramilitaries in the DPR territory. Since Ukraine had (and has) not ratified the Rome Statute of the ICC, the lawyers did not know how to use these materials. What inspired them was the historical experience of the Extraordinary State Commission for Ascertaining and Investigating Crimes Perpetrated by German-Fascist Occupiers and Their Collaborators established by the Presidium of the USSR Supreme Soviet in November 1942. As the Nuremberg Trials in 1945-1946 used the materials collected by this commission, the lawyers were convinced that they should ascertain and record war crimes, which would have a great significance in the future. In September 2015, Ukraine declared its readiness to recognize the ICC's jurisdiction concerning the crimes taking place in Ukraine after February 20, 2014.[34] For the Ukrainian authorities, the term "crimes" implied those committed by Ianukovych's regime and Russia. After this declaration, however, the ICC procurator began to accept materials submitted by the Donetsk lawyers, too. Yet the procurator could not keep up with the Donetsk lawyers, who "send the ICC 1.5 kilograms of papers every month."[35]

In contrast to their Karabakh colleagues, the Donbas lawyers rely more upon the ICC than the ECHR because the latter imposes a time limit for acceptance of complaints; plaintiffs should submit complaints with the necessary materials and evidence within six months of the event.[36] The April 2016 War between Karabakh and Azerbaijan continued for four days and both parties were therefore able to collect materials and evidence by October 2016. The Donbas War still continues and the lawyers are often unable to visit the spot where damage has been caused for six months. The Donetsk lawyers ask the ECHR to grant the plaintiffs living in the war zone the exceptional right to submit complaints even after the six-month time limit has passed. The Donetsk lawyers' preference for the ICC did not change even after Russia left it in November 2016.

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34 See: "Alleged crimes committed in the context of the 'Maidan' protests since November 21 and other events in Ukraine since February 20, 2014," International Criminal Court (https://www.icc-cpi.int/ukraine); "Ukraina prosit Mezhdunarodnyi sud rassledovat sobytiia v Krymu i na Donbasse," *BBC News—Ukraina*, September 9, 2015 https://www.bbc.com/ukrainian/ukraine_in_russian/2015/09/150909_ru_s_icc_ukraine_declaration.

35 Interview with Vitalii Galakhov, lawyer, Donetsk, August 15, 2017.

36 Originally, plaintiffs are requested to submit complaints to the ECHR within six months of receiving the verdict of the domestic court of final appeal. Since it is unrealistic to request Karabakh or Donbas plaintiffs and lawyers to go to the "domestic" courts of Azerbaijan or Ukraine (they would be immediately arrested), the ECHR recognizes their privilege to appeal directly to the ECHR, obviating domestic procedure but within the time limit referred to.

While their Karabakh colleagues enjoy indirect state support for their trial in Strasbourg, the Donetsk lawyers work without pay. They do not receive money for investigation from either the DPR government or the victims. In 2015, Zakharchenko and other DPR leaders proposed a social movement to collect citizens' signatures requesting an international tribunal to judge Ukraine's war crimes. This was a typical old-fashioned propagandist method, characteristic of the de facto states in the 1990s. When Zakharchenko became aware that international courts never accept appeals from de facto states, he lost interest in judicial ways of struggle. While the Karabakh human rights defender Ruben Melikyan helps the trial in Strasbourg by collecting and publishing materials and by having held a press conference in the European Parliament, the DPR human rights ombudsman, Daria Morozova, does not seem to play an active role in supporting the Donetsk lawyers' contact with the ICC. They do not even share information. The Donetsk lawyers applied for the Russian president's grant for NGOs to receive financial support for their activities, but failed. Though corruption within Russia's grant systems is notorious, I cannot imagine more important NGO activities than those undertaken by the Donetsk lawyers. Elena Shishkina says that lawyers by nature fall into bad relations with the authorities and it is good that civil society is independent of the state.[37]

A Migrating Activist

In this final section, I introduce a man whose fate was affected by the Euromaidan Revolution. Petr (alias) was born in Omsk in 1987. When I entered the DPR on August 9, 2017, I passed its northern checkpoint as late as 8 pm because of repeated interrogations on the Ukrainian side. It was obvious that, if I called a taxi from Donetsk, I would not be able to arrive in Donetsk before the curfew began at 11 pm. At 8 pm, almost ritually, the usual evening gunfights across the military border had already begun. Checkpoint officers kindly entrusted me to a military member, Petr, who let me spend the night at his apartment. To be more precise, Petr took me to the apartment belonging to his partner, Lena (alias), in the renowned front-line city of Horlivka, which suffered tremendous damage during the war. The hosts treated me with warm borsch, while I shared with them a bottle of vodka that I had bought on our way from the checkpoint. Petr and his comrade took me to Donetsk at 6 am the next morning. I paid only fifty US dollars for this hospitality.

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37   Interview with Elena Shishkina, lawyer, Donetsk, August 16, 2017.

Petr said that his father served the Soviet Far Eastern Fleet and "was one of the crew of a battleship that shot down an aircraft of Korean Air in 1983." Petr added that his father "was ordered to shoot down a reconnaissance plane, but was not told that it was a civilian aircraft." This is an obvious lapse of memory, and further, it is widely acknowledged that the Korean aircraft was destroyed by Soviet interceptors' air-to-air attacks. Yet this confusion seems remarkable for showing how a Soviet military family remembered the KAL007 Incident.

Petr was not a military man, but came to Crimea in early 2014 to assist the Russian Spring. There, he became acquainted with Igor Bezler, who would become a paramilitary commander in charge of Horlivka. Bezler attained world-wide notoriety by shooting a video of the execution of Ukrainian POWs and uploading it on social media. After November 2014, he began to oppose Zakharchenko and Putin.

On March 18, 2014, the day of Crimea's annexation to Russia, Petr transferred from Crimea to Donbas. Petr fought as a volunteer during the summer of 2014, and, in November, became one of the first soldiers of the newly established DPR Army. Usually, DPR soldiers serve for two or three years to be promoted to non-commissioned officers and are demobilized to a civilian profession. Petr had served for three years when we met, but did not intend to retire yet. Without departing from military service, in 2016, he entered a local university to receive his second higher education. He remarked that it was never too late to study. In the DPR, young ladies sometimes visited the barracks with homemade dishes and gifts to encourage the soldiers. It was thus that Petr met Lena, who was older than him and had a teenage daughter. He left the barracks to live with them. During supper, we touched on the issue of atrocities committed by Bezler. I said to Petr that it was a violation of the Geneva Convention to execute POWs, even if those POWs themselves had violated the Geneva Convention. Petr answered: "I know. But too many children had been killed. I could not stop it."

Conclusion

During the first four years of its existence, the DPR movement changed its features. The movement lost its initial social revolutionary characteristics and was reduced to an anti-Western geopolitical project. In this process, Surkov's political technologists played an important role by eliminating the DPR's founding fathers and by establishing a non-party parliament.

Histories of the old post-Soviet unrecognized states testify that they are more blessed with conditions for competitive politics than post-Soviet recognized states since they embrace the memories of the separatist movement and

civil war as the moment of truth, which elites and citizens are to revisit periodically. This spiritual pilgrimage accelerates what Henry Hale calls regime cycles.[38] Yet I am not sure whether the DPR will enjoy similar conditions, considering the Kremlin's much tighter control in comparison with its generosity towards the old de facto states and the limited freedom of association under the fair name of non-party democracy.

The Donbas War faces a deadlock. It is in Russia's interests to push Donbas back to Ukraine. Yet Putin cannot ignore the Donbas population's natural enmity created by Ukraine's massive shelling. Russia's broadcasting media legitimately victimizes Donbas and creates the Russians' sympathy for their Donbas brethren, which cannot be ignored by Putin, either. Politically benefitting from the loss of the eastern Donbas, the Ukrainian authorities cannot abandon their pledge for territorial reintegration at least in their relations with their "Western partners." At the same time, Ukraine's Supreme Rada is unable to adopt legal bases for the country's reintegration. The DPR leaders also cope with Minsk-2 selectively. They support it if it restricts Ukraine's military activities and hence minimizes casualties among DPR citizens. They do not support it if it requests that DPR and LPR return to Ukraine. During the period 2014-17, the DPR created almost all state attributes modeled after Russia. In comparison with Russia, it only lacks a constitutional court and board of audit, which makes its reintegration into Ukraine even more unrealistic.

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38   Henry E. Hale, *Patronal Politics: Eurasian Regime Dynamics in Comparative Perspective* (Cambridge: Cambridge University Press, 2015).

Motivations of Pro-Russian and Pro-Ukrainian Combatants in the Context of the Russian Military Intervention in the Donbas*

OKSANA MIKHEIEVA

Introduction

Volunteer armed forces—paramilitaries ("guerrillas," detachments of volunteers or professional mercenaries) are an integral part of most wars. We also have this phenomenon in the context of the Ukrainian crisis, where the initial stage of active hostilities in parts of Donetsk and Luhansk regions was primarily exercised by mobilizing pro-Ukrainian and pro-Russian volunteers representing both sides of the conflict. Pro-Ukrainian volunteer military units were positioned as a reaction to the weakness of the regular army and the inability of the state to protect its citizens. In view of Russia's covert involvement in the conflict, the pro-Russian formations consisted of Russian "vacationers" (professional soldiers, who have been recognized by Russian government as "soldiers, who went to Ukraine in their vacation time") and recruited representatives of the local population. Today, the activities of volunteer armed formations have become a part of history since both Ukraine and the quasi-state formations of the DPR and LPR by the end of 2014 and the beginning of 2015 started by integrating volunteer units into formalized military systems. However, at the initial stage of the military confrontation, their role was significant.

In the scholarly discussions about the nature of events in Ukraine, I agree with the assessment that the situation should be viewed as a Russian-Ukrainian armed confrontation,[1] an instrumental part of which was the imitation

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1   See Tatyana Malyarenko, "Playing a Give-Away Game? The Undeclared Russian-Ukrainian War in Donbas," *Small Wars Journal*, December 23, 2015, https://smallwarsjournal.com/jrnl/art/playing-a-give-away-game-the-undeclared-russian-ukrainian-war-in-donbas; Andrii Portnov, "How 'Eastern

of a civil war through the creation of a militia in the Russian-controlled territories of Donetsk and Luhansk regions, consisting of volunteers of local and Russian origin.

The emphasis on the voluntary nature of such formations brings into focus the question of a person's motivation, which essentially demonstrates his or her motivation to kill or be killed. The motivation of a person involved in voluntary armed forces can be individual and contextual,[2] where the former contains a wide range of personal factors that have led to a person's choice, and the latter is the result of the socialization of a person in a particular social context. On both of these levels of motivation it is possible to detect the influence of a whole range of factors—rational and irrational; political, economic, existential, religious, social, and psychological.[3] Moreover, motivation can change over time, influenced by lessons learned and rethought. Therefore, we are dealing with a complex and multi-level phenomenon that is difficult to reconstruct due to the uniqueness of individual experiences and contextual conditions of different people, as well as due to its flowing nature and variability over time. Working with the individual experience of a person, which becomes the basis of motivation to participate in voluntary armed groups, is both a methodological and a practical challenge. In a methodological sense, the question arises as to the model of analysis of human action and the reflections and interpretations provided by the respondent regarding his or her motivations practical terms. It is the search for the answer to the question that determines a person's readiness for murder and death, because one way or another, a person who goes to war realizes that this can happen.

In the context of security research, non-state armed forces are seen as one of the critical destabilizing factors for a nation-state, especially when it comes to low-income countries and vulnerable populations.[4] Most emphasize their destructive and violent nature, anti-state orientation (terrorism, separatism, etc.). However, there are other variations of these processes, where the formation of voluntary armed groups can be a reaction to the weakness of state power and result from the activities of civil society, which in this way takes over the solu-

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Ukraine' was Lost," *Open Democracy*, January 14, 2016, www.opendemocracy.net/od-russia/andrii-portnov/how-eastern-ukraine-was-lost; Andrew Wilson, "The Donbas in 2014: Explaining Civil Conflict Perhaps, but not Civil War." *Europe-Asia Studies* 68, no. 4 (2016): 631–65; Serhy Yekelchyk, *The Conflict in Ukraine: What Everyone Needs to Know* (New York: Oxford University Press, 2015).

2   Bruce Newsome, "The Myth of Intrinsic Combat Motivation," *Journal of Strategic Studies* 26, no. 4 (2003): 24–46.

3   Rune Henriksen and Anthony Vinci, "Combat Motivation in Non-State Armed Groups," *Terrorism and Political Violence* 20, no. 1 (2007): 87–109.

4   Diane E. Davis, "Non-State Armed Actors, New Imagined Communities, and Shifting Patterns of Sovereignty and Insecurity in the Modern World," *Contemporary Security Policy* 30, no. 2 (2009): 221–45; Sukanya Podder, "Non-State Armed Groups and Stability: Reconsidering Legitimacy and Inclusion," *Contemporary Security Policy* 34, no. 1 (2013): 16–39.

tion of urgent problems of stabilization, protection, order strengthening, and so forth. The latter also contains many dangerous moments for a particular statehood, primarily because of the prospects of the transformation of motivation (for example, from idealistic, patriotic to economic—i.e., mercenaries) because of the possibility of redirecting such activity against the state itself as a political institution. The extent of the use of Unconventional Warfare variations in the world today is relevant to research in this area. According to David S. Maxwell's apt phrase, paraphrased from Leon Trotsky, "You may not be interested in Unconventional Warfare, but you can be damn sure UW is interested in you."[5]

In the Ukrainian case, we have a problematic situation where citizens of one country who voluntarily joined the armed forces represent both warring parties. On the one side, a group of pro-Ukrainian volunteers articulated their mission to protect and preserve the Ukrainian state and population from external aggression in the face of a state and army crisis. On the other side, a pro-Russian group argued for the protection of regional interests and supported the quasi-state formations of the DPR-LPR, thus securing the detachment of part of the state territory of Ukraine and its slow drift towards Russia.

Today, we have several publications presenting different approaches to look at individual and contextual factors that have contributed to people's involvement in non-state armed forces.[6] However, the topic can hardly be considered exhausted, so many aspects need careful study. In particular, it is productive to appeal to the individualized narratives of ordinary participants in voluntary armed groups that allow us to reconstruct the cultural model of group life in the reflection of everyday thinking. Working with an available set of contextual and individual factors that prompted people to take part in hostilities will help to deepen understanding of the factors and mechanisms of voluntary involvement of key actors in the Russian-Ukrainian armed confrontation, as well as to identify possible vectors for conflict transformation.

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5   David S. Maxwell "Do We Really Understand Unconventional Warfare?" *Small Wars Journal*, October 23, 2014, https://smallwarsjournal.com/jrnl/art/do-we-really-understand-unconventional-warfare.

6   Tetyana Malyarenko and David J. Galbreath, "Paramilitary Motivation in Ukraine: Beyond Integration and Abolition," *Southeast European and Black Sea Studies* 16, no. 1 (2016): 113–38; Emmanuel Karagiannis, "Ukrainian Volunteer Fighters in the Eastern Front: Ideas, Political-Social Norms and Emotions as Mobilization Mechanisms," *Southeast European and Black Sea Studies* 16, no. 1 (2016): 139–53; A.N. Shcherbak, M.O. Comin, and M.A. Sokolov, "'Otverzennyje': sravnitel'nye biografii ukrainskih i 'novorossiiskih' polevyh komandirov," *Politija* 1, no. 80, 73–89; A. Shcherbak, "'Rozdennye voinoi': o biografiiah ukrainskih i 'novorossiiskih' polevyh komandirov," http://www.svoboda.org/content/transcript /27662557.html; "Bes," "Babai," "Psih": kto vouet v Donbasse? http://www.svoboda.org/content/transcript /25443991.html; Andreas Umland, "Ukrainsky dobrovil'chi batal'onu," *Krytyka* (May 2016), https://krytyka.com/ua/articles/ukrayinski-dobrovolchi-batalyony-i-polk-azov.

Scope of the Research

I focused my attention on regular people who voluntarily joined military action in parts of Donetsk and Luhansk regions on both sides. Why them in particular? First of all, the voluntary nature of their decision allows us to work with their motivation. Second, we are speaking of regular people who are usually the "silent" participants of events. Leaders of volunteer military formations have visibility; they give interviews and publish program documents. At the same time, the worldview and motivation of regular participants remains unheard and misunderstood. This is where the question emerges: to what degree does their motivation coincide with the declared values and instructions? Third, significant changes in everyday reality make people review and reconfigure the system of knowledge and cultural patterns that they have. The study of what happens to regular structures in consciousness under extreme circumstances helps grasp the moment when knowledge about reality transforms each specific person. As a result, it is possible to understand the profound foundation of one's motivation, which in this case makes them voluntary participants of a military conflict.

Methodology

This study is developed in a phenomenological paradigm, in the framework of the theory of social action, the research and theoretical tools of which allow one to reconstruct the everyday world of an ordinary person is for him or her a field of real and possible actions. This knowledge of the outside world is "organized by the actor, not in terms of any scientific system, but in terms relevant to his/her actions."[7] According to one of the leading theorists of this direction, A. Schütz, "the knowledge of the person who acts and thinks within the world of his/her daily life is not homogeneous; it is (1) incoherent, (2) only partially clear, and (3) not at all free from contradictions."[8] The incoherence of consciousness is because a person is fragmentarily interested in particular objects of the surrounding reality, which fall into their attention following life plans. As the situation changes, so does the set of objects of interest to the person. The second component is that there is a sufficient level of knowledge for a person to understand others and be understood. Finally, the person "may consider statements as equally valid which in fact are incompatible with one another."[9] However, in the end, knowledge acquires sufficient coherence so that within a group,

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7   Alfred Schütz, *Smyslovaia struktura povsednevnogo mira: ocherki po fenomenologicheskoj sociologii* (Moscow: Institut Fonda "Obshchestvennoe mnenie," 2003), 102.

8   Schütz, *Smyslovaia struktura povsednevnogo mira,* 194.

9   Schütz, *Smyslovaia struktura povsednevnogo mira,* 195.

a person can be "like everyone," and build communication based on shared cultural codes.

In his chapter, "The Social World and the Theory of Social Action," A. Schütz proposed a theoretical model for deepening the analysis of action with the use of motive theory. He assumed that any action was "determined by a project which precedes it in time."[10] However, after the action itself, "original meaning as given in the project will be modified in the light of what has been actually carried out, and is then open to an indefinite number of reflections which can ascribe meaning to it in the past tense." The simplest set of meanings through which its actor interprets an action are the motives behind that action. This term is not straightforward and covers two different categories: "in-order-to motive and because of motive. The former refers to the future and is identical with the object or purpose for the realization of which the action itself is a means ... The latter refers to the past and may be called its reason or cause."[11] The choice of the actor of both types of motives is not accidental—the latter are organized into complex subjective systems. We cannot reproduce the full diversity of people's motives, taking into account all components of subjective systems. However, to understand another person's actions "it is sufficient to find typical motives of typical actors which explain the act as a typical one arising out of a typical situation."[12]

Substantial changes in everyday reality force a person to revise and reconfigure the knowledge system, to view cultural models. Studying what happens to everyday structures of consciousness in extreme conditions allows us to capture the moment of transformation of knowledge about the reality of the average person, to identify the configuration of objects that are actualized in their mind in connection with new plans and context. By working with personalized narratives that relate to one's motives, assessments, feelings, daily knowledge of reality, related to the critical objects of the surrounding reality, we can understand the deep foundations of a person's motivation for voluntarily engaging in armed conflict.

This study is based on the analysis of narrative materials from 58 in-depth interviews (22 interviews with members of pro-Russian voluntary military formations on territories not controlled by Ukraine; 36 interviews with members of pro-Ukrainian voluntary military formations). It is worth noting that the interviews represent primarily an accentuated part of military action participants, i.e., those who chose voluntary formations as a form of expressing their attitude toward the situation. Pro-Ukrainian combatants represent all parts of Ukraine, including Donbas (IDPs); participants of pro-Russian formations are

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10   Schütz, *Smyslovaia struktura povsednevnogo mira,* 104.
11   Schütz, *Smyslovaia struktura povsednevnogo mira,* 105.
12   Schütz, *Smyslovaia struktura povsednevnogo mira,* 106.

residents of Donetsk, Luhansk, Makiivka, Horlivka, and Sevastopol as well as a number of Russian cities and are Russian nationals. The fieldwork of the research was performed in October 2015–February 2016.

Parts of the interview guide included questions about assessment of the events in Crimea and the east of Ukraine by the respondents; motivation for voluntarily joining and acting within military formations; view of the subordination system; the importance of trust; assessment of one's own experience of war and adaptation to military circumstances; reflection on one's own choice to participate in voluntary military formations; and the view of one's own future in a projected upcoming peaceful time. Typification of the combatant's motives took place through direct questions about their reflection in the form of assessment of their own experience of war, and through projective questions addressed to conditional "others" ("What advice in view of your personal experience could you give to your acquaintances who decided to become combatants?").

The research started in autumn 2015 when pro-Ukrainian voluntary military formations were mostly integrated into the state system of Ukrainian Armed Forces and the pro-Russian forces were under single control in the quasi-states of DPR and LPR (Donetsk and Luhansk People's Republics). Thus, the respondents were, on the one hand, carrying fresh experiences and their own adaptation to war and, on the other hand, they were in the midst of an initial return to peaceful life.

In view of the variability of voluntary military formations, the respondents were additionally segmented into groups: voluntary military formations; local territorial guard; volunteers serving in the regular army; and volunteers with experience of combat. Based on narrative material analysis we can single out two internally homogenous groups: representatives of pro-Ukrainian and representatives of pro-Russian voluntary military formations. Their mutual jabs, blaming, and "invisible dialogue" help to restore a group picture of the world, in particular through arguments in defense of their choice by the representatives of these two key groups.

Social and Demographic Parameters and Self-Identification of Studied Groups

The specificity of the method chosen and lack of accurate data regarding social and demographic parameters of combatants mean that we cannot speak about them within statistically important indicators, yet a structured social and demographic block of the guide allows for review of the basic parameters of groups studied revealing certain peculiarities and general trends.

Men prevail among the combatants. Women are represented on a much smaller scale, yet they are actively involved in the process not just on "service"

positions (such as psychologist, doctor or volunteer) but among the military with active military experience. Within the two groups under study, certain differences can be noticed in age parameters of the respondents. Among the pro-Russian combatants, 25–35-year-olds prevail, while pro-Ukrainian combatants are in general older with a typical representative being 35–45 years old on average. Consequently, the first group has more single and childless persons while in the second group married people with kids are a majority.

Regarding the subjective assessment of their financial standing by the respondents, identical strategies can be traced in both studied groups—most respondents referred to their financial standing as average and regarded their situation as static. Yet, during the interview itself, most combatants on both sides said that their financial standing had become worse. Thus, we may speak of the desire of respondents to increase the value of their choice in such a way: by wanting to show the improvement of their financial status, or at least emphasize that it has remained the same, or explain its worsening through a number of objective reasons that had nothing to do with the war (location move and rental of accommodation, birth of a child, etc.).

Education

There are certain differences between pro-Ukrainian and pro-Russian combatants in their models of education and professional careers. In the pro-Russian group, educational parameters are almost in equal proportions represented by vocational education (mostly technical professions that are explained by the specifics of the region) and higher education. Nonetheless, review of biographical narratives of the respondents shows dominance of the strategy for getting several degrees, even more so in rather unexpected combinations (for instance, "Radiophysics and Electronics" and "Culture Studies"). Almost all respondents showed a lack of systemic approach and interruption of career growth: frequent change of occupations which have nothing to do with the degree obtained in most cases. The respondents express their disappointment in education, for some of them it revealed itself in refusal to continue their studies, and confirm the feeling of injustice in distribution of opportunities and chances already during the educational stage. When asked about professional career they answer with pauses, picking out the right words, and feel unease because of the need to speak of their lack of fulfillment: "I worked here and there," "nothing interesting," "work as usual," "I could not find anything for my degree," etc.

In the pro-Ukrainian group of combatants, two-thirds of respondents had a higher education, and several respondents had earned a doctoral (candidate) degree. When talking about themselves they mentioned successful studies and

professional fulfillment, with which they were satisfied. A considerable share of the respondents demonstrated a proactive attitude, an ability to overcome economic problems, find, or create new occupations for themselves. A majority had previous experience of staying with the military, army, or law enforcement bodies. As a separate case, we can single out Afghan war veterans who were well organized in communities and very often had their own children of enlistment age. The latter was an intensifying factor for joining the combatants.

Language

We also saw differences in the way respondents identified their native tongue. Most pro-Russian combatants are Russian-speaking, and only a small number of the respondents stressed their bilingualism or lack of any problems in using both languages. Most respondents from the pro-Ukrainian combatants named Ukrainian as their native tongue (even if they chose Russian during the interview). One-third of the respondents were Russian speakers, but they stressed their desire to master Ukrainian and make it the language of everyday use. Actualization of these issues, and their wide media coverage, often in a conflict setting, is reflected in the way people talk about these things and the emphases that they made. Thus, when asked about language of everyday use, pro-Ukrainian Russian-speaking combatants often replied, "unfortunately, Russian" or "I speak Russian but I am currently learning Ukrainian," and so forth.

Religion

The religious component in the identity of pro-Russian combatants is rather fuzzy—some respondents demonstrated an eclectic picture by recognizing themselves as atheists who observe some religious rituals and practices (irregular attendance of the church, prayer, formal observance of Christian holidays), while most identified themselves with the Orthodox faith, yet not as a religious confession but as part of culture and the common cultural space of the Slavs. The group of pro-Ukrainian combatants was also rather eclectic with respect to religion. We can single out two approximately equal groups of people who recognized themselves as Christian or Orthodox but did not observe religious rituals and practices, those who were religious with a clear identification of confession (we are mostly referring to representatives of the Ukrainian Greek-Catholic Church), and a small group of respondents who considered themselves atheists. In this respect, it is also interesting to see the focus on rejection of Moscow Patriarchate in the narratives, "I am Christian, but I am against the Moscow Patriarchate."

National identity: Pro-Russian Combatants

The most significant difference between the studied groups of combatants is observed in the national identity of respondents and their understanding of their own national identity. Most definitions of nationality that the pro-Russian combatants use are "blurred" and "fuzzy," which points to a transitory character of national identity, shown in the process of transformation. None of the respondents refers to the category of modern nation. Nationality is not tied to a certain state-like construct; it does not have clear geographical limits. We can single out several groups of pro-Russian combatants according to their understanding of national identity. The first group of respondents places emphasis on their "Slavic character," which in their interpretation becomes a kind of a bridge between a rejected identification with Ukraine (even according to formal indicators— place of birth, nationality mentioned in the passport) and the attempts to create their new identity that would legitimize their becoming part of Russian society as "one of their own." Slavic character is viewed in the Russian context only but appeals not to modern Russian statehood but to "Russian character," which is closer to Soviet understanding of Eastern Slavdom as a single community from which Ukrainians, Russians, and Belarusians all derive.

The last step in legitimization of their position is actual comparison of the notion "Slavic person" and "Rus person," which gives the respondent the right to construct a new community for themselves with which they could identify. The second group identifies with the local space and regarding its members' nationality they indicate "Donetsk man/woman." In this variation of identity, we observe, on the one hand, their forced distancing both from Ukraine and from Russia, and, on the other hand, we see the traces of messianic calling, which was the element of the "Novorossiia" ideological construct which, by the way, is mentioned by the respondents in the past tense and that to a certain extent shows that the construct lost its relevance back in 2015. The minority third group articulates its Ukrainian identity, but a specific construct of "Ukrainian character," which in essence is closer to Soviet Ukrainian identity inherited from the Soviet Union that is opposed to Ukrainian ethnocultural and pro-European identity.

A certain fuzziness of identities, their transitional character, stipulated among others by the uncertainty of the situation itself, makes the described identities "hang up" in the air. The latter makes the respondents look for ways to stabilize their identity in space, which is achieved through reference to such a construct as "our land." Among the geopolitical constructs, which pro-Russian combatants identify as their territories, a variety of imaginary spaces is noticed, e.g., the Soviet Union, Russia, Novorosiia, Malorosiia, and "Southeast Ukraine."

Taking into account the fact that Russia is the only existing geopolitical formation with established borders, while the others are only imaginary geographical constructs, reference to them as one's own space, on the one hand, makes the processes of identification more complicated and may mean readiness for a messianic fight for a much wider area than Donbas (depending on where the imaginary borders are to be established).

National Identity: Pro-Ukrainian Combatants

All the surveyed pro-Ukrainian combatants identified themselves as Ukrainians. Specification of this identification allows for certain segmentation within the group. Most respondents understand their Ukrainian identity within the context of national statehood, its borders and citizenship, and do not connect it to ethnicity ("...well, my grandmothers were Polish but I feel Ukrainian," "I am a Ukrainian Georgian or Georgian Ukrainian," etc.). The others put emphasis on emotional ties to the Ukrainian land, its traditions, and history. Within all these self-characteristics, the following important elements can be singled out. Most respondents automatically identify themselves as Ukrainians, yet when asked to specify their national identity they face problems. It means that in this case identification as Ukrainian is obvious for the group, it is not subject to doubt, and the requirement for specification is unmotivated. Only a few respondents show a certain transitory state of national identification, stressing that recent events made them think not so much about their national identity but more about what it stands for.

Group Identities: "We" and "Ours"

We can also trace construction of group identities, which in narratives are expressed in outlining one's own familiar and close surrounding in such categories as "we," "ours," and construction of social distance with the groups marked as "they," the "others." Distinction theory[13] says that taking this particular pair out of context makes the existence of any other opposition in the logical scheme created by respondents impossible. Their own group is presented in a detailed way, usually in a positive light, while "others" are described in a simplified and schematic manner, usually in a neutral or negative tone.

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13   Stefan Titscher, Michael Meyer, Ruth Wodak, and Eva Vetter, *Methods of Test and Discourse Analysis* (London: Sage Publications, 2000), 144–70.

Pro-Russian Combatants

When constructing their group, pro-Russian combatants present themselves within the context of regional activism (organizers and participants of rallies and referendum) and within the defense paradigm (protecting their own land, their right to their own life, protection of "peaceful citizens"). In their construction of their own image negative identity[14] is present—the respondents are not looking for common features but are trying to construct the group "we" through distancing from provisional others: "we are not the ones supporting radicalism," "not the ones supporting renaming," "not the ones who destroy monuments," "not the junta or fascists." As the collective "others," they primarily name the new Ukrainian government and active part of the Ukrainian society, which supports the transformation of society. The circle of those who are perceived as "others" (in a negative context) is rather wide. Among the provisional "external others" they name Maidan participants, the new Ukrainian government, residents of Western Ukraine ("who are constantly dissatisfied and concoct Maidans," meaning they ruin stability), Europe, the collective "West," the US, Crimean Tatars. "Internal others"—pseudo-combatants (those who wear military uniform but have never been to the battlefield while bragging of their non-existent exploits); passive residents of the quasi-states of DPR-LPR who did not do anything during all this time and were just waiting for the situation to take a certain turn; "returnees" (meaning IDPs who left Donbas during the intense phase of military action and have now come back). The same distant perception through the "they" category (but in positive or neutral context of help or necessary action) is demonstrated toward Russia (Russian Federation), Putin, and the Russian army/ Russian military men.[15] So, in general we may say that pro-Russian combatants operating on the territory of quasi-state formations of DPR and LPR are closed off, isolated, concentrated on their own activities within the regional group, even though they do not rule out the possibility of participating in a military campaign outside Donbas as part of "brotherly help". Potential groups for positive solidarization are practically not mentioned.

Ukrainian Volunteers

Participants of pro-Ukrainian voluntary military formations and volunteers in the Ukrainian army identify themselves first of all with military men and volun-

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14   Lev Gudkov, *Negatyvnaia identychnost'* (Moscow: *Novoe literaturnoie obozreniie*, 2004), 282.

15   Oksana Micheeva (Mikheieva), "Selbstbild im Wandel Die 'Volksrepubliken' Donec'k und Luhans'-kund ihre Kampfer," *Osteuropa* 66, no. 6–7 (2016): 185–203.

teers; with people of Ukraine as the object of aggression; with those who share Maidan values; with Ukrainian society in context of failures and blame for the war ("…if we do not solve the problem of building the new government, we will have no prospects as a country and no prospects as a nation") and also within the context of holding peaceful talks ("… we signed a truce"). They speak of the state as a political institution and its key representatives, including top military men, in "they" categories ("… they are all interested in the war continuing," "…the generals studied back in Soviet times; they probably had closer ties to Russia"). The same "they" categories are used for the Russian Federation and Putin as subjects of aggression as well as "separatists," who according to the definition of respondents these are representatives of territories not controlled by Ukraine who are actively involved in the military conflict.

Unlike the previous group, pro-Ukrainian combatants do not feel isolated, they act both on behalf of the military and also associate themselves with the people of Ukraine, which is seen as a space for realization of their own activities, as a space for potential prospects. Leaving representatives of the Ukrainian government and generals outside their circle testifies to tensions between regular defenders and the power vertical.

Main Social and Demographic Parameters

A review of the main social and demographic parameters of the two groups under study together with their specification and explanations by the respondents helps us single out several important aspects which make for a serious difference between the two groups.

a. Pro-Russian Combatants

Limited social mobility and lack of social prospects are some of the reasons that pushed people to active action. Lack of professional fulfilment, frequent change of workplace, no career advancement, work not according to profession, and temporary unofficial employment are in general characteristic experiences for the group under study. At the same time, we speak mostly of the age of "young specialist" when a person should have maximum professional fulfilment in their life. Under such circumstances, it is quite possible that the war was, among other things, a way to stop an unwanted and uncomfortable reality focused on survival strategies when a person loses a sense of time duration and lives only in the present without the feeling of the past or the future. We are in fact speaking of people who are dissatisfied due to lack of professional fulfilment. A group like this could, and has, become the resource for organizing internal conflict in Ukraine.

The second important aspect is the ability to see and record the process of recoding identities within the group, which through the specific content of the "Slavic character" construct is trying to tear them away from Ukraine for good (and respectively negate the claims for the return of occupied territories) and legitimize their current being in the provisional Russian context, which they are not part of politically. Construction of one's own identity by this group in a rather isolated format, including isolation from the local population of the occupied territories, who are "being protected" and who were supposed to be "ours," shows that the group of pro-Russian combatants is adapting not so much to the standardized scheme of cultural patterns of the residents of quasi-state formations of DPR-LPR but rather to the scheme of political request which corresponds to the reality constructed on the occupied territories.

b. Pro-Ukrainian Combatants

Pro-Ukrainian combatants demonstrate successful educational and professional strategies, availability of military and combat experience (from service in Soviet and Ukrainian armies, internal troops, law enforcement bodies, etc.). They consider their "Ukrainian character" obvious and apparent and as such it does not require additional explanations or specification. Representatives of this group link their national identity to the state and its borders, which formulates thinking within a defense paradigm of a clearly determined state territory as well as perception of their voluntary participation in military action as a duty before Ukrainian society in times of war, with most of them planning to return to peaceful life after the war is over. Members of this group identify themselves with the whole Ukrainian society, including on the level of language practices in the "ours" circle. Yet, a certain distance is observed between active members of the society (combatants, volunteers, etc.) and the power hierarchy, which is one of the dangerous symptoms of crisis in government of Ukraine.

Beginning of Confrontation: Revision of an Everyday Picture

Here are the main scenarios of the 2013–2014 events in Ukraine, which are constructed by the participants:

a. Pro-Russian Combatants

The picture of events in the mind of respondents is not homogenous; it contains contradictory and at times mutually exclusive scenarios. The situation in Donbas is viewed in the context of a geopolitical scenario in which the provisional collective

West is perceived unambiguously as negative and Russia is presented as a country which fights the West and at the same time shares Ukraine together with it.

The next level of knowledge about the situation is its description as an internal problem of Ukraine. The respondents tend to classify their actions as a reaction to pressure or expressed aggression on the part of Ukrainian government. At the same time, their own actions are presented as a fight for freedom and justice characterized as a "people's rebellion."

Internal lack of coordination of the "reactive" scenario and the image of "active fighter for freedom" is overcome at the expense of chronological shifts which help replace cause with effect. All the levels of events are tied into an internally organized and logical system (from the point of view of the respondent) by means of constructing the model of "victim of circumstances," which operates inside the paradigm. In such a way, their own activity is justified and the vector of responsibility for the tragic events is shifted to other groups represented on different levels—from regional to world.

The general characteristics of narratives with regard to assessment of the events is their long-windedness, chaotic character, confusion, abundance of details, examples, interruptions, use of arguments to support their own view of historical events, attempts at proving the correctness of their statements, and fairness of assessments in invisible dialogue (as provisional opponents they normally use representatives of the collective West—the US and Europe as well as Western Ukraine—residents of Western Ukraine, or "*banderivtsi*"). In the dialogue with the provisional "others," they use hate speech which is manifested in degrading and offensive attributes.

Similar moments in general testify to significant logical disruptions in the picture of the world constructed by the respondents, uncertainty in the plausibility of their own arguments, ambiguity that certain representatives of the group have about the new system of knowledge about everyday life. Yet, this system gives the respondents an excuse for their own actions and allows assigning guilt to other groups.

b. Pro-Ukrainian Combatants

Characteristics of the situation as provided by pro-Ukrainian combatants are shorter; the respondents do not switch between different ideas. They are not trying to dispute with "invisible opponents," picking out arguments to support their opinion. This shows that the group has a common, and to a large extent, obvious and unanimous interpretation of the situation.

The key focus in this group's picture of events is Russian aggression. Interpretation of the role of regular people (including those who were active partic-

ipants of pro-Russian rallies and joined the military conflict) contains justifying motives and presents them rather as victims of Russian propaganda and specific local policy, which resulted in their poverty, humiliation of their human dignity, and stipulated their choice to oppose Ukraine. Acknowledgment is made of the insufficient effort of all Ukrainian governments since independence for the formation of unity in the society and promotion of common values for all.

Hate speech is expressed to a significantly lower extent (it is found in the tactics of dehumanization of the enemy amid getting used to war conditions—"these are thugs, scum...," "they gathered druggies," etc.). Their own military activities are seen as serving their duty to the country and society and do not exceed the limits of the protection (defense) paradigm.

Contrasting the two typified group systems of knowledge about everyday reality does not answer a slightly ironic but completely academic question: who is fighting the war if both sides are just defending themselves? In a theoretical sense, it means the correctness of positions that claim people's knowledge of everyday life is fragmented, only partly organized, coordinated according to a certain plan, changes along with the situation, and does not require genuineness and internal coordination. Yet, for the community it is important that its members consider the knowledge genuine and complete, which ensures construction of a common cultural example of group life, the functioning of which is supported at the expense of familiarity and transparency of actions and motives of the other group members. In this case, we may observe the encapsulation of groups which found themselves on the opposite sides of the barricades.

Direct contacts between them are disabled, which to a great extent narrows the possibilities for interpretation of the social world of "others," and are replaced by hate speech and dehumanization practices, making the rift even deeper.

Typification of Motives within the Cultural Pattern of the Group

Motives for joining military formations are never unidimensional, they are a mixture of rational and irrational components and are based on the individual experiences of a person and their understanding of the existing context. In both groups under study, we see identical trends in reconstruction of one's own motivation and the motivation of "others-ours" and "others-alien."

Regular conflict participants tend to speak of their own motivation in an idealistic and irrational dimension with emphasis being made on state/local/regional patriotism, social duty and responsibility, emotional reaction to events, conflict of values, and so forth.

On "others-ours" motivation (i.e., motivation of their own group) they speak in a rational manner proving certain financial motives for enrichment and getting social and material benefits.

"Others-aliens" (representatives of the opposite group) are presented in a rational and pragmatic tone with predominantly negative connotations. Assessment of the motivations in the latter group contains two major scenarios: "blaming" (to the point of recognizing sadistic inclinations in their opponents and the desire to kill) and "condoning" (blinded by propaganda, forced to fight because of inability to find another job, etc.). The way a person describes motivation for participation in armed conflict of the representatives of their group gives away certain layers of their own motivation.

Conclusion

Correspondingly, when working with motivations of the representatives of conflicting sides, we should factor in the presence of multi-layered motivation in which it is hard to single out irrational and rational motives.

It means that the construct of re-targeting of motives from war to peace should contain something that would give a person the feeling of benefit from stopping the military action both in terms of moral compensation (compensation for the desire to have respect for their dignity, fulfilled duty before the family and society, "small fatherland," etc.) and rationality (prospects of successful employment in peaceful time; fulfillment in entrepreneurship; compensatory mechanisms of physical losses and health problems, etc.).

Important for conflict transformation is work with practices of dehumanizing the enemy, which emerge as a way of reconciling a person with the thought of murder. Enemy dehumanization mechanisms, speaking of the enemy using hate speech, the memory of personal and collective losses record the conflict and block potential peace initiatives. Accordingly, regardless of the turn the events may take, there will definitely be quite a lot of highly motivated people who will be left dissatisfied, who will need to re-target and compensate their energy according to the structure of motives both in moral dimension (practical and social compensation for serving military duty) and in rational dimension (benefits, reimbursements, financial support for health restoration, etc.).

Limited Statehood, Collective Action, and Reconfiguration of Citizenship in Wartime

Volunteer Engagement Amidst the Donbas War

NATALIIA STEPANIUK

Introduction

The Donbas war in Ukraine, officially known as the Anti-Terrorist Operation (ATO), has had severe consequences for people's everyday lives.[1] In an attempt to cope with the humanitarian and military costs of war, multiple volunteer initiatives emerged to help those in need.[2] Many individuals have abandoned their

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[1] The conflicting narratives on how to define the military action in the Donbas region persist in Ukraine. Since the spring of 2014, the government defined the military operation in the Donbas region as an "Anti-Terrorist Operation" (ATO), with various labels, such as "separatists" and "terrorists," used for the opposing side. According to the 2015 Razumkov poll, 32% of Ukrainians regard the war in Donbas as a separatist rebellion conducted with Russia's assistance; 28% think that it is a war between Russia and Ukraine; 16% believe that this is a civil war; 8% consider it a war between Russia and the US; and 7% are convinced that this is a fight for LNR and DNR independence: "Pochti tret ukraintsev schitaiut, chto na vostoke strany proiskhodit voina mezhdu Ukrainoi i Rossiei," *Interfax-Ukraine*, December 1, 2015, https://interfax.com.ua/news/political/308022.html. Many academics and Western commentators referred to it as "the Ukraine Crisis": John J. Mearsheimer, "Why the Ukraine Crisis is the West's Fault. The Liberal Delusions that Provoked Putin," *Foreign Affairs* 93, no. 5 (September/October 2014): 77–89; "Ukraine crisis: Timeline," *BBC News*, November 13, 2014, http://www.bbc.com/news/world-middle-east-26248275; "Ukraine crisis: Kiev defines Russia as 'aggressor' state," *BBC News*, January 19, 2018, http://www.bbc.com/news/world-europe-42741778. Some called it a "civil war," emphasizing the presence of Ukrainian citizens on both sides of the conflict and the significance of Ukraine's domestic cleavages to the war in Donbas: Dominique Arel and Jesse Driscoll, "Ukraine's Civil War," Paper presented at the APSA Annual Convention, 2015; Serhiy Kudelia, "The Donbas Rift," *Russian Politics & Law* 54, no. 1 (2016): 5–27.

[2] In the months following the outbreak of war, Ukraine experienced a boom in volunteering and charitable activities. The quantitative aspects of volunteering are difficult to estimate because of its grassroots nature. According to the UN estimates, there were 750 volunteer groups in Ukraine helping the army and IDPs with 75,000 people engaged in volunteer work: Varvara Tkacheva and Artur Gor, "Volonterskoe dvizhenie Ukrainy v tsyfrakh i faktakh (infografika)," *Segodnia*, December 11, 2014, https://www.segodnya.ua/ukraine/volonterskoe-dvizhenie-ukrainy-v-cifrah-i-faktah-infografika-576300.html. The GfK survey suggests that 2.5 percent of the Ukrainian population engaged in volunteer work to assist the army and the injured, approximately 105,000 individuals: "Blahodiisnistiu zaimaiutsia 70% ukraintsiv—dozlidzhennia Corestone Group i GfK Ukraine na zamovlennia Fondu rodyny Za-

ordinary lives to assist war-affected populations in living through the challenges of war and help them cope with war-induced psychological and physical injury. Particularly, volunteer networks mushroomed across Ukraine to support soldiers and their families, help them get through traumatic experiences and advocate for their rights. Civilian assistance to the military took root and shape in the atmosphere of profound disorientation, with the Ukrainian state experiencing a critical shortage of resources to sustain its army.

This chapter seeks to document the ways limited statehood was experienced by combatants in their encounters with national and local bureaucracies and the ways civilians addressed the state's limited capacity to care for men in the military and enact their rights and entitlements in practice. In doing so, it reflects on the implications of assistance provision from below, where combatants' access to goods, services and rights is enacted by civilians in lieu of the state. The article posits that volunteer engagement acted as a collectivizing enterprise that de-individualized the costs of war, including the material, administrative, and social burdens that befell combatants, ensuring welfare provisions from the ground up. Stressing the affective nature of civilian engagement, this chapter contends that volunteers expanded the space of belonging for combatants in a way that positioned them as valued members of a larger community and redefined the realities of military service for them.

My analysis adopts an ethnographic approach to studying civilian engagement at the rear and relies on ninety-five interviews with civilian volunteers, as well as participant observation of their work. The sampling of voluntary networks was stratified to reflect the diversity of tasks undertaken by volunteers. The timing of the interviews (spring–summer 2015) enabled me to study volunteer practices and visit volunteer sites in the midst of war mobilization. This data allows me to observe the types of interactions between civilians and combatants, and to determine their meaning to my respondents. In addition, it gave me an opportunity to ask questions about the realities on the ground at the outset of war, the main preoccupations of volunteers at the time, and their changing understandings of the roles and responsibilities attributed to state officials and volunteers. Data collection was conducted at three sites—Odesa, Kharkiv, and Dnipropetrovsk—cities that hosted a high number of volunteer initiatives due to their proximity to the war zone.[3]

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goriy," *Zagoriy Family Foundation*, February 23, 2018, https://zagoriy.foundation/news/33-sotsiolo-hichne-doslidzhennia-blahodiinist-ta-volonterstvo-2017. Volunteer assistance drew on larger societal support with many more people donating to the military.

3   In May 2016 the city of Dnipropetrovsk was renamed Dnipro by the Ukrainian Parliament resolution as part of the decommunization campaign. In this paper, I refer to it as Dnipropetrovsk, since it was the official name at the time of my fieldwork.

This chapter begins with a theoretical discussion of limited statehood and collective action in wartime, outlining the conceptual lens through which I analyze volunteer engagement in Ukraine. It proceeds with an overview of Ukraine's limited statehood, focusing on its faltering military capacity before the Donbas War and at its outset. Drawing on ethnographic insights, the paper documents the experiences of limited statehood among combatants showing what the state's incapacity to sustain its military meant in reality. The second part focuses on the types of volunteer networks that emerged in spaces of limited statehood to provide for combatants in the warzone and outside of it. It shows that civilian assistance was not limited to material support but aimed at ensuring the substantive citizenship of those in the military. The article concludes with a discussion of the broader implications of volunteer engagement and welfare provisions from below, using the concept of substantive citizenship.

Limited Statehood and Collective Action in Wartime

Scholarship on self-organization and collective action amidst war points out that ordinary residents often mobilize to address the immense humanitarian, material, and infrastructural costs of war in cases where the state cannot cope with them. As war causes massive destruction, injury, and dispossession, it strains the ability of states to govern people's daily lives, provide a sense of normalcy, and regulate state-citizen relations. Wars unmake fragile state structures and lead to institutional dismantling.[4] Some scholars talk about the "ungridding" of the state amidst war to emphasize the ways state practices and institutions dissolve amidst war, leaving citizens on their own to replicate daily routines and ensure the contingency of essential public services.[5] Scholars have documented a multitude of ways through which state functioning is inhibited or obliterated in wartime, including a loss of control over a country's territorial space or temporal strain over enforcing decisions. States can also face social constraints, finding it difficult to provide for particular groups of the population (i.e., internally displaced persons) or have limited capacity in a specific policy area, such as welfare provision or national security.[6]

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4   Anna Leander, "Wars and the Un-Making of States: Taking Tilly Seriously in the Contemporary World," in *Contemporary Security Analysis and Copenhagen Peace Research*, ed. Stefano Guzzini and Dietrich Jung (London: Routledge, 2004), 85–96.

5   See Stef Jansen, "Hope For/Against the State: Gridding in a Besieged Sarajevo Suburb," *Ethnos* 79, no. 2 (2014): 238–60.

6   Thomas Risse, "Governance Configurations in Areas of Limited Statehood: Actors, Modes, Institutions, and Resources," *SFB-Governance Working Paper Series*, no. 32 (2012), https://refubium.fu-berlin.de/handle/fub188 /18252.

The accounts of state challenges in addressing the demands of war suggest the need to differentiate between normative obligations of the state to govern, implement decisions, and provide welfare on the one hand, and deal with war-induced realities on the other. The scholarship on limited statehood provides conceptual tools for this type of analysis, making important distinctions between "ideal statehood" (what the state is supposed to do) and "limited statehood" (what the state is actually capable of achieving) in terms of service provision and citizens' rights protection. This strand of scholarship helps to contextualize the war-induced realities within which non-state actors operate and offers a pathway into studying non-state interventions that emerge autonomously from, parallel to, or in lieu of the state.

Scholarship on limited statehood developed in response to the traditional understanding of the state as an entity responsible for the provision of security/protection and the supply of public/collective goods. Traditional accounts posit that the state can deliver on these functions if it possesses a differentiated set of institutions and a monopoly on authoritative and binding rule-making.[7] Those states unable to secure a monopoly on rule-making or incapable of supplying and administering basic services and goods, such as welfare, education, or healthcare, are labeled "fragile," "failing," or "failed." Recently, scholars have problematized the artificial dichotomy between "failing" states and those "functioning properly," showing that it does not adequately reflect the reality on the ground.[8] They argue that normative assumptions about the state rely on the experiences of developed countries, obscuring those of the rest of the world. In reality, most states face material, institutional, political, and other types of constraints that restrict their ability to make and implement decisions, deliver services, and exert control. Scholars argue that labelling these states as "failed" is not productive, as it masks the variety of ways states struggle to fulfil their functions and renders invisible the diversity of alternative modes of governance that emerge in these spaces.

To address this conceptual deficiency, some scholars suggest differentiating between state and statehood.[9] They define the state as a hierarchical structure

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7   Michael Mann, "The Autonomous Power of the State: Its Origins, Mechanisms and Results," in *The State: Critical Concepts*, Vol. 1, ed. John A. Hall (London: Taylor & Francis, 1994), 331–53; Clare Lockhart and Ashraf Ghani, *Fixing Failed States: A Framework for Rebuilding a Fractured World* (Oxford: Oxford University Press, 2008).

8   Risse, "Governance Configurations in Areas of Limited Statehood," *SFB-Governance Working Paper Series*, no. 32 (2012): 3–4; Thomas Risse and Ursula Lehmkuhl, "Governance in Areas of Limited Statehood," in *The Oxford Handbook of Governance*, ed. David Levi-Faur (Oxford: Oxford University Press, 2012), 699–715; Thomas Risse, "Governance Under Limited Sovereignty," in *Back to Basics: State Power in a Contemporary World*, ed. Martha Finnemore and Judith Goldstein (Oxford: Oxford University Press, 2013), 78–104.

9   Tanja A. Börzel, Jana Hönke and Christian R. Thauer, "Does It Really Take the State?" *Business and Politics* 14, no. 3 (2012): 1–34; Risse, "Governance Configurations in Areas of Limited Statehood."

with fixed boundaries and political authority to make decisions. The state institutionalizes the relationships between state and non-state actors within the territory over which it assumes authority. They understand statehood as a property which defines the ability of the state to make and enforce decisions—to govern. Limited ability to govern does not occur exclusively because of war, but in fact represents the global default, with states struggling to fulfil their core functions to a varying degree.[10] The usefulness of this type of distinction for the present analysis lies in its ability to dissect the areas of limited statehood that emerge because of war and open up for non-state engagement.

Ferguson and Gupta make an important contribution to the conceptualization of statehood, pointing out that states are not simply functional bureaucratic entities.[11] They are also "imagined." The imagery of the state rests on two principles that are key to the state's functioning: the principle of verticality through which the state is imagined as being "above" society and the principle of encompassment, through which the state is understood as encompassing and reaching through society. Ferguson and Gupta state: "These two metaphors work together to produce a taken-for-granted spatial and scalar image of a state that both sits above and contains its localities, regions and communities."[12] Encounters with state institutions and bureaucrats shape the ways people experience statehood and imagine state capacities. Based on these perceptions, non-state actors develop an understanding of their realities and calibrate their actions in response.[13] These insights are valuable for studying collective action in wartime because they point to the need to examine the understandings on the ground about the state's capacity to cope with the unfolding war in Ukraine and how these understandings undergirded civilian actions.

Scholarship on limited statehood also posits that in areas where states are unable to fully govern, they do not descend into chaos. Instead, non-state actors intervene to provide public goods and security in lieu of the state acting as its "functional equivalents."[14] Ample empirical evidence documents alternative and creative modes of governance that emerge in the areas of limited statehood under war with various collective modes of regulating social matters, imple-

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10   Thomas Risse and Eric Stollenwerk, "Limited Statehood Does Not Equal Civil War," *Dædalus* 147, no. 1 (2018): 104–15.

11   James Ferguson and Akhil Gupta, "Spatializing States: Toward an Ethnography of Neoliberal Governmentality," *American Ethnologist* 29, no. 4 (2002): 982–83.

12   Ferguson and Gupta, "Spatializing States," 982.

13   Gregory Asmolov, "Natural Disasters and Alternative Modes of Governance: The Role of Social Networks and Crowdsourcing Platforms in Russia," in *Bits and Atoms: Information and Communication Technology in Areas of Limited Statehood*, ed. Steven Livingston (Oxford: Oxford University Press, 2014), 102.

14   Risse, "Governance Under Limited Sovereignty"; Börzel et al., "Does It Really Take the State?"

menting binding rules and providing goods in areas where states struggle to govern.[15] These interventions have a strong territorial component and are tied to the logic of the warfare and the dynamics of violence.[16] The study of civilian action at the rear, therefore, should be situated within a geographic and social context of warfare for a more rigorous analysis of its dynamics.

This study contributes to the scholarship on limited statehood and collective action amidst war in two ways. By looking at the emergence and functioning of civilian volunteer networks in the frontline regions of Ukraine, it empirically captures the disjuncture between obligations of the state to provide for combatants and its limited capacity to do so. It also posits that the role of non-state actors in service provision cannot be fully comprehended within the "functional equivalents" paradigm. When ordinary citizens provide sustained assistance to those affected by war, their actions have implications beyond emergency assistance provision and serve to ensure substantive citizenship of those impacted by war. In the case of Ukraine, volunteer engagement was directed towards the enactment of the legal rights of combatants, in practice, with improved accessibility to welfare services for them. The affective nature of this engagement served to increase the space of belonging for combatants and reasserted their worthiness in the environment where the state failed to do so.

"The Army with No Bullets": Ukraine's Limited Military Capacity at the Outset of the Donbas War

At the outset of the Donbas War, Ukrainian military capacity can be described as severely limited. After the collapse of the Soviet Union, Ukraine inherited a large share of Soviet military capacity with over 750,000 soldiers stationed on the territory of Ukraine in 1991.[17] Ukraine's politicians faced an immense task of transforming existing capabilities and resources into an independent army. Scholars document significant challenges that complicated the process of

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15 See Ken Menkhaus, "Governance Without Government in Somalia: Spoilers, State Building, and the Politics of Coping," *International Security* 31, no. 3 (2007): 74–106; Jan Koehler, "Social Order Within and Beyond the Shadows of Hierarchy: Governance Patterns in Afghanistan," *SFB-Governance Working Paper Series*, no. 33 (June 2012), http://www.sfb-governance.de/en/publikationen/sfb-700-working_papers/wp33/index.html; Risse, "Governance Configurations in Areas of Limited Statehood"; Risse and Lehmkuhl, "Governance in Areas of Limited Statehood"; Anne Mariel Zimmermann, "State as Chimera: Aid, Parallel Institutions, and State Power," *Comparative Politics* 45, no. 3 (2013): 335–56; Dina Vaiou and Ares Kalandides, "Practices of Solidarity in Athens: Reconfigurations of Public Space and Urban Citizenship," *Citizenship Studies* 21, no. 4 (2017): 440–54.

16 Sven Chojnacki and Zeljko Branovic, "New Modes of Security," in *Governance Without a State? Policies and Politics in Areas of Limited Statehood*, ed. Thomas Risse (New York: Columbia University Press, 2011), 89–114.

17 John Jaworsky, "Ukraine's Armed Forces and Military Policy," *Harvard Ukrainian Studies* 20 (1996): 223.

restructuring and downsizing the army.[18] First and foremost, the financial costs associated with reforms and the reduction of the Soviet military were immense and the military received only one-fifth of the requested funds. This shortfall complicated Ukraine's ability to carry out planned reforms. Second, the funds available for the military were used inefficiently due to corruption and a lack of experience with budgetary matters. This considerably hampered budget planning and reduced the army's functionality. After the Orange Revolution, as the Ukrainian government actively sought Euro-Atlantic integration, a commitment to military reforms was renewed.[19] This included embracing the US emulated paradigm army which was supposed to imitate the US military and create "agile, mobile, high tech, flexible, deployable and interoperable professional forces" in Ukraine.[20] Yet, these efforts were likewise inhibited by a lack of funding and the unstable political environment.

Dramatic shortages in funding of the Ukrainian Army have had a profoundly negative effect on its personnel. As Jaworsky notes, conditions of service for officers and troops have deteriorated significantly since Ukraine's independence.[21] Few funds were allocated to training and professional exercises, with the combat readiness of the army dropping critically. Salaries of military personnel were low, with officers "earning as much as a bus driver," and delays in wage payments made it difficult for military personnel to survive.[22] Most conscripts and officers ended up living in poor, sometimes atrocious, conditions. Military service became an unattractive option, with draft evasion increasingly common.[23] Many officers were forced to engage in activities outside the military to supplement their income. The destitution of low-ranking military personnel went hand in hand with corrupt practices in the higher military echelons, causing rifts within the military ranks.[24] Combined, these factors have profoundly undermined the prestige of the army, resulting in high levels of demoralization,[25] high suicide rates,[26] and a general

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18 Jaworsky, "Ukraine's Armed Forces," 227.
19 Deborah Sanders, "Ukraine's Military Reform: Building a Paradigm Army," *Journal of Slavic Military Studies* 21, no. 4 (2008): 599–614.
20 Sanders, "Ukraine's Military Reform," 601.
21 Jaworsky, "Ukraine's Armed Forces."
22 Anatoliy S. Grytsenko, "Ukrainian Army: A Starting Point for the Next Wave of Reforms" (Köln: Bundesinstitut für ostwissenschaftliche und internationale studien, 1998), 15, https://www.ssoar.info/ssoar /handle/document/4360.
23 Jaworsky, "Ukraine's Armed Forces," 230.
24 Walter Parchomenko, "Prospects for Genuine Reform in Ukraine's Security Forces," *Armed Forces & Society* 28, no. 2 (2002): 279–308.
25 Jaworsky, "Ukraine's Armed Forces," 234.
26 Vsevolod A. Rozanov, Alexander N. Mokhovikov, and Richard Stiliha, "Successful Model of Suicide Prevention in the Ukraine Military Environment," *Crisis: The Journal of Crisis Intervention and Suicide Prevention* 23, no. 4 (2002): 171–77.

atmosphere of decline.[27] While some improvements and reforms were made, the overall state of Ukrainian military forces remained poor and operational effectiveness was low.[28] In 2014, the Ukrainian Army was impoverished, ill-equipped, and reduced in size to 157,456 military personnel, including 119,166 soldiers.[29]

The political and military upheavals that followed the Maidan protests presented additional challenges to Ukraine's military apparatus. Russia's annexation of Crimea in March 2014 resulted in massive defections of military personnel in the peninsula. According to the Acting President of Ukraine Oleksandr Turchynov, in spring 2014 only 3,900 Ukrainian army troops remained loyal to the Ukrainian state out of 13,000 stationed in Crimea.[30] The situation with the internal security forces (SBU) was even more catastrophic—99% of the personnel switched loyalties to Russia, incapacitating Ukrainian state institutions in Crimea. The outbreak of violence in Donbas further constrained Ukrainian state capacity regionally with the government losing access and control over parts of the region.[31] The instability also engulfed Eastern and Southern Ukraine. Narratives of "re-establishing Novorossiia," a historical-geopolitical region that covered Eastern and Southern Ukraine during the Russian empire in the nineteenth century, greatly contributed to regional insecurities. Attempts to create a "Kharkiv Republic" and an "Odesa Republic" echoed those in Donbas and contributed to the heightened anxieties in the regions. Concerns were amplified by perceptions of the ambivalence and betrayal of local police forces as some overtly sided with the separatists. Pro-Russian sentiments with marches in Odesa and Kharkiv further destabilized the situation.

Critically lacking resources and desperately attempting to contain spreading violence, the Ukrainian government announced the beginning of the "anti-ter-

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27 After the collapse of the Soviet Union, Ukraine had one of highest suicide rates in the world. The average level in 1998 was 29.6 per 100,000 population. The suicide rate in the army followed the societal trend: Rozanov et al., "Successful Model of Suicide Prevention," 171.

28 Sanders, "Ukraine's Military Reform."

29 "Chyselnist Zbroinykh Syl Ukrainy u 1993–2015 rr.," *Ukrainian Military Pages*, March 6, 2015, https://www.ukrmilitary.com/2015/03/1993-2015.html.

30 "Turchynov rozpoviv, skilky sylovykiv zradyly Ukrainu v Krymu," *Segodnya UA*, January 28, 2017, https://ukr.segodnya.ua/regions/krym/turchinov-rasskazal-skolko-silovikov-predali-ukrainu-v-krymu-792674.html.

31 Military challenges were accompanied by economic decline that put an additional strain on Ukraine's capacity to engage militarily. The war aggravated the overall economic deterioration in the country with Ukraine losing 20 percent of its GDP due to Russia's annexation of Crimea and the uprising in Donbas within the first year of war: Adrian Croft, "Ukrainian PM Appeals to EU for Immediate Financial Aid," *Reuters*, December 15, 2014, https://reut.rs/2JTqak6. Real income dropped by one quarter while the prices for basic commodities increased by 40 percent: "Report on Human Rights Situation in Ukraine. 16 May to 15 August 2015," *Office of the United Nations High Commissioner for Human Rights*, August 15, 2015, https://www.ohchr.org/Documents/Countries/UA /11thO-HCHRreportUkraine.pdf.

rorist" operation (ATO) in April 2014 to contest the separatist forces in Donbas. Militarily, only two tactical battalions (about 5,000 troops) were combat ready to engage in warfare when the Donbas hostilities escalated.[32] To assist in military operations, over thirty voluntary battalions were formed. These formations were diverse in scope and size, with numbers ranging from several dozen to several hundred people per unit.[33] Initially self-supported and self-equipped, most of them were integrated into the Interior and Defense Ministries within the first year of war. The National Guard was also reestablished, and a mandatory military draft was resumed in November 2014 to increase Ukraine's military capacity.

This large-scale military mobilization was happening in an environment of disorientation, anxiety, and, on a more practical note, a profound shortage of resources. As many soldiers and voluntary fighters were called to join the ranks of the military and defend the state in peril, many of my respondents commented on the poor military preparedness of new conscripts in the months following the beginning of war. After numerous visits to military training fields, one of them, a former soldier, observed:

> Initially, the army was comprised of hairdressers, musicians, gardeners, painters, construction workers, and so on. Many of them had no clue about the army and how to approach a gun. Many of the conscripted had no basic military knowledge and training. We were far away from having a professional army in 2014. It was an army of complete amateurs![34]

Along with poor military readiness, the Ukrainian army lacked basic equipment. According to the Ministry of Defense, only 4 percent of the Ukrainian military had life-saving items, like helmets and bulletproof jackets, in April 2014.[35] At the beginning of combat, the majority of soldiers and volunteers were deployed without uniforms or basic ammunition. My respondents reported that soldiers had to share life vests in situations of intensified shelling and often found themselves in drastic need of basic supplies.[36] Food provision was poor and insufficient. Many regiments had little access to potable water with soldiers reportedly having to drink "water from the puddles" or of very poor quality

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32 Rosaria Puglisi, "A People's Army: Civil Society as a Security Actor in Post-Maidan Ukraine," *IAI Working Papers*, no. 15/23 (July 2015), https://www.iai.it/en/pubblicazioni/peoples-army.

33 Puglisi, "A People's Army".

34 Interview with Anonymous, July 25, 2015, Odesa. All interviews were conducted by the author.

35 Puglisi, "A People's Army."

36 Field Notes, Kharkiv, June 12, 2015.

"with rust."[37] These and other nutrition deficiencies harmed the health of combatants and created arduous conditions for military service. In discussing their volunteer engagement, my respondents repeatedly provide accounts of dire needs on the frontlines that compelled them to action:

> Everything was lacking! Even very basic things, not talking about something more sophisticated. The army didn't even have bullets! I remember one soldier got 5 bullets as his birthday gift from his commander. Do you understand what 5 bullets is? During one training, 6 soldiers use a thousand bullets. What is 5 bullets? It's nothing. It's enough to commit suicide, I guess. So, we started thinking of ways to help, identify most urgent needs.[38]

> At first, we were delivering everything possible to the front. Water, clothing and shoes, because our soldiers were poorly dressed. I used to purchase food by myself—pasta, oil, butter, grains, flour, potatoes and so on. Then I would load up my small car to the brim, go to the front, cook and come back home. Soldiers were hungry there and everything was missing. It was a challenge to find something to cook in. I'd go to the closest store and find a bucket. Then we'd set up a fire for cooking, collect woods, and assemble bricks. Guys were so hungry that they would eat pasta without oil.[39]

> Boys [soldiers and volunteer fighters] were sleeping on the ground in early spring, in their clothes. They didn't even have sleeping bags, not to mention tents. That tells you something about the conditions our army found itself at the outbreak of war. Soldiers became hostage of the extremely ineffective bureaucracy and had to obey its orders. And they were ordered to go, fight, and sleep in the snow with nothing provided. Military personnel were in stark need of support at that time, much more than any other category of people.[40]

In short, the situation in the army was dire. Most expenses incurred on the front were covered by relatives, friends, and acquaintances of those in the military. Special troops, such as intelligence services, snipers, and narrow specialists faced additional challenges as they needed expensive technology, equipment, and gear to engage in military operations. Volunteer fighters, comprising one in

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37 Field Notes, Odesa, July 8, 2015.
38 Interview with Anonymous, Dnipropetrovsk, August 8, 2015.
39 Interview with Anonymous, Odesa, July 12, 2015.
40 Interview with Anonymous, Kharkiv, June 22, 2015.

eight servicemen at the outset of war, were in the most precarious position.[41] This is because they did not receive even minimal assistance from the state. During spring–summer of 2014, most of them had to rely on familial or private networks or personal resources for such necessities as helmets or vests.[42] Those lacking financial means or connections arrived at the front dressed as civilians, wearing flip-flops and sports shoes instead of combat uniforms.[43]

Even when the Ministry of Defense provided certain items, the quality and quantity were often unacceptable. Soldiers complained that they were given uniforms made of flammable fabric that easily caught fire and two pairs of socks for the whole period of service.[44] Numerous issues were reported by my respondents, but two examples should suffice to illustrate the deficiency of provision regulations. A soldier, for instance, was entitled to 1.5 liters of potable water per day. This included water consumption, personal hygiene, laundry, and other types of usage.[45] But as many remarked, this was not sufficient and additional chains of supply had to be established to meet the actual needs of the combatants, not nominal ones. Another provision stipulated that a soldier was entitled to only one uniform per year. One of my respondents expressed his bewilderment:

> What is the soldier supposed to do if the uniform gets destroyed in two weeks instead of lasting for a year? If a soldier in a combat-ready situation has to climb up the tank, he lifts his leg and his pants dissolve. You can't be a good soldier if you have no pants. There are so many things like that in our army—we can talk forever about it.[46]

Provision regulations, as these accounts demonstrate, frequently did not reflect the true needs of the army. The inadequacy of existing regulations touched on various aspects of military life and demanded additional provision chains to be formed and maintained.

Bureaucratic inadequacies were cited as another constraint on the functioning of the army. A shortage of parts, for one, meant military machinists were

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41 Natalia Zinets, "Ukraine Struggles to Recruit Soldiers for War in East," *Reuters*, February 4, 2016, http://reut.rs/23L1Fdw.

42 Some volunteer battalions received support from Ukrainian oligarchs. For example, Dnipro 1—Special Tasks Patrol Police Regiment was formed voluntarily in April 2014 with the alleged financial support of Ukrainian oligarch Ihor Kolomoiskii. Reportedly, other Ukrainian oligarchs also financially invested in aiding voluntary battalions.

43 Field Notes, Odesa, July 28, 2015.

44 Zinets, "Ukraine Struggles."

45 This provision was amended in October of 2016 with an increase to three liters of potable water per day during the summer period for ATO combatants in the field or undergoing military training or relocation. The provision for the rest of the year remained at 1.5 liters per soldier.

46 Interview with Anonymous, Odesa, July 22, 2015.

unable to repair tanks. Yet requesting new parts presupposed a lot of red tape and time, creating barriers for sound military operations. One of my respondents talked in length about his recent trip to the front to bring four tank batteries for a military regiment to illustrate the bureaucratic conundrums the military faced. As he explained, batteries were available at the military warehouse, but getting them would be a bureaucratic nightmare. Per provisions, batteries are supposed to last for five years, but after a year and half, they stopped working. "One has to conduct an investigation and identify the reason of malfunctioning," he complained. This meant that a special committee had to be created to find those responsible for the damage and oblige them to pay a fine. As my respondent concluded, no report was filed because the person found liable would have to reimburse a hefty sum of money to the regiment. The downside was that the regiment was left with no functional tanks and state institutions were not responsive enough to amend the bureaucratic procedures to address the urgent needs of war. According to my respondents, instances of this sort were pervasive on the front and further reduced an already faltering military capacity.

In other cases, the chain and standards of provision were designed properly but assumed the absence of sabotage, incompetence, and treachery in the bureaucratic and command chain. These assumptions deviated from the realities in Ukraine. A lack of institutional competence meant the heads of the procurement departments and commanders of military units were not always even aware of regulations or did not know how to submit a request to get necessary supplies. Corruption in state military institutions derailed and reduced the cost-effectiveness of army procurements. Insider deals often replaced public tenders and kickbacks were used to secure contracts. Instances of sabotage and treachery in the military with some officers at the regional and national levels displaying scant loyalty to the Ukrainian state were reported as causing serious problems and endangering combatants' lives.[47] Altogether, these issues trimmed down the availability and quality of army supplies, reducing the capacity of the Ukrainian army to engage in military combat.

With many basic items missing or not functioning properly, my respondents felt that local bureaucracies and institutions of public service provision were unable to care for those on the frontlines. My respondents experienced a Ukrainian state that was profoundly lacking resources, institutional capacity, and competence to deal with war realities within the war zone and outside. Soldiers and volunteer fighters were left on their own to face the stark reality of having to fight a war with close to nothing provided. The scope of problems alarmed my respondents and propelled them to action. As the urgency of needs was identi-

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47   Field Notes, June 10, 2015, Kharkiv.

fied as alarming and the state's ability to address them as critically low, ordinary citizens mobilized with a varying degree of commitment to cope with the pressing needs of the war. Summarizing the sentiment expressed by many, one of my respondents remarked that "People have completely undertaken the functions of the state, running ahead of it."[48]

People's Army: Civilian Assistance Provision to Combatants in and Outside the War Zone

In response to the state's lacking capacity to sustain the army, various volunteer groups emerged to address the needs of combatants. Ordinary civilians got together to fundraise, procure, and provide for those on the frontlines. A multitude of volunteer networks mushroomed in the "rear" to take care of soldiers, war veterans, and those injured on the battlefield. This section takes a closer look at these networks by examining two volunteer groups in Odesa and Dnipropetrovsk. Through these examples, it maps the areas of civilian interventions as well as the nature and modes of the assistance provided.

The volunteer network "Nebaiduzhi liudy" (Caring People) is one example of the networks that emerged in the rear to assist combatants. It is an officially registered charitable organization that emerged in Odesa sporadically in September 2014 to assist soldiers and voluntary battalion fighters. In the summer of 2015, its leadership consisted of five female entrepreneurs, devoting their time and energy to the needs of war. Each volunteer had a clearly delineated sphere of responsibilities. Two delivered collected donations and supplies to the troops, frequently travelling to the front. One volunteer dealt with the financial aspects, administering financial donations, budget planning, locating the best prices for needed supplies, and communicating with retailors. The fourth core member focused on public relations. Since fundraising is an important part of volunteer work, taking care of social media accounts, answering questions, posting information about the most urgent needs on Facebook, and writing reports about delivered assistance are key to sustaining volunteer work. The fifth member dealt with the storage of donated items, sorting, packing, and preparing parcels for delivery. Collectively, the core team attended media briefings and made organizational decisions on how to prioritize incoming requests. The network supplied myriad things to the front, including food, care packages for soldiers, military equipment, uniforms, camouflage nets, and even vehicles in the first year of war.

The network had been able to increase its efficiency and expand its assistance capacity thanks to partnerships with other volunteer networks. For example,

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48   Interview with Anonymous, Dnipropetrovsk, August 8, 2015.

female volunteers informally known as "Spider Women" got together to knit camouflage nets and sew garments for the army, aligning their work with the needs of the army through Nebaiduzhi liudy. Occasionally, volunteers from Sotnia Dalii Severyn—a cooking network formed in the summer 2014—in Odesa provided food and care packages for Nebaiduzhi liudy to be delivered to soldiers. Two fundraising locations associated with the network had been set up by supermarkets with a few volunteers designated to collect money and food donations. A building known as The Center for Patriotic Forces united several volunteer networks in Odesa, including Nebaiduzhi liudy. The network had also developed an extensive base of local sponsors who regularly donated money or provided much-needed goods free of charge or at discounted prices. The multi-layered structure of the network and its extensive grassroots outreach allowed for high responsiveness to the needs of military units under its care.

The network was able to sustain its work through the resourcefulness of its leadership and flexibility in recruiting volunteers. While core volunteers reported working on a full-time basis, others came when they could. In Spider Women, for example, women contributed hours based on their availability: employed women came after work, students helped after classes, and retired women joined based on their personal schedules. Some women volunteered on weekends. Others knitted camouflage nets or sewed garments at home and brought them to the volunteer center. There was considerable cross-cooperation among networks with volunteers sharing resources, knowledge, and contacts.

This cluster of volunteers also assisted the military to create livable conditions for soldiers and their families outside of the war zone. During my fieldwork, the volunteers of Nebaiduzhi liudy, in cooperation with another volunteer network, repaired deteriorating military buildings in Odesa. As two core volunteers explained, the buildings accommodating the families of soldiers had leaking roofs and were in poor condition. Unrepaired, the building would collapse, "leaving the families of the military on the street." The volunteers fundraised for the construction materials and mobilized a team of construction workers to provide services free of charge. This type of work has been undertaken based on the conviction that soldiers should have decent living conditions to carry out their military service properly. "They can't focus on military operations knowing that their families live in a half-ruined building with water dripping on the heads of their children," remarked one of my respondents. As state authorities were too slow to react to the needs of soldiers, volunteers took it upon themselves to arrange decent living conditions for the military.

Volunteers from this cluster had very diverse, and often immensely difficult, preoccupations. Some engaged in search missions locating and identifying the bodies of killed soldiers. Four of my respondents directly dealt with this issue,

making it their priority. They collected evidence, witness testimonies, and statements of released detainees about the soldiers who went missing. They investigated and corroborated specific details, locations, maps, and images related to the missing cases. All four respondents travelled to the conflict zone to compile evidence and inquire about specific soldiers. Volunteers conducted searches and digs to exhume bodies, sometimes in cooperation with state authorities. My respondents also informed the relatives of identified soldiers and worked to arrange the transportation of their remains to families. Constant encounters with death, body parts, and grief took an incredibly high emotional toll on my respondents and exposed the challenges of civilian engagement amidst war.

Volunteer networks assisting combatants outside the war zone were numerous too, particularly those helping with medical treatment. In the sites of my fieldwork, all hospitals with high numbers of the injured soldiers had volunteer teams associated with them. Some managed to establish cooperation with the administration of the hospitals and create "volunteer headquarters" where soldiers could come for needed assistance. A small public hospital in Dnipropetrovsk is a good example of volunteer support directed towards medical treatment of combatants. My respondent, a doctor by profession, noted that volunteering at the hospital started with the provision of very basic things—supplies of pillows, bed sheets, mattresses, blankets, etc., when the intake of injured soldiers increased. In the first months of the war, injured soldiers were often delivered to hospitals with no documents, no money, and no personal belongings at all. Volunteers, predominantly women, found everything from cell phones, to toothbrushes, razors, and medication.[49] They also helped with documentation and transportation from one hospital to another. Female volunteers mopped floors and dusted furniture. They took care of the injured and stayed on duty for night shifts, washing them, preparing sandwiches, coffee, tea, and feeding those soldiers with missing limbs. While the quality of food at the hospital was decent, my respondents remarked that there was an understanding that patients enjoyed something homemade—a sign of additional care on behalf of the community at large. Additional nutrition was provided by volunteers with homemade food donated by local residents.

It is hard to estimate the number of injured soldiers who received volunteers' assistance in this particular hospital. During the most intensive phase of fighting, the intake reportedly went up to 30–40 per day. There was a high turnover of patients with soldiers obtaining urgent treatment (surgeries) in the hospitals

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49   My data suggest that women were more active in volunteering, taking up both supportive and leadership positions. More than two-thirds (73 out of 95) of interviewed volunteers were women. Some volunteer networks—cooking battalions, camouflage knitting squads and hospital groups and groups taking care of the internally displaced—were female initiatives with men helping occasionally or contributing financially.

near the front and transferred to other regions immediately afterward. My respondent speculated that the network helped thousands of soldiers coming from across Ukraine. Most volunteers I interviewed could not provide exact estimates of the amount of assistance they had provided overall. This points to the grassroots nature of volunteering, with people bringing food, clothing, and packages to be delivered to those on the frontlines and hospital—such support is difficult to account for. Most of them, however, managed to collect considerable funds and help hundreds, at times even thousands, of individuals.

Beyond Emergency Assistance: Rights-based Interventions by Civilian Volunteers

In this section, I explore the changing nature of volunteer work, showing that many came to be concerned with the substantive citizenship of those impacted by war. Substantive citizenship refers to one's *full* membership in the community in which one lives.[50] This concept captures the difference between legal rights conferred on individuals through legislation and state policies on the one hand, and the (in)ability to access and exercise these rights on the other. One of its important implications is that it reveals that the location of citizenship goes beyond legal recognition to include the encounters of individuals with both the structures of governance and the everyday practices of community members.[51]

As this section demonstrates, rights-related interventions were propelled by affective reactions of civilian volunteers to the precarity of combatants on the frontlines and outside the warzone. While the cases the volunteers dealt with were diverse, most revolved around the recognition of legal status, the correction of unjust treatment by local bureaucrats and military personnel, and access to healthcare. These efforts were affectively charged and directed at making combatants feel they were worthy members of the community—something the state often failed to do.

In the summer of 2015, the recognition of war veteran status was a major preoccupation for volunteers. The first two waves of demobilization in Ukraine occurred in the spring and early summer of 2015, with about 40,000 soldiers dis-

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50 Evelyn Nakano Glenn, *Unequal Freedom: How Race and Gender Shaped American Citizenship and Labor* (Cambridge, MA: Harvard University Press, 2009).

51 Evelyn Nakano Glenn, "Constructing Citizenship Exclusion, Subordination, and Resistance," *American Sociological Review* 76, no. 1 (2011): 1–24; Baljit Nagra, "Unequal Citizenship: Being Muslim and Canadian in the Post 9/11 Era," (PhD diss., University of Toronto, 2011); Lynn A. Staeheli, Patricia Ehrkamp, Helga Leitner, and Caroline R. Nagel, "Dreaming the Ordinary: Daily Life and the Complex Geographies of Citizenship," *Progress in Human Geography* 36, no. 5 (2012): 628–44; Adriana Petryna and Karolina Follis, "Risks of Citizenship and Fault Lines of Survival," *Annual Review of Anthropology* 44 (2015): 401–17.

charged from military service.[52] Legally, those serving in the "anti-terrorist operation" (ATO) were to be recognized as war veterans and to receive the social entitlements conferred by this status. In reality, however, the achievement of legal recognition was rife with administrative hurdles, legal confusion, and professional negligence. For example, some volunteers reported that military commanders frequently failed to properly document the performance of active duty soldiers, or the timeframe and locations of service—information necessary to obtain the status of war veteran. Others noted the absence of unified documentation required for legal status recognition in the first months of war, with military commanders issuing proofs of service that were not accepted by the state institutions responsible for the recognition of status.

The mechanism to appeal the decisions of the committee determining status was vague and difficult to apply. Attempts to reapply for proper documentation often required demobilized soldiers to travel physically to the military unit of their service, creating additional problems, especially for those injured in the war. It was a problem because their access to healthcare and rehabilitation was contingent on the legal recognition of their status. These legal and bureaucratic inadequacies created serious delays in status recognition for the first waves of demobilized soldiers. One respondent commented, "soldiers demobilized a year ago after the Ilovaisk Battle are still struggling to get the status of war veteran."[53]

The most common way for volunteers to assist with status recognition was providing information about due process and the procedures of obtaining proper documents. Many of my respondents gave advice on the steps required to have their status recognized. Some located lawyers willing to help with individual cases free of charge or directly contacted military commanders responsible for missing documents to speed up the process. Other small but numerous interventions included giving people rides to the city administration or other public institutions to obtain documentation, and contacting volunteers from other regions to help with specific cases. These seemingly trivial things were actually very important, as they ensured people knew about the mechanisms and could physically access the sites where their status could be honored.

In addition to difficulties with status recognition, war veterans and soldiers faced multiple obstacles to access their rights because of corruption and legally dubious practices of local bureaucrats and military personnel. Legally, soldiers and war veterans are entitled to a set of social rights, such as access to land for

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52 "Henshtab Vidpravyv na 'Dembel' Maizhe 40 Tysiach Biitsiv," *Depo UA*, July 18, 2015, https://www.depo.ua/ukr/life/genshtab-vidpravlyae-na-dembel-mayzhe-40-tisyach-biytsiv-18072015183400.

53 Interview with Anonymous, Odesa, July 12, 2015. The Battle of Ilovaisk started on August 7, 2014. It resulted in the encirclement of the Ukrainian forces by insurgents and Russian military troops for days leading to the deaths of hundreds of Ukrainian soldiers.

personal use, reduced tariffs for utilities, subsidies for education, subsidized public transportation, annual financial assistance. and other entitlements conferred by the status. In reality, however, numerous barriers prevented them from exercising their rights. Access to land is one example. According to Ukrainian law, war veterans have priority in improving their living accommodations and receiving land for individual construction and gardening.[54] In practice, however, they faced complications that one respondent, a demobilized soldier assisting war veterans, summarized this way:

> When someone says "let's give land to war veterans"—no one thinks where to get the land, how to allocate it, what is the process, where to go with a request like that. The procedures and mechanisms are not established. Volunteers—ordinary residents—take care of it, trying to understand how the process and procedures work.[55]

Legal deficiencies in exercising rights were exacerbated by corrupt practices at the local level, whereby "land slots get into the hands of judges, or procurators instead of war veterans, because the former have access to land through their channels and connections," my respondent noted.

To deal with legal violations and lack of clarity, volunteers from Dnipropetrovsk created committees tasked with the oversight of policy implementation. A team of volunteers and demobilized soldiers joined the regional administration to ensure that war veterans could get access to land as required under Ukrainian law. A joint board of volunteers and war veterans was established to tackle the process of land distribution in the province (*oblast*) and to monitor the practices of local state bureaucrats and their willingness to assist war veterans in accessing their entitlements. "If a public official or mayor is doing a poor job regarding war veterans, we can request him or her to be fired," remarked my respondent. According to him, the board was successful in increasing the responsiveness of local state officials to the needs of war veterans and enacting the legislation on land entitlements in practice.

Another commonly reported case of volunteer intervention was linked to military higher-ups abusing the rights of "regular soldiers" and taking advantage of their superior position. Volunteers cited frequent instances of wrongdoings and corruption in the military at the outset of their engagement. For example, one of my respondents recalled seeing "immense injustices and corruption in the

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54　Law of Ukraine "About the Status of War Veterans and the Guarantee of their Social Protection," from 1993 with subsequent amendments.

55　Interview with Anonymous, Dnipropetrovsk, August 13, 2015.

brigade with soldiers literally robbed by their superiors. Soldiers didn't receive uniforms and food that the Ministry of Defense allocated for their brigade and even wages were at times appropriated."[56] On more than a few occasions, volunteers had to intervene to contest the illegally imposed status of soldiers as "defectors" and ensure their legal restitution in the army. Legally, when someone is listed as a "defector" from a military brigade, the commander is supposed to file proper documentation, and the Ministry of Defense will stop salary payments. In reality, no external reports are submitted, which means the Ministry keeps issuing salary payments, and these are allegedly appropriated by the soldier's commanders. Instances of money appropriation by local authorities or power abuse by military commanders were common, according to my respondents, resulting in precarious conditions of military service.

Despite their vulnerability, soldiers and war veterans rarely contested their rights personally. Several reasons were given to explain the silence. One was the low legal literacy of rank-and-file soldiers and war veterans. A few respondents stressed that soldiers did not know their legal rights:

> Our rank and file soldiers don't know their rights. They don't know what they are entitled to, what they are supposed to receive, what are the terms of provisions, how long his uniform is supposed to be in use, nothing! Most commanders don't know that either.[57]

Legal illiteracy was especially common among conscripts and voluntary fighters from villages; they had few skills in terms of writing a complaint, restoring a salary, or requesting a vacation or days off to visit sick family members. Some respondents remarked that this lack of awareness came from a broader ignorance of laws and legislation among Ukrainians; they said citizens were "poorly informed about their rights," with "nobody knowing what the state is obliged to provide" more generally.

In contrast to the lack of awareness among low ranking soldiers, higher ranking officers and officials apparently knew all about "the loopholes of legislation" and used them to their benefit. At the same time, some volunteers said even high-ranking officers often lacked the knowledge necessary to conduct their duties competently. High internal rotations in the military and little professional training for some posts led to institutional incompetence. Professional ignorance and convoluted mechanisms for redress made rights violations commonplace, increasing the number of grievances.

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56   Interview with Anonymous, Odesa, July 12, 2015.
57   Interview with Anonymous, Odesa, July 12, 2015.

Frequently, soldiers did not want to raise the issue of rights violations or mistreatment simply because of their fear of punishment by their superiors. Unequal power relations and inferior status in the army makes rank-and-file soldiers vulnerable vis-à-vis their commanders, who can reprimand them for "causing trouble" in the unit and exposing internal dealings to the public. "Soldiers are afraid to open their mouths and talk to their commanders," said a respondent. "But someone has to raise these issues. Volunteers have nothing to lose," she added.

Another reason cited for soldiers' unwillingness to contest unlawful practices and advocate for their rights was the wartime distribution of responsibility; men's duty was seen in relation to army service, while volunteers (generally women) provided support. As some of my respondents noted, contesting rights and criticizing those in power was "below the dignity of soldier" because soldiers saw their duty as "the defense of the motherland" and attempted to defend it "to the best of their abilities" using the resources at hand. This idealized interpretation of military duty prevented some soldiers and war veterans from voicing concerns about the conditions of military service or their treatment by commanders. Those who complained were seen by some as "too whiny" and not up to the task of military service, a perception occasioning social and professional costs. Female volunteers saw it as their duty to raise the concerns of soldiers and seek redress for everyday injustices.

Volunteers adopted a number of tactics to contest legally dubious practices of bureaucrats and high-ranking officers and ensure that the rights of combatants were merited in practice. Establishing cooperation with professionals who consulted those affected by the war free of charge and guided them through court proceedings was one example. A respondent remarked, "With my lawyer, we fight against lawlessness. We contact people responsible for violations and work to address them."[58] Volunteers also engaged in educational campaigns targeted at increasing the level of professionalism in local bureaucracies, especially with respect to rights and entitlements. At times, they engaged in an oversight of policy implementation, ensuring that due process was followed in interactions between war-affected individuals and bureaucratic representatives. In cases when cooperation with local bureaucrats was possible, volunteers worked to expand their capacity to provide services to an increased number of recipients.

Another area where factual rights of combatants starkly deviated from official ones was healthcare provision. The difficulty in accessing free medical care had to do with the challenges of public service provision. The collapse of the Soviet Union was accompanied by the state's retreat from many spheres of life. The public sector suffered immensely from deficiencies and transformation-

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58   Interview with Anonymous, Odesa, July 26, 2015.

induced shortages, economic decline, and changing ideologies of the roles of the state and the individual.[59] With the state's limited ability to care and provide for its citizens, public services became de facto privatized, with street level bureaucrats relying on informal arrangements to address the failures of the state to deliver public services in a consistent, responsible, and equitable manner.[60] Abel Polese contends that the rise of informality in post-Soviet Ukraine should be understood as a fundamental aspect of survival in an environment where the state fails to fulfil its core functions.[61]

The de-facto privatization of public services has been especially noticeable in the medical sector. While healthcare in Ukraine is officially state-funded, and the informal collection of payments and transactions outside state control are commonplace. Doctors, for example, expect extra payments from patients for medical treatments; medical personnel seek to be "thanked" with "gifts" or extra money for services; certain dubiously legal practices, such as issuing a sick note on special request, are provided for under-the-table payments.[62] Medical staff, like other street level bureaucrats, engage in informal practices to improve their livelihood. Healthcare workers do not necessarily see these practices as problematic, considering them a fairer way of compensation in an environment where their work is severely underpaid and often occurs in arduous conditions.[63]

Deficiencies in healthcare provision greatly shaped volunteer preoccupations amidst the war in Donbas. Under Ukrainian healthcare legislation, those affected by war have a legal right to free medical treatment. My respondents reported a profound disconnect between this and the reality on the ground. One barrier to free medical treatments to combatants had to do with the limited capacity of hospitals to tackle the influx of patients in the regions close to the frontlines. The number of patients in the cities bordering the warzone rose alarmingly, but the city budgets were not adjusted accordingly. These regional constraints in service provision point to the territorial aspects of rights provi-

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59   Catherine Wanner, "Money, Morality and New Forms of Exchange in Postsocialist Ukraine," *Ethnos* 70, no. 4 (2005): 515–37; Maryna Bazylevych, "Who is Responsible for our Health? Changing Concepts of State and the Individual in Post-Soviet Ukraine," *Anthropology of East Europe Review* 27, no. 1 (2009): 65–75; Abel Polese, "Informal Payments in Ukrainian Hospitals: On the Boundary Between Informal Payments, Gifts, and Bribes," *Anthropological Forum* 24, no. 4 (2014): 381–95.

60   Abel Polese, "Informal Payments in Ukrainian Hospitals."

61   Polese, "'If I Receive It, it is a Gift; If I Demand it, then it is a Bribe': On the Local Meaning of Economic Transactions in Post-Soviet Ukraine," *Anthropology in Action* 15, no. 3 (2008): 47–60.

62   In 2012, about 70% of surveyed patients in Ukraine reported paying at some point for medical services that were officially free: Andriy Danyliv, Tetiana Stepurko, Irena Gryga, Milena Pavlova, and Wim Groot, "Is There a Place for the Patient in the Ukrainian Health Care System? Patient Payment Policies and Investment Priorities in Health Care in Ukraine," *Society and Economy* 34, no. 2 (2012): 273–91.

63   Polese, "If I Receive It"; Polese, "Informal Payments in Ukrainian Hospitals."

sion, what Lynn A. Staeheli et al. term the "spaciality" of citizenship.[64] Within one state, elements of citizenship can be constructed and developed unevenly, creating apparent contradictions in the treatment of particular groups across space. While in some localities, state officials work to recognize and enact the rights of these groups, in others, they might be reluctant to do so, or face additional constraints in providing services. The territorially uneven displacement of people and the high number of injured soldiers across Ukraine created pockets of heightened precarity near the war zone and imposed territory-specific demands on local bureaucracies to deal with them. This led to the surge in discretionary decision-making in the healthcare sector, as hospitals lacked administrative, financial, and medical resources to treat an increased number of patients. The prevalence of informal payments at the hospitals further complicated access to medical care as combatants were asked for money in exchange for services which they were supposed to receive free of charge.

Additionally, injured soldiers undergoing treatment at hospitals outside their place of residence were likely to find themselves in unfamiliar terrain, where they had neither social contacts nor knowledge of the local bureaucracy to resolve issues with medical treatment. In environments with high degrees of informality embedded in the service provision, as in Ukraine, everything functions through personal connections. Access to services often relies on local knowledge of "contacting the right person" or "knowing how to get things done." In these instances, citizenship rights become "personalized" and "localized."[65] The ability to access services and rights in these locales depends on personal connections and the ability to "later reciprocate" for the services. In these contexts, the loss of social contacts because of dislocation carries high costs; simply stated, combatants have no leverage to negotiate the conditions of service provision.

Given the importance of personal connections in rights enactment, volunteers saw themselves as more fitting to address instances of unjust treatment and corruption. More specifically, their social capital amassed from their prewar lives and knowledge of local bureaucracies often proved invaluable. Many used their personal and professional connections to interact with street level bureaucrats more effectively. Over the course of volunteering, their social networks substantially expanded, increasing their ability to solve problems and remove bureaucratic obstacles. The knowledge of local medical staff and extensive social and professional networks made volunteer interventions more efficient, ensuring proper medical treatment to combatants who had been denied this possibility.

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64 Staeheli et al., "Dreaming the Ordinary."
65 Glenn, *Unequal Freedom*; Staeheli et al., "Dreaming the Ordinary."

Simultaneously, volunteers worked to address bribe-asking in the medical sphere. At times, this was done through public pressure, with volunteers talking to media outlets about bribes and illegal payments elicited by medical personnel. Often, however, volunteers tried to avoid open confrontation with bureaucrats and doctors, working to tackle these cases diplomatically instead. In part, this had to do with the dependency of soldiers on service provision; volunteers often had to contact doctors with urgent requests for medical assistance and rely on the cooperation of medical personnel previously engaged in dubious practices. Instead of direct confrontation, some volunteers reported resorting to "blackmail"; they said they threatened doctors with media exposure and public shaming for engaging in unlawful transactions and demanded they not engage in illegal practices vis-à-vis war-affected individuals in the future. Public officials were faced with the choice of either fixing the wrongdoing or suffering reputational damage from negative publicity.

Whenever possible, volunteers worked hard to extend the capacity of hospitals to provide treatment for combatants. In numerous instances of partnership, volunteers fundraised for medical supplies and equipment, including expensive clinical apparatus. They also renovated the hospitals, fixed elevators to transport immobile soldiers, installed water filters, repaired leaking roofs, and removed mold from the premises. This type of assistance expanded the capacity of hospitals to attend to those injured on the front, ensuring that they indeed had access to free healthcare in decent and livable conditions. In this way, volunteers redistributed medical service provision from below, expanding the outreach of the state to areas where state support was lacking.

Conclusion

The Ukrainian case contributes to the scholarship on limited statehood and collective action in wartime by demonstrating how limited statehood is experienced by men in the military and what spaces for non-state intervention it creates. In areas where the state is not able to fulfill basic needs and protect the rights of combatants, alternative modes of service provision emerge. In the case of Ukraine, civilians mobilized with a varying degree of commitment to ensure more decent conditions for military service on the frontlines and to attend to the everyday needs of men in the military. Through their actions and emergency assistance provision, they changed the realities of military service and made it more bearable.

Volunteer engagement in the rear cannot be understood in merely within the emergency assistance provision paradigm. Attention to everyday encounters of combatants with local and national bureaucracies should be considered to

account for the social, political, and institutional realities that frame the preoccupations of civilian volunteers. In Ukraine, these encounters were characterized by a high degree of discretion and rights violation due to corruption, sabotage, or lack of resources. In the context of the state's faltering capacity to enact the rights and entitlements of those seen as deserving of them, non-state actors take it upon themselves to secure them. Volunteers worked hard to address professional misconduct and power abuse by state officials and top rank commanders and to safeguard the social and legal rights of combatants. The role of ordinary residents in supporting the army went beyond emergency assistance to tackle the irresponsiveness"of local and national bureaucracies to the needs of military personnel. Through small and big interventions, civilian volunteers redistributed welfare services from below and expanded the capacity of state institutions in relation to men in the military.

The realities and actions around combatants' legal and social rights recognition hinged on everyday understandings of justice, fairness, and moral obligation among volunteer communities. My respondents recognized the inadequacies of the state and worked to compensate for them. Volunteers engaged in work aimed at emphasizing and, at times, constructing social categories of signification. This was done in a way that prioritized the needs of combatants on the grounds of their war-inflicted precarity and ensured that they are not denigrated for that. In this respect, some volunteers stressed that their efforts to take care of the injured were driven by a desire to show the war-affected that they were safe and valued outside their immediate communities. Others noted that they work to make war veterans socially respected, valued, and successful after military service by enacting their rights and protecting their social status after demobilization.

This type of engagement has important implications for community building and civilian-military relations. New structures of feelings emerged in volunteer sites where the bodies of soldiers were recognized simultaneously as vulnerable because of arduous military service conditions and heroic because they were associated with defense and safety. Volunteers (predominantly women) invested emotional labor to care and attend to the needs of combatants on the frontlines and away from them. Many female volunteers stated that their main goal was not to address all needs generated by war, but to demonstrate that military service was appreciated by the community at large and reciprocated through emotional and physical labor. While directed towards specific soldiers and their needs, volunteer support represented care and affection for all Ukrainian soldiers who were praised for sacrificing their lives for the sake of the country. This support and care charted the trajectory for new solidarities, serving as a new basis for community making. Symbolically, volunteer engagement is an impor-

tant sign of reciprocity; volunteers de-individualized the grievances of soldiers, showing that their struggles were collective concerns and they were members of a larger community. In doing so, they built emotional attachments and fostered solidarity between combatants and the larger society within the national framework for social bonding.

Ukrainian Internally Displaced Persons and the Future of Donbas

ERNEST GYIDEL

Internally Displaced Persons (IDPs) in Ukraine: Definition and Estimates

According to the 2001 Ukrainian census, the total population of Donbas[1] was 7,387,200 (15.24% of Ukraine's population) in December 2001: 4,841,000 in Donetsk Oblast (province) and 2,546,200 in Luhansk Oblast.[2] The war which started in April 2014 between Russia (through proxies of Donetsk and Luhansk "people's republics") and Ukraine has driven up to two million people out of the region. They fled in two directions: east, across the border into the Russian Federation and west, into inner regions of Ukraine. In the Russian Federation they have been granted the status of either refugees, displaced persons, or temporary asylum holders. According to the Russian Federal State Statistics Service the number of Ukrainian citizens registered in the above three categories combined was 234,769 for January 1, 2015; 311,651 for January 1, 2016; 226,475 for January 1, 2017; and 123,784 for January 1, 2018 (these numbers are not cumulative).[3] The question of how many Ukrainian citizens have fled to Russia from the war in Donbas is not purely academic. It is a subject of contention in the information war between Russia and Ukraine, which perhaps explains why some Russian officials, despite the official data of their own state, have inflated the number to 1.7 million[4] and even 2.5 million "Ukrainian refugees" from Donbas.[5] In the

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1   Throughout the article I refer to Donbas in the narrow meaning of the term, namely provinces of Donetsk and Luhansk. The historical Donbas is larger: besides those two Ukrainian provinces it also includes parts of southwestern Russia.

2   See: http://2001.ukrcensus.gov.ua/regions/reg_don and http://2001.ukrcensus.gov.ua/regions/reg_lugan.

3   Based on "Chislennost i migratsiia naseleniia Rossiiskoi Federatsii," *Federalnaia sluzhba gosudarstvennoi statistiki*, http://www.gks.ru/wps/wcm/connect/rosstat_main/rosstat/ru/statistics /publications/catalog/doc_1140096034906.

4   "Fake: Since 2014 1.7 Million Ukrainians Asked for Asylum in Russia," *StopFake*, February 11, 2018, https://www.stopfake.org/en/fake-since-2014-1-7-million-ukrainians-asked-for-asylum-in-russia.

5   "Rossiia za vremia konflikta v Donbasse priniala 2,5 mln ukrainskikh bezhentsev," *RIA Novosti*, March 7, 2017, https://ria.ru/20170307/1489451543.html.

latter case, the official in question most likely conflated the figure of Ukrainian refugees with the total number of Ukrainian citizens on the Russian territory, most of whom arrived before 2014 as migrant workers.[6]

In Ukraine, people who left Crimea because of the Russian occupation or fled from Donbas because of the war may apply for the status of *vnutrioshnio peremishcheni osoby* (internally displaced persons, IDPs). However, in the public discourse within Ukraine a much shorter term has been adopted to refer to such people—*pereselentsi* (literally, those who resettled). IDPs adopted it as a self-description as well. IDP status may be claimed not only by Ukrainian citizens, but also by foreigners and stateless persons who legally resided in Ukraine when they decided to leave either Crimea or Donbas after March 2014.[7] Up until August 2016 the Ukrainian state could not determine the exact number of the IDPs because they were counted per oblast and nothing stopped them from registering in more than one. It was clear, however, that their number was substantial: by November 2014 the Ukrainian Ministry of Social Policy estimated it at almost 500,000[8] and by February 2015 at over one million.[9] The single register of the IDPs was finally launched by the Ministry of Social Policy in August 2016.[10] It reported the number of the IDPs at 1,705,363 (1,381,914 families) for the same month,[11] 1,657,076 (1,334,830 families) for December 2016,[12] 1,492,125 (1,224,738 families) for December 2017,[13] and 1,512,042 (no data on families) for December

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6   "Some Russian media sources quote Russian statistical data that about 2.5 million Ukrainian citizens were in Russia as of January 1, 2016. Of those, 1.4 million had a temporary or permanent residence permit, including 0.4 million who were granted temporary refugee status." See Maksym Bugriy, "Russian Citizenship for Ukrainians: Addressing Russia's Population Decline," *The Jamestown Foundation*, June 18, 2017, https://jamestown.org/program/russian-citizenship-for-ukrainians-addressing-russias-population-decline/.

7   Article 1 of the Ukrainian law "Pro zabezpechennia prav i svobod vnutrishnio peremishchenykh osib" from October 20, 2014, *Zakonodavstvo Ukrainy*, https://zakon.rada.gov.ua/laws/show/1706-18. Originally, only Ukrainian citizens could apply for IDP status. The law was amended on December 24, 2015 (implemented on January 13, 2016) to include foreigners and stateless persons: "Pro vnesennia zmin do deiakykh zakoniv Ukrainy shchodo posylennia harantii dotrymannia prav i svobod vnutrishnio peremishchenykh osib," *Zakonodavstvo Ukrainy*, December 24, 2015, https://zakon.rada.gov.ua/laws/show/921-19#n7.

8   "Report on the Human Rights Situation in Ukraine 15 December 2014," *Office of the United Nations High Commissioner for Human Rights*, December 15, 2014, https://www.ohchr.org/Documents/Countries/UA /OHCHR_eighth_report_on_Ukraine.pdf.

9   "Report on the Human Rights Situation in Ukraine 1 December 2014 to 15 February 2015," *Office of the United Nations High Commissioner for Human Rights*, February 15, 2015, https://www.ohchr.org/Documents /Countries/UA/9thOHCHRreportUkraine.pdf.

10   "Iedynyi reiestr vnutrishnio peremishchenykh osib zapratsiuvav u testovomu rezhymi," *Uriadovyi Portal*, August 1, 2016, https://www.kmu.gov.ua/ua/news/249225479.

11   "Oblikovano 1 705 363 pereselentsi, - Minsotspolityky," *Ministerstvo Sotsialnoi Polityky Ukrainy*, August 30, 2016, https://www.msp.gov.ua/news/8449.html.

12   "Oblikovano 1 657 076 pereselentsiv, - Minsotspolityky," *Ministerstvo Sotsialnoi Polityky Ukrainy*, December 26, 2016, https://www.msp.gov.ua/news/12199.html.

13   "Oblikovano 1 492 125 pereselentsiv, - Minsotspolityky," *Ministerstvo Sotsialnoi Polityky Ukrainy*, December 18, 2017, https://www.msp.gov.ua/news/14554.html.

2018.[14] According to the latest official data from June 24, 2019 there are 1,386, 501 IDPs (no data on families) in Ukraine.[15] According to one estimate from June 2016 20,600 of the IDPs were from Crimea, which Russia occupied in March 2014.[16] Another, unofficial estimate of Crimean IDPs in November 2016 put them at 50,000–60,000.[17] The rest are from Donbas. Since the beginning of their displacement in 2014 pensioners have constituted the largest group among IDPs, followed by working age persons and children—around 699,000, 333,000 and 196,000 respectively (official data for June 2019).[18]

The Ukrainian official IDP numbers do not reflect the full scale of population displacement caused by the occupation of Crimea and the war in Donbas. They do not include those who preferred not to register with the Ukrainian state for various reasons (distrust of Ukrainian authorities is among them). Officially, most IDPs reside in the unoccupied parts of Donetsk (around 488,000) and Luhansk (around 271,000) provinces, and the capital of Ukraine (around 149,000) as for June 2019.[19] However, in reality a large portion of IDPs have returned to the occupied territories in Donbas because of financial and social difficulties (lack of employment, accommodation, insufficient social aid, etc.). They maintain their IDP registration only for the purpose of financial aid or pensions for which they travel (usually once per month) across the "demarcation line" between the occupied territories of Donbas and the rest of Ukraine. It is impossible to give an accurate figure of these "fake" IDPs as they are sometimes called in Ukraine since they often claim social benefits on both sides of the line. In June 2016, a top Ukrainian official claimed that half of IDPs had returned to the occupied parts of Donbas.[20] We can only speculate that these returnees make up a substantial part, if not the majority, of people travelling across the demarcation line. For example, in May 2019 the line was crossed by 1,203,400 people in both directions according to Ukrainian official sources.[21]

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14   "Oblikovano 1 512 042 pereselentsi," *Ministerstvo Sotsialnoi Polityky Ukrainy*, December 26, 2018, https://www.msp.gov.ua/news/16505.html.

15   "Oblikovano 1 386 501 vnutrishnio peremishchena osoba," *Ministerstvo Sotsialnoi Polityky Ukrainy*, June 24, 2019, https://www.msp.gov.ua/news/17287.html.

16   Svitlana Dorosh, "Pereselentsi z Donbasu: 'Za shcho tse nam?'," *BBC News Ukraina*, June 20, 2016, https://www.bbc.com/ukrainian/society/2016/06/160617_donbass_settlers_sd.

17   "Pereselentsev iz Kryma uzhe bolee 50 tysiach," *LB.ua*, November 18, 2016, https://lb.ua/blog /dictaphone/351096_pereselentsev_krima_bolee_50.html.

18   Calculated from the infographic available at "Internally Displaced Persons (IDP)," *UNHCR Ukraine*, https://www.unhcr.org/ua/en/internally-displaced-persons. The infographic is based on the information provided by the Ukrainian Ministry of Social Policy.

19   Ibid.

20   Dorosh, "Pereselentsi z Donbasu: 'Za shcho tse nam?'."

21   "U travni liniiu rozmezhuvannia na Skhodi Ukrainy v obokh napriamkah peretnulo 1 203 400 osib," *Ministerstvo z Pytan Tymchasovo Okupovanykh Terytorii ta Vnutrioshnio Peremishchenykh Osib*, June 7, 2019, https://mtot.gov.ua/ua/u-travni-liniju-rozmejuvannja-na-shodi-ukraiini.

Ukrainian State and IDPs

The Ukrainian state had not anticipated the problem of IDPs (as was the case with many other, more important problems in 2014) and in a sense still treats them as second-class citizens. When in summer 2014 thousands of people fleeing from Donbas became a significant social and demographic issue in Ukraine the state had neither legal nor organizational frameworks to deal with them and started setting them up only in fall 2014. On October 20, 2014 the Ukrainian parliament passed the main legal document concerning IDPs—the law *Pro zabezpechennia prav i svobod vnutrishnio peremishchenykh osib* (On ensuring rights and freedoms of internally displaced persons). However, the law proved to be insufficient and since then other legal acts have been amended or introduced to regulate their legal status—in June 2019 it involved five laws and eight governmental decrees.[22] Their legal status entitles them to financial aid and additional social services, but it is also restrictive in voting rights. Ukrainian citizens constitute over 99.9% of IDPs but they may not vote in local elections because their residence registration is "temporary." Attempts to overturn this restriction since 2014 have been unsuccessful. Finally, the issue has reached the Supreme Court of Ukraine which ruled in favor of the restriction on August 22, 2018, reaffirming that only citizens with "permanent" residence registration have the right to vote in local elections.[23]

Even before introduction of the October 20, 2014 law the Ukrainian government created a special body to deal with the whole complex of issues created by the occupied territories, including IDPs, on September 10, 2014: the State Agency for Reconstruction of Donbas. Recognizing the importance of its tasks this agency was officially reorganized into the Ministry of Temporarily Occupied Territories and Internally Displaced Persons (MTOT) on April 20, 2016. At the time of writing, the ministry was headed by Vadym Chernysh, a lawyer, who according to his official biography, specializes in the prevention of money laundering. He also served as the head the State Agency for Reconstruction of Donbas from June 2015 until its reorganization into the Ministry.[24] However,

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22   "Akty z pytan zabezpechennia prav i svobod vnutrishnio peremishchenykh osib," *Ministerstvo z Pytan Tymchasovo Okupovanykh Terytorii ta Vnutrioshnio Peremishchenykh Osib*, https://mtot.gov.ua/ua/akti-z-pitan-zabezpechennja-prav-i-svobod-vnutrishno-peremischenih-osib.

23   "Pereselentsi ne mozhut braty uchasti v mistsevykh vyborakh – Verkhovnyi Sud," *UNIAN*, August 22, 2018, https://www.unian.ua/politics/10234392-pereselenci-ne-mozhut-brati-uchasti-v-miscevih-viborah-verhovniy-sud.html; "Reiestratsiia mistsia prozhyvannia vnutrishnio peremishchenoi osoby ie tymchasovoiu ta ne ie pidstavoiu dlia uchasti na mistsevykh vyborakh," *Sudova Vlada Ukrainy*, August 22, 2018, https://supreme.court.gov.ua/supreme/pres-centr/news/541430/.

24   "Chernysh Vadym Olehovych," *Ministerstvo z Pytan Tymchasovo Okupovanykh Terytorii ta Vnutrioshnio Peremishchenykh Osib*, https://mtot.gov.ua/ua/ministr.

it was not Chernysh, but his deputy minister, Heorhii Tuka, who was the most active Ukrainian state official on the issue of IDPs, at least in terms of public engagements and media appearances. Prior to the Euromaidan, Tuka was an entrepreneur based in Kyiv. He became one of the most prominent volunteers involved in the Euromaidan protests and after the Russian invasion co-founded Narodnyi tyl, an NGO supporting Ukrainian troops in Donbas.[25] From July 2015 to April 2016 he served as the head of Luhansk provincial military and civil administration, after which he was appointed as Chernysh's deputy.[26]

Officially the MTOT's mission has been requesting and distributing international humanitarian aid to IDPs. It has also developed a strategy for their integration into their new communities until 2020, which was adopted by the Ukrainian government on November 15, 2017.[27] In June 2019, the Ministry reported that the strategy had been very successful, with 86% (on average) of IDPs reporting "full or partial integration" with the communities.[28] It is hard to ascertain how (in)effective the MTOT has been at dealing with IDP issues, which are mostly finding employment and accommodation. On the one hand the ministry's official webpage is bristling with news about its activities for IDPs, who on the other hand have been accusing it of doing too little.[29]

Besides MTOT, IDPs are also under the purview of the Ministry of Social Policy, which is responsible for providing them with financial aid. From August 2014 to December 2017, IDPs received 56.9 billion of hryvnia in financial aid from the Ukrainian state.[30] But on the receiving end this aid barely covered the basic living expenses of IDPs.[31] Another issue which has been plaguing most

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25 "Georgii Tuka: 'Dazhe esli by ia stal ministrom oborony, eto nichego by ne izmenilo,'" *LB.ua*, January 3, 2015, https://lb.ua/society/2015/01/03/291256_georgiy_tuka_dazhe_stal.html.

26 "Tuka Heorhii Borysovych," *Ministerstvo z Pytan Tymchasovo Okupovanykh Terytorii ta Vnutrioshnio Peremishchenykh Osib*, https://mtot.gov.ua/zastupnik-2.

27 "Pro skhvalennia Stratehii intehratsii vnutrishnio peremishchenykh osib ta vprovadzhennia dovhostrokovykh rishen shchodo vnutrishnioho peremishchennia na period do 2020 roku," *Zakonodavstvo Ukrainy*, November 15, 2017, https://zakon.rada.gov.ua/laws/show/909-2017-%D1%80.

28 "86% VPO zaznachaiut pro povnu abo chastkovu intehratsiiu—tse oznaka pravylno sformovanoho Uriadom bazysu dlia iikh intehratsii do pryimaiuchykh hromad," *Ministerstvo z Pytan Tymchasovo Okupovanykh Terytorii ta Vnutrioshnio Peremishchenykh Osib*, June 27, 2019, https://mtot.gov.ua/ua/21-rik-z-momentu-zatverdjennja-komisieju-oon.

29 "MinTOT ne realizuvav zhodnoho mizhnarodnoho proektu za 2 roky isnuvannia, - orhanizatsiia pereselentsiv 'Mii.dim.ua.,'" *Censor.net.ua*, April 18, 2018, https://censor.net.ua/ua/photo_news/3061960/mintot_ne_realizuvav_jodnogo_mijnarodnogo_proektu_za_2_roky_isnuvannya_organizatsiya_pereselentsiv_miyidimyua.

30 "Na vyplatu pensii pereselentsiam za rik pishlo ponad 11 miliardiv hryven," *UNIAN*, February 26, 2018, https://economics.unian.ua/finance/10022225-na-viplatu-pensiy-pereselencyam-za-rik-pishlo-ponad-11-milyardiv-griven.html.

31 "Seredniomisaichnyi dokhid pereselentsia v chervni sklav blyzko 2 tysiach hryven – doslidzhennia," *UNIAN*, August 15, 2018, https://economics.unian.ua/finance/10226217-serednomisyachniy-dohid-pereselencya-v-chervni-sklav-blizko-2-tisyach-griven-doslidzhennya.html.

IDPs is lack of affordable housing. In this regard the Ukrainian state has failed them completely and most IDPs have been forced to solve this problem on their own. The band-aid solution used by the Ukrainian authorities—temporary housing—has been ineffective. Instead of relieving the social pressure it often has bottled it up in remote areas, where temporary housing places for IDPs have turned into ghettos.[32] The situation is even worse with permanent housing: by April 2018 the state had provided it for only 63 out of nearly 1,200,000 IDP families, less than 0.006%.[33] Even those IDPs who fought on the Ukrainian side in the war in Donbas and who have been officially promised housing subventions by the Ukrainian government's decree from April 18, 2018 have received only a token portion of their money (25 million hryvnias, about $1 million USD, instead of the promised 1.5 billion hryvnias, $603 million).[34] It is unsurprising that by 2019 some IDPs came to believe that the Ukrainian acronym of their status—VPO—stands not for *vnutrioshnio peremishcheni osoby* (internally displaced persons) but for *vladoiu pokynuti osoby* (persons abandoned by the authorities).[35] The neglect of IDPs' poor socioeconomic conditions by the Ukrainian state might not be a crime, but it was definitely a mistake. It kept a group of people who number over a million in the conditions ready for a social explosion. It also projected a negative image of the Ukrainian state both within (for example, to people in the occupied Donbas) and outside Ukraine. Not to mention that it provided a fertile ground for Russian propaganda, which likes to push narratives of the Ukrainian state being incompetent or negligent towards its citizens.

Ukrainian Society and IDPs

For IDPs from Donbas the employment and accommodation challenges are only one part of their everyday life. The other part is that they routinely have been facing unsympathetic, sometimes hostile, attitudes in Ukrainian society.

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32 "Modulni mistechka dlia pereselentsiv z Donbasu peretvoriutsia na 'depresyvni hetto'" – zhurnalisty," *UNIAN*, August 9, 2018, https://www.unian.ua/society/10218782-modulni-mistechka-dlya-pereselenciv-z-donbasu-peretvoryuyutsya-na-depresivni-getto-zhurnalisti.html.

33 "Za 4 roky viiny zhytlo vid derzhavy otrymaly lyshe 63 simii pereselentsiv," *UNIAN*, April 24, 2018, https://www.unian.ua/society/10093013-za-4-roki-viyni-zhitlo-vid-derzhavi-otrimali-lishe-63-sim-ji-pereselenciv.html.

34 Oleh Bohachuk, "'Nashi dity bomzhi' i 'Vlado, ne kydai svoikh', – pereselntsi-uchasnyky ATO piketuvaly AP z vymohoiu finansuvannia prohramy shchodo zabezpechennia iikh zhytlom," *Censor.net.ua*, February 6, 2019, https://censor.net.ua/ua/video_news/3110217/nashi_dity_bomji_i_vlado_ne_kydayi_svoyih _pereselentsiuchasnyky_ato_piketuvaly_ap_z_vymogoyu_finansuvannya.

35 Valerii Chudnovskyi, "'My vinnychany, my tezh Ukraina.' Choho dosiahly pereselentsi na mitynhu pid meriieiu," *20 Khvylyn*, May 3, 2018, https://vn.20minut.ua/Podii/mi--vinnichani-mi-tezh-ukrayina-chogo-dosyagli-pereselentsi-na-mitingu-10689418.html.

For many Donbas IDPs indifference often is the best treatment that they can hope for when looking for a job or a place to live. The negative attitude towards *zhyteli Donbassa* (literally, Donbas residents) predates the Euromaidan and the war in Donbas. It is rooted in regional stereotypes, of which Ukraine, like most countries, has a multitude. These stereotypes about the region and its people exist both inside and outside of Donbas. At the beginning of Ukraine's independence, the most popular stereotypical image, cemented in the Soviet times, of Donbas was the "land of coal miners," who always deliver on their promises as epitomized in the most known saying about the region: *Donbass porozhniak ne gonit*, meaning that freight cars from Donbas always come full of coal.

However, the criminal atmosphere of the 1990s, which swept all post-Soviet republics, infused existing stereotypes with a criminal subtext and added new ones. Though Donbas figured prominently in the Ukrainian media of the 1990s because of the coal miners who went on frequent strikes and engaged in the so called *pokhody na Kiev* (expeditions to Kyiv) demanding their salary, by the end of that decade they were replaced by the stereotype of *donetskie*—criminals and businessmen (sometimes the same people) from the region, who were perceived as excessively aggressive, brutal, and greedy even by the jungle standards of the time. The stereotype of the working class from the region also changed: the hardworking coal miner was replaced by the image of intellectually impoverished and often drunk lumpen. By the early 2000s these two negative stereotypes—criminals and lumpens—were a noticeable, but still a minor phenomenon in Ukraine. Three developments in the political history of Ukraine after 2004 made them more popular.

The first was the Orange Revolution of 2004, which was prompted by the course of the electoral race between Viktor Iushchenko and Viktor Ianukovych for the post of Ukraine's President in October–December 2004. The latter is a native of Donbas and became a prominent political figure in the region already by the end of the 1990s. Throughout all three (legally two) rounds of the electoral race Ianukovych gained the highest percentage of voters in the two provinces of Donbas—Donetsk and Luhansk.[36] The negative stereotypes about the region and its people became a tool in this electoral race, which eventually ended in Iushchenko's victory.[37] The 2004 politicization of the negative stereotypes about people from Donbas, which previously were predominantly social, infused

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36 Ararat L. Osipian and Alexandr Osipian, "Why Donbas Votes for Yanukovych: Confronting the Ukrainian Orange Revolution," *Demokratizatsiya: The Journal of Post-Soviet Democratization* 14, no. 4 (2006): 495–517.

37 Andrii Manchuk, "Donbassofobiia," *LIVA*, September 15, 2011, http://liva.com.ua/donbass-hate-speech.html. Manchuk considers negative stereotypes about people from Donbas an instance of "social racism."

them with two additional negative markers—political (pro-Russian orientation) and cultural (accusations of Ukrainophobia, hatred of Ukrainian culture and language). After the end of the Orange Revolution the intensity of negative stereotypes about Donbas diminished. Though they did not disappear during Iushchenko's presidency (2004–2010) they did not play a prominent role in Ukrainian politics or social life.

However, the Ianukovych presidency (2010–2014) revived the stereotypes with even stronger appeal than in 2004, pulling in even people who previously stayed away from politics in Ukraine. The most publicized manifestation of this involvement was the chant of the Dynamo ultras, hardcore fans of the Football Club Dynamo Kyiv, during a football match on August 7, 2011 in Kyiv. The video of the ultras chanting in Russian "Spasibo zhyteliam Donbassa za prezidenta-pidarasa," became viral on YouTube.[38] The literal translation of the chant is "Thanks to people of Donbas for the faggot president." But "faggot" here does not refer to sexual preference; the term *pidaras* also means bad, untrustworthy, unpleasant person so in this case a more accurate translation would be "Thanks to people of Donbas for the bad president." In the case of Yanukovych and his clique, *pidaras* is an antithesis to *Donbass porozhniak ne gonit* because they symbolize opposing figures—someone who does not deliver on his electoral promises versus someone who does. Since then the phrase "spasibo zhyteliam Donbasa" has become a popular meme on the Ukrainian internet in complaints about the socioeconomic and political situation in the country. The way Yanukovych's presidency ended in 2014, violence and killings during the Euromaidan protests, and beginning of the war in Donbas further strengthened these negative stereotypes in Ukrainian society. To some extent Yanukovych personally and the political force he represented—the Party of Regions—were directly responsible for persistence of these stereotypes in 2004–2014. In those years neither he nor the party leadership made a decisive effort to combat the open Ukrainophobia of several members of the party, such as Vadym Kolesnichenko, Mykola Levchenko and Rodion Miroshnyk. Moreover, thanks to intensive politicization of regional identities in Ukraine during the decade, Donbas and its people became associated with Yanukovych and the Party of Regions for many Ukrainians outside the region, so by 2014 their political failings and corruption were blamed on Donbasians as a whole.

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38   The original upload of the video (allegedly it had over one million views) since then has been deleted but it is still available on the ultras' own YouTube channel. "Spasibo zhyteliam Donbassa (original)," *Ultras Dynamo Kyiv TV*, November 28, 2016, https://youtu.be/Y5On4jBH3QE. For the actions of Ukrainian authorities against the ultras, see Evgenii Shvets, "Fanov 'Dinamo' pressuiut za 'Spasibo zhyteliam Donbassa …,'" *LB.ua*, September 1, 2011, https://lb.ua/sport/2011/09/01/113000_fanov_dinamo_pressuyut_za_spas.html.

The negative stereotypes about Donbas and its people do not explain all difficulties which IDPs have been facing in Ukrainian society since April 2014, but they certainly explain many of them. It is telling that in discussions of IDPs, Ukrainian officials, experts and media frequently use the term "integration," signaling that people from Donbas are almost as distant from the rest of Ukrainian society as migrants from a foreign country. One Ukrainian analytical center even ran an integration index for IDPs based on the model developed for foreign migrants.[39] I would argue that this approach needs to be adjusted for hostility, which many IDPs, unlike foreign migrants, encounter in Ukrainian society outside Donbas. This especially applies to male IDPs who are often faced with direct or indirect questioning in their new environments along the following lines: why did you not stay in Donbas and take up arms to defend your homeland against the Russians?[40] In extreme cases this hostility has erupted into physical and verbal violence against IDPs. There are no official data on these attacks and the only information about them are reports in Ukrainian media.[41] The attacks range from threatening SMS messages to physical assaults. Another important issue for which there is no reliable data are suicide rates among IDPs. In recent years Ukraine has become a leading country in Europe in terms of suicide numbers.[42] Many IDPs have been traumatized by the war and subsequent transition, as well as feelings that they are not wanted and not needed. The Ukrainian experts and media have been raising alarms about IDPs being a social group with an increased suicide risk at least since 2017.[43]

The negative stereotypes and hostile attitudes on top of the general socioeconomic conditions in Ukraine, which worsened due to the war, make finding employment and housing for IDPs a tough challenge. Again, there are no reliable

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39 "Indeks intehratsii vnutrishnio peremishchenykh osib," *CEDOS*, https://cedos.org.ua/uk/vpo-integration-index.

40 It is worth mentioning that complaints about unwillingness of Donbas men to fight in the war have been also raised on the opposite side—in the Donetsk and Luhansk "people's republics." See Aleksandr Grishyn, "Chtoby pobedit, nado srazhatsia," *Komsomolskaia pravda*, May 18, 2014, https://www.kp.ru/daily/26232.7 /3114620/; "Sem prichin togo, pochemu muzhchiny Donbassa ne khotiat voevat," *Voennoe Obozrenie*, July 29, 2014, https://topwar.ru/55137-sem-prichin-pochemu-muzhchiny-donbassa-ne-hotyat-voevat.html.

41 "Rozirvaly rot i namahalysia pereiikhaty: na Sumshchyni na pereselentsia-invalida napaly cherez rosiisku movu," *UNIAN*, July 5, 2018, https://www.unian.ua/incidents/10176722-rozirvali-rot-i-namagalisya-perejihati-na-sumshchini-na-pereselencya-invalida-napali-cherez-rosiysku-movu.html; Iuliia Kanius, "'Zabyraisia het z nashoi zemli!'" *Halytskyi Korespondent*, September 23, 2018, http://gk-press.if.ua/zabyrajsya-get-z-nashoyi-zemli/.

42 "Ukraina zaimaie pershe mistste v Evropi za kilkistiu samohubstv—pravozakhysnyk," *Tsentr Informatsii Pro Prava Liudyny*, April 19, 2017, https://humanrights.org.ua/material/ukrajina_zajmaje_pershe_misce_v_jevropi_za_kilkistjiu_samogubstv__pravozahisnik.

43 See Kristina Roman, "Pity z zhyttia: v Ukrainin zrostiaie kilkist dytiachykh samohubstv," *RBK—Ukraina*, September 12, 2017, https://daily.rbc.ua/ukr/show/ukraine-rastet-chislo-detskih-samoubiystv-1505233130.html.

official data about IDPs' unemployment. One survey from June 2018 estimated that 58% of IDPs were "unemployed."[44] But these numbers must be considered carefully. The specifics of Ukrainian economy, with its large "shadow" (unregulated and untaxed) sector, mean that someone officially unemployed is not necessarily without work. The unemployed people in Ukraine, while claiming benefits of their official status, often secretly work part-time to supplement their income. It is safe to assume that the situation with IDPs in this regard is not much different from the rest of population. Finding accommodation has been also difficult for many IDPs, particularly in western regions of Ukraine, as upon learning that the prospective residents are from Donbas many owners refuse to rent to "separatists."[45]

As a result of all these difficulties many Donbas IDPs have been caught in situations where their identity and background almost always work against them and close social and economic opportunities. Unsurprisingly, this led to an identity crisis among IDPs from Donbas and resulted in them either hiding or even abandoning their previous identity and assuming new ones, usually of places where they have settled.[46] The new identities and new lives that IDPs created for themselves after several years of living outside Donbas are one of the reasons why only 28% of them, according to a survey from August 2018, were willing to return to Donbas should Ukraine regain the occupied parts of the region, while 38% of respondents had no intention to return ever. When asked about their short-term plans for the next three months, 84% of respondents replied that they would remain at their current location.[47] The other important reason is that in many cases IDPs from Donbas have literally nothing to return to—their material property and social ties have been destroyed by the war.[48]

44 "Maizhe 60% opytanykh v Ukraini pereselentsiv—bezrobitni," *UNIAN*, August 15, 2018, https://www.unian.ua/society/10226127-mayzhe-60-opitanih-v-ukrajini-pereselenciv-bezrobitni.html.

45 See the story of Maia Karlash, jokingly known as the "main fascist of Horlivka," because she was the head of the Horlivka branch of the All-Ukrainian Union "Svoboda," a known Ukrainian right-wing and nationalist political party. According to her, owners in cities of Dnipro and Ternopil "systematically" refused to rent their properties to her because of her Donbas background. "Pereselenka Maya Karlash: 'Ia—donetskaia,'" *BBC News Ukraina*, December 30, 2014, https://www.bbc.com/ukrainian/ukraine_in_russian/2014/12/141230 _ru_s_maya_karlash_interview; "Sotsiolohy zafiksuvaly v Ukraini pohirshennia vidnosyn mizh mistsevymy ta pereselentsiamy," *UNIAN*, March 6, 2017, https://www.unian.ua/society/1810482-sotsiologi-zafiksuvali-v-ukrajini-pogirshennya-vidnosin-mij-mistsevimi-ta-pereselentsyami.html.

46 Valerii Chudnovskyi, "'My vinnychany, my tezh Ukraina.' Choho dosiahly pereselentsi na mitynhu pid meriieiu," *20 Khvylyn*, May 3, 2018, https://vn.20minut.ua/Podii/mi--vinnichani-mi-tezh-ukrayina-chogo-dosyagli-pereselentsi-na-mitingu-10689418.html.

47 "Sotsiolohy rozpovily, skilky pereselentsiv z Donbasu hotovi povernutisya dodomu," *UNIAN*, August 15, 2018, http://www.unian.ua/society/10226004-sociologi-rozpovili-skilki-pereselenciv-z-donbasu-gotovi-povernutisya-dodomu.html.

48 For example, see the story of the former Donetsk resident Nadia Zaslavska: "'I Will Never Return to Donetsk'—Conflict Reduces One Woman's Life to Rubble," *Radio Free Europe/Radio Liberty*, May 24, 2016, https://www.rferl.org/a/ukraine-donetsk-conflict-zaslalvska-home-destroyed/27754957.html.

Response of Ukrainian IDPs

Since 2014, Ukrainian IDPs have created dozens of NGOs with the aim of providing legal, social, and financial aid to other IDPs and to improve their image in Ukrainian society, countering negative stereotypes. Unfortunately, most of these NGOs, usually fueled only by enthusiasm of their organizers (predominantly women), managed to stay alive just for a year or two. In general, they made little difference for the majority of IDPs, at least not for their socioeconomic conditions. Besides these NGOs, the other most important institutions IDPs can call their "own" are thirteen universities and three colleges, which have been evacuated, often by the heroic efforts of their students and faculty, from the occupied parts of Donbas. Among them are the most important universities of the region—Vasyl Stus Donetsk National University (evacuated to Vinnytsia), Taras Shevchenko Luhansk National University (evacuated to Starobilsk), and Volodymyr Dahl East Ukrainian National University (evacuated from Luhansk to Severodonetsk).[49]

But like IDPs, the evacuated universities have not been supported sufficiently by the Ukrainian state: they are underfinanced and often lack proper infrastructure. For example, Vasyl Stus Donetsk National University, as with most IDPs, owns no material property and cannot afford to acquire it in its new abode. Instead, it must rent three buildings in Vinnytsia for its nearly 4,500 students and 1,000 staff. The buildings, one of which used to be a factory, do not meet the university's needs in terms of space and are spread over the city. Paying rent, in turn, even at reduced rate, puts an additional financial burden on the university which, again like most IDPs, lost almost everything in the war in Donbas.[50]

On the individual level, a number of IDPs have been engaged in an intellectual work—writing articles and books, giving interviews and lectures—to disprove the negative stereotypes about Donbas and to demonstrate that at least some people in the region, even if it uses Russian as its everyday language, have been genuinely pro-Ukrainian and supported Euromaidan. Olena Taranenko, a journalism professor at Vasyl Stus Donetsk National University, has edited two important collections of IDP memoirs about the crucial period of the war in Donbas during summer 2014.[51] The memoirs tell emotionally strong stories

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49 See the full list at "Osvitni tsentry Donbas-Ukraina," https://mon.gov.ua/ua/zhitelyam-donbasu-ta-krimu/studentam/osvitni-centri/osvitni-centri-donbas-ukrayina.

50 Valerii Chudnovskyi, "Iak DonNU ta 'Ukraina' dilyly dva poverkhy budivli na Hrushevskoho," *20 Khvylyn*, April 18, 2016, https://vn.20minut.ua/Osvita/yak-donnu-ta-ukrayina-dilili-dva-poverhi-budiv-li-na-grushevskogo-10496148.html.

51 Olena Taranenko, ed., *Donbas—arena viiny* (Vinnytsia, 2015); Olena Taranenko, ed., *Istorii neseparatystok* (Vinnytsia, 2015). I am grateful to Marianna Novosolova for providing me with both publications.

of defeat: how pro-Ukrainian natives of Donbas were intimidated, beaten, murdered, or driven out through the combined effort of the pro-Russian native activists (among whom there were their neighbors, colleagues, friends, and even relatives) and the Russian invaders.

Perhaps the most important intellectual figure among IDPs is Olena Stiazhkina, a writer and professional historian. As an academic, Stiazhkina has been working on twentieth century Ukrainian history, with special focus on Donbas and women. Most of her academic output has been published in Ukrainian in Ukraine.[52] However, this excellent historian has earned far more fame as a fiction writer in Russian. Before 2014, several of her novels were published by mainstream Russian presses. Formally, she fits into the category of people whom Putin and the Russian authorities call *russkoiazychnye* (Russian speakers) and who supposedly need Russian state protection against the notorious Ukrainian nationalists wanting to "eat" them.[53] When the war came to Donbas, Stiazhkina, then a professor at Vasyl Stus Donetsk National University, like thousands of others, was driven out of the region because of her pro-Ukrainian views. Since then she has been very active as a public figure in Ukraine, giving numerous public lectures, talks, and interviews.[54] Stiazhkina presents a much needed and nuanced insider view of Donbas and its people, arguing against their demonization and in favor of a balanced approach towards their deoccupation that needs to punish only active supporters of the occupying regime without blanket characterizations of people who stayed in Donbas as either victims or traitors. It seems that her position has influenced the views of Arsen Avakov, Ukraine's Minister of Internal Affairs, on the subject of collaboration and deoccupation.[55]

Conclusion

The ongoing war in Donbas has proven to be the most significant demographic change in the history of the region since the end of World War Two. At least one-third of the region's population fled from the war, primarily to the neigh-

52   "Stiazhkina Olena Viktorivna," *Istoryky Ukrainy*, http://resource.history.org.ua/person/0000724.

53   "Putin: RF ne mozhet otdat 'na siedenie' natsionalistam russkoiazychnoe naselenie Donbassa," *TASS*, December 20, 2015, https://tass.ru/politika/2543808.

54   There are too many of them to list in a footnote, so I will mention only a selected few: "Do vstrechi v Donetske! Olena Stiazhkina TEDxKyiv," *TEDx Talks*, December 10, 2014, https://youtu.be/T5B5U-vESc1g; "Nam legche ne videt liudei, kotorye v Donetske zhdut osvobozhdeniia—tak nas ne muchaet chuvstvo viny," *UKRLIFE.TV*, April 21, 2016, https://youtu.be/s9VoAD9Ahy8; "Donbass: territoriia ili liudi," *Radio Svoboda*, October 28, 2017, https://youtu.be/8QG4OXpWMh8 . See also her columns in https://tyzhden.ua/Author/1868 /Column/ and https://p.dw.com/p/1HPN7.

55   Arsen Avakov, "Kolaboratsionizm i amnistiia. Neobkhidnist suspilnoho dialohu," *Ukrainska Pravda*, June 6, 2018, https://www.pravda.com.ua/articles/2018/06/6/7182517/.

boring provinces of Ukraine and to the Russian Federation. Since 2014 the Ukrainian authorities have officially recognized up to 1.7 million of these people as "internally displaced persons" (IDPs). The character of their displacement has been not just spatial, but also social. Officially, IDPs receive financial support from the Ukrainian state and even have a special ministry for their needs. In reality, the majority of them still face challenges of employment (nearly 60% are unemployed) and integration into Ukrainian society, which often has treated them with a mixture of hate, suspicion, and indifference. Such an unwelcoming environment forced many IDPs to go through a deep identity crisis and no longer identify with their home region. Less than one-third plan to return to Donbas after deoccupation. On the other hand, the themes of returning and reintegration of Donbas have dominated discussions among IDP intellectual and public figures who have been specifically interested in how to reintegrate the deoccupied population. But even if Ukraine somehow manages to regain Donbas in the upcoming years it would take decades for the region to recover its prewar weight in Ukrainian population, politics, and economic influence.

War Dead and (Inter)-Communal Ethics in the Russian-Ukrainian Borderlands: 2014–2018

OLEKSANDR MELNYK

Introduction[1]

Five years into the armed conflict in the Donbas, the war has exerted significant humanitarian costs. Perhaps as many as 13,000 people have lost their lives.[2] Some two million people have become displaced persons.[3] Summary executions were certainly rare, but an unknown number of people experienced various forms of abuse and personal deprivations, including unlawful imprisonment, torture, sexual violence, forced labor, and expropriations.[4] The areas adjacent to the war zone are still littered with landmines and unexploded ammunition, which pose considerable risks to the civilian population, particularly children.[5] More than a million people are said to experience food insecu-

2 "Donbas War Death Toll Rises Up to Nearly 13.000—UN," *UNIAN*, January 22, 2019, https://www.unian.info/war/10416549-donbas-war-death-toll-rises-up-to-nearly-13-000-un.html.
3 The UN estimates the number of internally displaced people at around 1.8 million. http://www.unhcr.org/ukraine.html.
4 "Reports on the Human Rights Situation in Ukraine," *UN Human Rights Office of the High Commissioner,* 2014–2018, https://www.ohchr.org/en/countries/enacaregion/pages/uareports.aspx.
5 Jack Losh, "Land Mines in Ukraine's East Put it Among the World's Most Dangerous Areas for Civilians," *Washington Post*, November 18, 2017, http://wapo.st/2zO2Stl?tid=ss_tw&utm_term=.dc2f-787be1b4.

rity.[6] Finally, the war adversely affected the economy of the region and exposed the population to novel ecological threats.[7]

Yet the geopolitical significance and human costs of the war notwithstanding, in historical terms, the armed conflict in the Donbas must be categorized as rather limited—whether in terms of the involvement of the population, the intensity of fighting, the number of casualties, or the scope of violence against non-combatants. Overall, the military developments in the region remain within the larger post-World War Two trend towards the "humanization" of warfare, apparent in the ascendance of international humanitarian law and the relative decrease of violence against non-combatants. In the Donbas, such restraint was characteristic not only of the Ukrainian government and of the insurgents—the principal combatants—but also of the Russian Federation and even Russian nationalists, some of whom were in principle committed to total war and the destruction of the Ukrainian state. This is important to emphasize in light of the fact that fighting has been accompanied by intense information warfare campaigns, which systematically exaggerated the extent of criminality of warring sides.

While the fear of casualties, economic sanctions, and international isolation must have been an important consideration for the Russian leadership, one also should not overlook the history of co-existence within the USSR and the importance of peculiar ideological frames grounded in the Russian historical mythologies that emphasize the cultural unity of the Slavic world and the opposition to aggressive wars (one of the legacies of Soviet post-WW2 pacifism). Although the Russian Federation appears to have been an active driver of the conflict since the start of the anti-government protests in spring 2014, the cultural frames evoked by the Russian leadership militated against commitment to the destruction of the Ukrainian state and the creation of the larger "Novorossiia" by military means, even as President Vladimir Putin himself vaguely hinted at the possibility of such an entity early on.[8]

In turn, the Ukrainian state, non-state actors, and anti-government/anti-state insurgents in conducting war were frequently constrained, not only by the obvious lack of capacity and by the agendas of powerful international actors, but

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6   Michael Bociurkiw, "Forgotten Ukrainians Feel the Bite of Winter Food Cuts," *IRIN News*, March 12, 2018, https://www.irinnews.org/news/2018/03/02/forgotten-ukrainians-feel-bite-winter-food-cuts.

7   Brian Milakovsky, "On the Edge: War and Industrial Crisis in the Luhansk Oblast," *Kennan Cable*, no. 36 https://www.wilsoncenter.org/publication/kennan-cable-no-36-the-edge-war-and-industrial-crisis-luhansk-oblast; On ecological threats, "Zona vidchuzhennia Donbas. Film-doslidzhennia pro zahrozu ekolohichnoi katastrofy," *Hromadske Telebachennia*, March 1, 2018, https://youtu.be/orIJ_WbsmD0.

8   In public, Putin used the term "Novorossiia" for the first time on April 17, 2014. "Priamaia liniia s Vladimirom Putinym 17 aprelia 2014," *Russia Today*, April 17, 2014, https://youtu.be/Lz1B809p0Ts (after 1:07:00).

also by peculiar conceptions of nation- and state- building. Central to these conceptions were representations of the active opponents as politically marginal, with primary emphasis placed on the political inclusion (even if accompanied by subordination) rather than ethno-political exclusion of the majority populations in the areas to which they staked territorial claims (i.e., rebel controlled parts of the Donbas and the eight regions of southeastern Ukraine, the so-called "Novorossiia").

The incidence of specific war-related crimes still needs to be precisely quantified. The available evidence, however, suggests that violence against POWs and civilians on both sides, when it occurred, was often not indiscriminate but driven by political considerations and perceived grievances. This may have often been the case even with sexual crimes, which did not exhibit a strategic character but on many occasions appeared to have been a form of punishment for political activities.[9] Moreover, groups deemed hostile on political grounds were not treated as a monolithic collective. Thus, Ukrainian combatants may have taken a greater exception to Russian volunteers than to local fighters and their civilian supporters.[10] Local insurgents and their military allies exhibited a similar pattern of relating to both Ukrainian combatants and pro-Ukrainian activists. Captive soldiers of the Ukrainian armed forces, it seems, were, on average, accorded better treatment than members of volunteer battalions, particularly if they were from southeastern regions. Gunners, mortar operators, and snipers could certainly provoke wrath, but mobilized soldiers were often viewed as unwitting instruments of the "illegitimate" government.[11] Neither was it uncommon to observe non-hostile interactions between combatants or between combatants and prisoners of war in less threatening contexts.[12]

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9   "Report of the Office of the United Nations High Commissioner for Human Rights. Conflict-Related Sexual Violence in Ukraine (March 14, 2014 to January 31, 2017)," March 16, 2017, https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session34/Documents/A_HRC_34_CRP.4_E.docx.

10 Liliia Rodionova mentioned that Ukrainian personnel beat a Russian volunteer much more systematically and cruelly than other detainees. Liliia Rodionova, "O tainykh tiurmakh SBU, sbitom boinge, 'Reintegratsii Donbassa,'" *Legendarnye podrazdeleniia ot Gennadiia Dubovogo*, July 23, 2017, https://youtu.be/sicDHAUUz14 (after 9:00).

11 On the rhetoric towards prisoners of war, see Nikolai Kozitsin in "Plennye iz yuzhnogo kotla," *Kazak-TV*, August 16, 2014, https://youtu.be/LEPIF86loQE; on the treatment of members of volunteer battalions, snipers, and gunners, see Olha Tkachenko, "Polon u pidvali kolyshnioi SBU, kasha z kaminnia ta pershi kroky na voli. Istoriia odnoho viiskovoho z Kirovogradshchyny (chastyna 3)," *Elektronna hazeta Persha*, October 13, 2016 http://persha.kr.ua/article/98279-polon-u-pidvali-kolyshnoyi-sbu-kasha-z-kaminnya-ta-pershi-kroky-na-voli-istoriya-odnogo-vijskovogo-z-kirovogradshhyny-chastyna-3.

12 "Pogibshie boitsy natsgvardii Ukrainy na Bakhmutke," *SouthEAST Information-Analytical Agency*, October 29, 2014, https://youtu.be/PNzvqifI7R0 (after 6:00); "Motorola i komandir kiborgov Kupol, vstretilis v aeroportu Donetska," *Donbass segodnia*, December 16, 2014, https://youtu.be/SCGZ-K9euEhM; "ATO. Plennye separatisty v Shakhterske," *Vitalij Chernega*, August 24, 2014, https://youtu.be/ScQU7CJJwZs.

Finally, commercial interests of conflict participants frequently overrode even political considerations. This is indicated not only by reports of illicit trade and high incidence of requisitions and expropriations, but also by allegations about POWs being released for ransom.[13] Mercenary activities, of course, contributed to the general insecurity of the population in the war zone, particularly in the non-government-controlled territories. Yet they must have also moderated ideological violence, perhaps, as efficiently as the dominant cultural identities and political conceptions of the combatants.

With this larger humanitarian context in mind, this chapter is an attempt to examine the specific problem of the treatment of wartime casualties with a view to jumpstart a discussion about a broader set of questions related to the subject of cultural identities, (inter-)communal ethics, and the politics of reconciliation. At the center of the study is the initiative "Evacuation-200," which the Department of Civilian-Military Cooperation of Ukraine's Armed Forces (hereafter CIMIC) launched in early September 2014 in conjunction with the dramatic defeat of the Ukrainian forces at Ilovaisk. Composed primarily of civilian volunteers affiliated with WW2 memorial societies, the mission has already returned from the war zone and from the "Donetsk National Republic and Luhansk National Republic" (hereafter DNR and LNR) close to 800 bodies of Ukrainian servicemen and civilians, with a few dozen bodies of insurgents and Russian volunteers returned to the DNR and LNR.[14] By elucidating the activities of these networks, their relationships with the organs of the Ukrainian state, various international organizations, other structures of the Ukrainian civil society, and similar groups in the non-government controlled territories, this chapter makes a set of arguments about the continued existence of shared commemorative cultures and attitudes. These cultures, I argue, survived the post-Maidan transformations of the Ukrainian body politic and contributed to the preservation of areas of ethical consensus that have enabled limited cooperation across the political divide even in the midst of fighting.

Political Conflict and the Nature of Warfare

The origins of the armed conflict in the Donbas are complex and much research still needs to be done. The political context and contributions to the escalation

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13 "Vospominaniya Sergeeva ob LNR," February 5, 2015, https://avva.livejournal.com/2839550.html.

14 "'Chornyi tiulpan': my maiemo vtraty, ale nas ne vyznaiut uchasnykamy boiovykh dii," *Hromadske Telebachennia*, September 4, 2016, https://youtu.be/xnxCon2cd58; the general number of insurgents discovered by Ukrainian search teams in the government controlled territories is unknown, but a search team from Sloviansk alone located forty bodies of DNR fighters. See "Litopys 'Chornoho Tiulpanu', Seriia 16," *Soiuz Narodnaia Pamiat*, July 4, 2018, https://youtu.be/DKOkTNVZNMs.

of violence by various actors have been explored in the scholarly literature, myself included.[15] Here it will suffice to say that the Euromaidan Revolution and the violent overthrow of President Yanukovych inaugurated political turmoil in the cities of southern and eastern Ukraine. In part fueled by the missteps of the interim government and the coordinated subversive campaign of the Russian Federation, the political mobilization, on the one hand, reflected a broader crisis of legitimacy of the central authorities. On the other hand, it was a defensive reaction to the perceived physical and cultural threats supposedly emanating from the revolutionary capital.[16]

The situation in the Donbas specifically was further complicated by the position of the law enforcement apparatus, which, having participated in the violent standoff in Kyiv, showed little enthusiasm about the new government.[17] Moreover, with anti-government/anti-state demonstrations in progress throughout the region in spring 2014, the Donbas became home to a plethora of self-defense groups. These consisted not only of activists of the anti-Maidan, but also members of local veteran, Cossack, Communist, and Russian nationalist organizations. No less importantly, the Russian military-political maneuvering, the annexation of Crimea, and President Putin's ambiguous evocation of "Novorossiia" raised irredentist expectations among parts of the local population and emboldened Russian nationalists outside Ukraine. For their part, the interim government in Kyiv and regional elites showed little to no willingness to compromise on the critical issue of "federalization," which the Russian government demanded at international fora.[18]

It is within this volatile context that groups of radical protesters occupied security service headquarters in Donetsk and Luhansk and the regional administration in Kharkiv on April 6. While the Ukrainian government managed to reassert control in Kharkiv, the situation in the Donbas continued to deteriorate. On April 12 a roving paramilitary unit headed by the former Russian secu-

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15 Sergiy Kudelia, "Domestic Sources of the Donbas Insurgency," *PONARS Eurasia*, Policy Memo 351, September 2014, http://www.ponarseurasia.org/memo/domestic-sources-donbas-insurgency; Andreas Umland, "The Glazyev Tapes: Getting to the root of the conflict in Ukraine," *European Council on Foreign Relations*, November 1, 2016, https://www.ecfr.eu/article/commentary_the_glazyev_tapes_getting_to_the_root_of_the_conflict_in_7165; Oleksandr Melnyk, "From the 'Russian Spring' to the Armed Insurrection: Russia, Ukraine and the Political Communities in the Donbas and Southern Ukraine" *The Soviet and Post-Soviet Review* 47, no.1 (2020): 1–38.

16 In March 2014, Russian and Ukrainian digital media regularly circulated stories and videos with various participants of the organizations of the Ukrainian far right: Aleksandr Grishin, "Sashko Bilyi terroriziruet Rovenshchinu reketom," *Komsomolskaia Pravda*, March 5, 2014, http://www.kp.ru/daily/26202/3089080.

17 See the interview with A. Khodakovskii, the former commander of the "Alfa" special unit of the Security Service of Ukraine in the Donetsk region. "Komandir Alfy. Donetsk," *99verba*, March 8, 2014, https://youtu.be/CX7HzOw_5FY.

18 Melnyk, "Russian Spring," 37–38.

rity service officer Igor Girkin (known as Igor Strelkov)—likely with the covert support of Russian special services—captured police precincts and security service headquarters in Sloviansk and Kramatorsk, signaling the transition to armed insurrection.[19] Shortly thereafter, paramilitary formations sprang to life in Horlivka, Krasnyi Lyman, Krasnoarmiisk, Druzhkivka, Artemivsk, and some smaller towns near the strategic highway connecting the Dnipropetrovsk region with the coal-mining basin. By the end of May, insurgent groups extended control to significant parts of the Donetsk and Luhansk regions.

The transition from street action to the decentralized armed insurrection was accompanied by takeover of government institutions, defection of important parts of the state apparatus, destruction of Ukrainian national symbols, and violent attacks against recalcitrant government officials and Ukrainian activists.[20] In addition, the insurgents, with the support of the considerable portion of the local population, obstructed the deployment of Ukrainian forces and even succeeded in disarming some military units.[21] The government effort to disband the pro-Russian encampment in Odesa on May 2—which led to street clashes and ultimately to the deaths of dozens of mostly pro-Russian activists during the burning of the Trade Union building—exacerbated tensions even further, providing an additional incentive for many domestic and international opponents of the acting government/the Ukrainian state to join the ranks of the insurgency.[22]

For the purposes of this study, it is important to note that in April and May, the firefights with the use of light weapons were rare, the casualties few, and hostilities mostly confined to the informational sphere. Significantly, at this early stage the initiative lay primarily with the insurgents who carried out a series of successful surprise attacks against Ukrainian checkpoints and military convoys, and effectively managed to secure the quasi referendum in the territories outside government control on May 11. No less importantly, by early June, the rebels wrested control of multiple border crossing points, ensuring the uninterrupted access of fighters, weapons, and supplies from the territory of the Russian Federation in the weeks ahead.

During this period the military strategy of the Ukrainian government amounted to little more than efforts to isolate rebel strongholds from the rest of

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19   "Igor' Girkin (Strelkov): 'K vlasti i v Donetskoi, i v Luganskoi respublike Surkov privel banditov," *Insider*, December 8, 2017, https://theins.ru/politika/83281.

20   Pavel Gubarev, *Fakel Novorossii* (St. Petersburg: Piter, 2016), 184–86.

21   Oleksandr Melnyk, "Decentralized Insurrection and Charismatic Warlordism," Conference paper, Danyliw Research Seminar on Contemporary Ukraine, University of Ottawa, November 2017, 4.

22   On the events in Odesa on May 2, 2014, see Henry Hale, Oxana Shevel, and Olga Onuch, "Believing Facts in the Fog of War: Identity, Media and Hot Cognition in Ukraine's 2014 Odesa Tragedy," *Geopolitics* 23, no. 4 (2018): 851–81.

the country and to prevent takeover of strategic infrastructure, such as airports and armament depots. The initial passivity of the Ukrainian forces was due not only to the objective lack of capacity and fears of the Russian intervention but also to the efforts of the Western governments to find a diplomatic solution to the crisis, fears of unacceptable casualties, and the reluctance to alienate the civilian population through the application of excessive force.

The situation, however, began to change after the presidential elections and the completion of the third wave of military mobilization. Already on May 26 the insurgents sustained a first significant defeat of the campaign at Donetsk airport. The escalation continued in the following weeks. On June 12 some units of the 51st mechanized, 72nd mechanized, and 79th airmobile brigades—later joined by two battalions of the 24th and 28th mechanized brigades—began the operation aimed at reestablishing control of the border, from Amvrosiivka in the south of the Donetsk region to Izvaryne in the Luhansk region. Simultaneously, the fighting intensified in the vicinity of Sloviansk and in the Luhansk region.

The offensive operations of the Ukrainian armed forces involved the use of heavy weapons, including tanks, artillery, and aviation, although the army rarely attempted to storm rebel strongholds head-on.[23] The goal was rather to destroy weaker checkpoints on the roads and isolate stronger garrisons from the border and from each other, and to force the insurgents either to retreat from populated areas or to cease resistance altogether due to the supplies and ammunition running out.

This strategy bore some results. On July 5, Girkin's forces withdrew from Sloviansk to Donetsk. In the following weeks, the Ukrainian side reestablished control over many towns and villages in the Donetsk and Luhansk regions. Some towns, it appears, were left by the rebels without a fight, maybe in order to minimize damage to their native areas.[24] In the meantime, units of the 80th airmobile brigade broke into the Luhansk airport (under blockade since early June), and in the second half of July, started fighting on communications linking Luhansk with the Russian border. The objective was likely to connect with the southern grouping near Izvaryne and thus completely seal the border. Although the insurgent casualties from April until the end of July probably did not exceed

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23   When the heavy fighting did occur, the assault work was usually led by airborne and airmobile units. The 25th airborne brigade from Dnipro played a particularly important role, fighting along the entire perimeter of the war zone—at Sloviansk, Krasnyi Lyman, Savur-Mohyla, Debaltseve, Shakhtarsk, and Vuhlehirsk, to name a few. The casualties were so high that by August 2014 some companies were reduced to a handful of fighters. "Dnepropetrovskie desantniki v ATO ponesli samye bolshie poteri," *34 Kanal*, September 1, 2014, https://youtu.be/qFxnsYAv0LQ.

24   "'Rezonans' Zona ATO (29.12.15)," *TRK Rudana*, December 30, 2015, https://youtu.be/t_Wa2iFpujs (after 4:00).

a few hundred, the rapid advance by Ukrainian forces was exacting a toll on the morale of many poorly trained insurgent units, which by the end of July started hemorrhaging fighters.[25]

Territorial advances in June and July, however, masked significant problems of the Ukrainian armed forces, such as compromised secrecy of operations, limited number of combat ready units, inadequate supplies, poor training, and low morale of many mobilized soldiers. Under these circumstances pushing rebels out of large urban agglomerations such as Donetsk, Luhansk, and Horlivka proved a very difficult task. The main problem, however, was the prior loss of a long stretch of the border, aggravated by the strategic miscalculation of Russia's response to military escalation and tactical blunders such as failure to secure the dominant height Savur-Mohyla at the start of the operations in the south of the Donetsk region (sector D). It was primarily in sector D that the entire campaign would be decided during July and August.

By mid-July the Ukrainian grouping along the border was quite strong. It consisted of several heavily armed battalions and border guard units, reinforced with artillery and special forces, around 3,000 fighters in total. Concentrated in multiple strongpoints along the 150-kilometer stretch from Amvrosiivka to Izvaryne, the mobile units soon started to assert their presence on communications. Their main weakness was logistics in that they themselves had to be supplied through a narrow strip of land running for dozens of kilometers between the rebel territories and the Russian border. It was not long before diversionary groups exposed this vulnerability. No less importantly, Ukrainian supply columns and strongpoints came under massive artillery fire both from the side of the insurgents and from across the border with Russia.[26] A particularly significant incident occurred on July 11, when the base camp of the 24th mechanized brigade at Zelenopillia in the Luhansk region was hit by Grad missiles, resulting in deaths and injuries to dozens of soldiers.[27]

The situation in sector D became critical after the insurgents captured the border villages Stepanivka and Marynivka in mid-July and effectively cut the communications lines.[28] The effort to airlift supplies provided only partial relief

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25 On mass desertions of the insurgents in Luhansk, see "Vospominaniia Sergeeva ob LNR," February 5, 2015, https://mapdesign.livejournal.com/65200.html

26 Insurgent sources noted the increase in the supply of heavy weapons from early July. Vadim Pogodin: https://youtu.be/HL6_NV7AWr0 (from 14:30). Girkin spoke about artillery exchanges already on July 10, https://youtu.be/o8KdvFpz-84 (from 3:00). Such weapons and especially ammunition could have only come from Russia, since at that point the rebels had yet to capture significant volumes of Ukrainian military hardware, not to mention ammunition.

27 "Zelenopillia. Spohady ofitsera," http://memorybook.org.ua/operations/zelenopillya.htm.

28 Iurii Butusov, "Krizis v sektore 'D'. Reportazh s granitsy s Rossiei," *112.ua*, July 23, 2017, https://112.ua/mnenie/krizis-v-sektore-d-reportazh-s-granicy-s-rossiey-91671.html.

and soon had to be abandoned due to activities of anti-aircraft systems.[29] With food, water, fuel, and ammunition in short supply and artillery exacting continuous casualties and losses of hardware, morale was running low.[30] By late July, some units had, in fact, crossed into Russia.[31] The rest broke out of the encirclement on August 6 and 7 with the help of the 25th airborne, 95th airmobile, and 30th mechanized brigades.[32] The withdrawal from the so-called "southern cauldron" meant that Ukraine effectively lost the struggle for the border.

The summer campaign, however, was not yet over. As the battered units retreated from sector D, the Ukrainian General Staff made another desperate attempt to isolate the Luhansk, Donetsk, and Horlivka garrisons from the border and from each other. The only difference was that this time the Ukrainian forces were deployed, not on the border itself, but along the line Stepanivka-Miusynsk-Krasnyi Luch-Lutuhyne. As part of this effort, units of the 95th airmobile brigade pushed northeast from Stepanivka towards Lutuhyne, destroying insurgent checkpoints along the way. Following in its footsteps were three battalions of the 30th mechanized brigade, with orders to man the vacated checkpoints. Subsequent developments would demonstrate that this task was well beyond the capacity of these units.

In the meantime, on August 12, units of the 25th airborne brigade captured Vuhlehirsk near Debaltseve and put additional pressure on the Horlivka garrison.[33] For its part, the 80th airmobile brigade—operating out of Luhansk airport—together with some units of the 24th brigade, battalion "Aidar" and units of the 1st tank brigade, intensified operations near Lutuhyne, Novosvitlivka, and Khriashchuvate, all on the roadway connecting Luhansk with Russia. Indeed, when the Ukrainian forces captured Khriashchuvate and Novosvitlivka in mid-August, the military defeat of the insurgency seemed like a foregone conclusion. It was precisely at that point that Russian forces began their direct intervention.

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29 On July 14, 2014, the insurgents downed the transport airplane AN-26 near the village Davydo-Mykilske, Krasnodon district, Luhansk region: "456-a bryhada transportnoi aviatsii," http://memorybook.org.ua/units/456br.htm; Another AN-26 was downed near Torez in the Donetsk region on July 17, just before the Malaysian Airlines incident, "Donetskie opolchentsy sbili eshche odin ukrainskii AN-26," *TVC*, July 17, 2014, http://www.tvc.ru/news/show/id/45098.

30 Vladyslav Moroko, ed., *Usna istoriia rosiisko-ukrainskoi viiny*, (2014–2015 roky), Vol. 1 (Kyiv, 2015), 37, 52–62.

31 Artem Chapai, "Chy zlochyn zalyshytysia zhyvymy?" in *Voina na tri bukvy. Khronika protivostoyaniya v reportazhakh i svidetel'stvakh ochevidtsev*, ed. Ekaterina Sergatskova, Artem Chapai and Vladimir Maksakov, (Kharkiv: Folio, 2015), 198–203.

32 Anastasiia Bereza, "Geroi Ukrainy Sergei Sobko: 'Byli momenty, kogda tolko molitvy blizkikh spasali nas,'" *Censor.net*, September 8, 2015, https://censor.net.ua/resonance/350571/geroyi_ukrainy_sergeyi_sobko_byli_momenty_kogda_tolko_molitvy_blizkih_spasali_nas.

33 "Boi pod Uglegorskom glazami desantnika Valeriia Ananieva," *Censor.net*, December 18, 2014, https://censor.net.ua/resonance/316842/boyi_pod_uglegorskom_glazami_desantnika_valeriya_ananeva.

As noted, the Russian Federation supported the insurgency from the very start, informationally, in the diplomatic sphere, with weapons, irregular fighters, and from July with artillery strikes. The ground intervention by units of the regular army, however, began only in August 2014. Moreover, it is possible that this intervention did not occur in one fell swoop, but in a series of separate actions. Thus, units of the 30th brigade in Stepanivka may have been attacked by a limited contingent of Russian forces already on August 12–13.[34] Around August 15–20, several battalion tactical groups crossed the border into the Luhansk region and clashed with Ukrainian forces near Lutuhyne, Khriashchuvate, and Novosvitlivka, effectively lifting the blockade of Luhansk.[35] Towards the end of the month, together with various insurgents groups and mercenaries of "Vagner," regular units of the Russian army routed remnants of the 80th airmobile brigade at the Luhansk airport.[36] Similarly, in the Donetsk region, the Russian army helped complete the encirclement of volunteer battalions in Ilovaisk on August 24. It was in the context of the military developments in August–September 2014, leading to the signing of the Minsk agreements, that both sides sustained the greater portion of casualties due to the intensification of fighting and the use of heavy of weapons.

Territorial Control and the Problem of Casualties

Thanks to the work of Ukrainian volunteers associated with various museums and memorial societies, we now have a rather accurate picture of the number of Ukrainian military casualties and often also of the circumstances under which these deaths occurred. No less importantly, the available data allow us to trace the dynamics of the escalation. Whereas in April, May and June, the Ukrainian side sustained around 224 combat deaths, in July alone the figure climbed to at least 329. At the peak of fighting in August and during the first week of September the number came to more than 800 for a combined total of almost 1,350 confirmed combat deaths.[37] The actual number of combat deaths during the summer campaign may be somewhat higher given that as of October 2017 at least 82

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34 "Liustrator 7.62. Spetsproekt. Serpneva trahediia u Stepanivtsi," *Telekanal 2+2*, August 10, 2015, https://youtu.be/7mMak3jcjAE (after 30:30).

35 "Intsidenty s uchastiem rossiiskikh voennykh na Ukraine," *RBC.ru*, November 22, 2016, https://www.rbc.ru/politics/22/11/2016/58343cc49a7947862c27313c.

36 On the Vagner group at the Luhansk airport, see Evgenii Sergeev, "Svintsovye buri. Skvoz voinu v riadakh GBR 'Betmen,'" June 3, 2016, http://rusrand.ru/spring/svincovye-buri-skvoz-voynu-v-ryadah-gbr-betmen.

37 "Zahybli po misiatsiakh viiny (stanom na 04.07.2019 r.)," http://memorybook.org.ua/indexfile /stat-month.htm.

soldiers and an unknown number of members of irregular formations were still considered MIAs.[38]

The combined combat losses of local insurgents, irregular fighters from abroad, and Russian armed forces during the summer campaign are hard to establish with precision, since no similar databases exist. But they were likely much lower overall, maybe closer to 500 than to 1,000, given several high-profile incidents that claimed a disproportionate number of Ukrainian deaths (e.g., the rebel attack on the checkpoint in Volnovakha on May 22), the downing of the transport plane with fifty paratroopers of the 25th airborne brigade over the Luhansk airport (June 14), the shelling of the Ukrainian positions near the border (including the outstanding incident at Zelenopillia on July 11), as well as the annihilation of the entire platoon of the battalion "Aidar" followed by significant losses of the 3rd company of the 80th airmobile brigade in the insurgent ambush between Metalist and Shchastia in the Luhansk region (September 5). But the most significant was the debacle at Ilovaisk on August 29, 2014, when more than 400 fighters lost their lives in just one day. Indeed, the number of Ukrainian casualties at Ilovaisk alone was close to the entire death toll of Ukrainian forces from April through the end of July, and likely exceeded the number of insurgent combat deaths during the same period.[39]

The plight of the civilian victims has been explored in some studies and is not the central subject of this article.[40] UN estimates from September 2014 placed the total number of war dead at over 3,000. Given what we now know about the number of military deaths, this figure is likely much too low. In either case, we are talking about an absolute minimum of 1,000 civilian deaths during the summer campaign.[41] The main culprits were low precision weapons—mortars, artillery, and missile systems. In June–July the Ukrainian side also employed its air force, including against the rebel positions inside the populated areas. In places

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38 "Propavshimi bezvesti v zone ATO schitaiutsia 82 voennykh," *Ukrainskie natsionalnye novosti*, October 26, 2017, https://www.unn.com.ua/ru/news/1695082-zniklimi-bezvisti-v-zoni-ato-vvazhayutsya-82-viyskovikh.

39 In April 2015, military prosecutor Anatolii Matios placed the number of the confirmed dead at Ilovaisk at 459, with 478 wounded. Matios did not give the number of MIAs. See "Na segodnia podtverzhdena gibel 459 chelovek v boiakh pod Ilovaiskom, 478-ranenykh, –Matios," *Censor.net.ua*, April 17, 2015, https://censor.net.ua/news/333029/na_segodnya_podtverjdena_gibel_459_chelovek_v_boyah_pod_ilovayiskom_478_ranenyh_matios.

40 Center for Civilians in Conflict, *We Are Afraid of Silence: Protecting Civilians in the Donbas Region* (2016), 13–24, https://civiliansinconflict.org/publications/research/afraid-silence-protecting-civilians-donbass-region/.

41 "Ukraine Death Toll of More than 3,000 'Alarming': UN," *UN News*, September 8, 2014, https://news.un.org/en/story/2014/09/476902-ukraine-death-toll-more-3000-alarming-un. By March 2, 2015, the death toll exceeded 6,000 people. See "Ukraine Death Toll Hits 6,000 amid Ongoing Fighting," *UN News*, March 2, 2015, https://news.un.org/en/story/2015/03/492332-ukraine-death-toll-hits-6000-amid-ongoing-fighting-un.

like Luhansk, Horlivka, and Snizhne, aerial attacks caused collateral damage and may have been one of the reasons why Russia deployed anti-aircraft systems in July 2014.[42] One of these crews was probably responsible for accidentally shooting down the Malaysian Airlines flight on July 17, 2014.[43]

In technical terms, Ukraine certainly bore the primary responsibility for civilian deaths in June and July. Even restrained offensive operations with the use of heavy weapons against underequipped insurgent groups, which frequently concentrated near or inside populated areas, could not but lead to civilian deaths and to damage the civilian infrastructure. It is, however, also true that the question has been instrumentalized by the pro-rebel media, which tended to misrepresent such incidents as deliberate targeting of the civilian population. Within this context it is important to note that already by early July the insurgents acquired their own mortars, artillery, tanks, and missile systems and started using them, not infrequently from inside cities, towns, and villages. Given that Ukrainian forces at the time were usually in the fields or at the checkpoints outside populated areas, the shelling of their positions probably did not cause much damage to civilians. The return fire, however, likely did. Indeed, at least some insurgent groups may have deliberately provoked Ukrainian counterstrikes on civilian targets as a strategy of war.[44]

The picture became even more complicated in August, particularly after the start of the Russian intervention durong the second half of the month. As it turned out, the insurgents, when they went on a counter-offensive in August, showed little compunction about shelling Ukrainian units inside the populated areas, even if their supporters in some places blamed the Ukrainian military for setting up positions there.[45] The same was more or less true of the regular units of the Russian army at Stepanivka, Lutuhyne, Novosvitlivka, Ilovaisk, and Mnohopillia, to name a few.[46] Indeed, some of these places experienced artillery

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42 On the use of assault planes in Horlivka in June 2014, see Mikhail Polikarpov, *Donbass. Ot Slavianska do Debaltsevo. Khroniki, zapisannye kroviu. Okopnaia pravda grazhdanskoi voiny* (Moscow: Knizhnyi mir, 2016), 64.

43 "MH17: The Netherlands and Australia hold Russia responsible," May 25, 2018, https://www.government.nl/topics/mh17-incident/news/2018/05/25/mh17-the-netherlands-and-australia-hold-russia-responsible.

44 See the footage from near Sloviansk in July 2014: "'Vot tak vot russkie voiuiut!' 'Opolchentsy' streliaiut s territorii tserkvi v Slavianske," *Icelandcat*, July 4, 2014, https://youtu.be/U8NwsmUsw2Q.

45 Units of the 25th airborne brigade were hit by mortars and artillery while they were already within the city limits: "ATO. Plennye separatisty v Shakhterske," *Vitalij Chernega*, August 24, 2014, https://youtu.be/ScQU7CJJwZs (after 2:20). Rebels in Shakhtarsk fired at the Ukrainian positions from within the city, "Shakhtersk. Khaotichnyi minometnyi obstrel terroristami," *Torezinfo*, July 30, 2014, https://youtu.be/R-S5nimnp7M.

46 The UN estimated that during the fighting for Ilovaisk in August 2014, 36 civilians were killed as a result of shelling by both sides. See Oksana Hrytsenko, "UN says 36 Civilians Died in Fighting Over Ilovaisk," *Kyiv Post*, August 10, 2018, https://www.kyivpost.com/ukraine-politics/un-says-36-civil-

strikes by both sides in the course of July and August. The pattern of artillery exchanges would continue during the fighting in winter 2015 and afterwards.

Importantly, while the Ukrainian forces advanced, the removal of the dead did not pose much difficulty for the Ukrainian side. But dozens of insurgent fighters remained on government-controlled territory, buried by their comrades earlier or left behind on the battlefield to be buried in poorly marked graves.[47] In some places, the search for them would begin only several years after the events.[48] In August and September 2014, the tables were turned. This time, it was pro-government forces that were forced to leave the territory, unable to evacuate their own casualties, which ran into the hundreds by the time of signing of the Minsk agreements.

As noted in the previous section, several thousand soldiers fought in the virtual encirclement near the border already from mid-July, under constant shelling. Moreover, combat forces and convoys delivering supplies, in addition to artillery strikes, also came under attack by diversionary groups. One could argue that neither side exercised effective control of the terrain in the southern part of the Donetsk region from mid-July to at least mid-August. As a result, it was not uncommon to leave one's dead on the battlefield after enemy ambushes and counterattacks.[49]

Such was the case with the 1st battalion of the 25th airborne brigade, which in late July attempted to capture Shakhtarsk in order to relieve pressure on the Ukrainian forces in the so-called "southern cauldron." But the maneuver did not go unnoticed by the leaders of the insurgency who managed to bring reinforcements from Donetsk. Consequently, the paratroopers soon found themselves

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ians-died-in-fighting-over-ilovaisk.html. On shelling of Ukrainian forces in Stepanivka, see "Liustrator 7.62. Spetsproekt. Serpneva trahediia v Stepanivtsi," *Telekanal 2+2*, August 10, 2015, https://youtu.be/7mMak3jcjAE (after 30:30). On the shelling of Ukrainian forces in Mnohopillia on August 24: Olha Kalinovska, Oleh Kryshtopa, Ievhen Nazarenko, Valentyn Trokhymchuk, Daryna Fedenko, *Neoholoshena viina. Nevidomi fakty i khroniky ATO* (Kharkiv: Knyzhkovyi klub "Klub simeinoho dozvillia", 2015), 206–07.

47 Even their own supporters decried the cavalier attitude of insurgents to their own dead. See Evgenii Sergeev, "Svintsovye buri. Skvoz voinu v riadakh GBR 'Betmen'," *Tsentr Sulashkina (Tsentr nauchnoi politicheskoi mysli i ideologii)*, June 3, 2016, http://rusrand.ru/spring/svincovye-buri-skvoz-voynu-v-ryadah-gbr-betmen. Unsanctioned burials of insurgents and civilians have been reported at more than fifty village cemeteries throughout the government-controlled part of the Donetsk region, "'Chernyi Tiulpan' prodolzhaet raboty v Donetskoi oblasti," *Soiuz Narodnaia Pamiat*, January 10, 2018, https://youtu.be/upCC9inPY4Y.

48 "Rodionova, "O tainykh tiurmakh SBU."

49 There were reports about the graves of Ukrainian soldiers near the border control point Dolzhanskii. See "Vremia Sergeya Bratchuka. Yaroslav Zhilkin. Komu nuzhny geroi," *Media Inform*, August 4, 2015, https://youtu.be/ppVtuUKyb6M. On July 16, an officer and three soldiers of the 28th mechanized brigade were killed after they ran into an ambush near Marynivka in the south of the Donetsk region, http://memorybook.org.ua/17/novak.htm. They remained in rebel-controlled territory and were found by volunteers of the mission "Evacuation-200" only in the fall.

fighting a costly street battle which led to the loss of several dozen soldiers and multiple armored vehicles. Eventually the battalion had to retreat, while videos of destroyed hardware and bodies of Ukrainian soldiers, badly damaged by Grad missiles, made rounds on pro-rebel media and social networking websites.[50]

A similar fate befell several soldiers of the 30th brigade from Novohrad-Volynskyi near the village Stepanivka on August 6, 2014. That day, units of the 95th airmobile brigade, in an effort to assist troops blocked near the border, destroyed a number of rebel checkpoints, fighting their way towards Miusynsk, Krasnyi Luch, and Lutuhyne. Units of the 30th brigade were expected to move into what used to be rebel positions. But when one of the platoons arrived at the supposedly empty checkpoint No. 43, it was met with fire by a unit of the DNR (most likely the Motorola group), which had covertly reoccupied the checkpoint a little bit earlier. In the firefight four Ukrainian soldiers were killed and the rest rapidly left the battlefield.[51]

While the 95th brigade attacked rebel checkpoints in the south of the Donetsk region on August 6, 2014, units of the 24th mechanized, 51st mechanized, 72nd mechanized, and 79th airmobile brigades, as well as special forces and border guards, began to withdraw from the border salient. The retreat lasted for two days, often under fire, with insurgent ambushes and minefields posing additional threats.[52] Some of the dead and wounded reportedly fell off the rapidly moving vehicles and remained on non-government-controlled territories. The search for them continued for months afterward.[53]

But it was the start of the Russian intervention in the second half of August that forced battered Ukrainian units to abandon their positions along the entire perimeter of the war zone. In the southern part of the Donetsk region the setbacks occurred already on August 13, when units of the 30th brigade were pushed out of Stepanivka and Miusynsk. Many of the fallen were left behind at the destroyed checkpoints, in the burned vehicles, or simply lying in the fields and wooded areas.[54]

In the Luhansk region the retreat took place in late August and in early September, but with similar consequences. In fact, the unauthorized withdrawal of some less disciplined units and the breakdown of communication contributed

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50 "Gruppa ukrainskikh desantnikov pogibla pod Shakhterskom," *Novosti Rossii*, August 1, 2014, https://youtu.be/hwIp8039hwQ.

51 "Liustrator 7.62. Spetsproekt. Serpneva trahediia u Stepanivtsi," *Telekanal 2+2*, August 10, 2015, https://youtu.be/7mMak3jcjAE (after 7:30).

52 http://memorybook.org.ua/22/tretiak.htm.

53 "Istoriia poiska odnogo boitsa. 'Chernyi tiulpan'," *Soiuz Narodnaia Pamiat*, November 30, 2016, https://youtu.be/AP-kG9w1ihg (2:00).

54 "Doroga Novokaterinovka-Leninskoe. Ilovaiskii kotel. MAIF 'Tsitadel'. 2014 god," https://relicfinder.io.ua/v08bb904f01a2047401e1e556130b17e4.

to losses that would have been avoidable under different circumstances. Thus, on September 5, more than 100 fighters of the GBR "Batman" occupied the abandoned Ukrainian checkpoint on the only road connecting Metalist near Luhansk with Shchastia. Shortly thereafter an unsuspecting platoon of the battalion "Aidar" moved right into the trap. In the one-sided fight that ensued the unit was effectively annihilated. Several hours later, the heavily armed 5th company of the 80th airmobile brigade headed to Shchastia through the same road. With no knowledge of the ambush, the soldiers likewise came under attack and managed to break through only at the cost of significant losses.[55]

But by far the largest number of casualties occurred during the attempt of the Ukrainian armed forces and volunteer battalions to break out of the encirclement in Ilovaisk in late August 2014. While the details of the negotiations that preceded the withdrawal of Ukrainian forces remain uncertain, what happened later is well documented. As the columns began their movement on August 29, they came under massive and accurate fire, primarily by Russian regular forces, whose tanks and artillery must have moved into prepared positions days earlier. The battle order rapidly broke down. Many trucks and armored vehicles caught fire or exploded from direct hits and detonation of the ammunition. Others continued a chaotic retreat via field roads in the Ilovaisk and Starobesheve districts. Surviving witnesses subsequently compared these roads to a target practice range.[56] All in all, dozens of pieces of military hardware were destroyed. Official Ukrainian estimates place the number of the dead at more than 400, with many more wounded and taken prisoner. But mortalities were likely even higher. Indeed, the use of heavy weapons meant that many bodies were never found. Some continue to be listed as MIAs to this day.[57]

Importantly, from the very start the question of casualties was exploited in informational warfare. It is no secret that in times of war, the fighting sides censor numbers and images of their own dead and publicize trophy weapons and images of enemy casualties to cheer up their own supporters and to demoralize enemy fighters and non-combatants. The internet, social networks, and livestreaming services introduced unprecedented opportunities in this regard. Thus, Ukrainian Internet media gave broad coverage to the rebel defeat at the Donetsk airport on May 26, 2014, often complete with graphic pictures of dead

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55   "Tsvitni pisky," http://memorybook.org.ua/operations/cvetnypeski.htm .

56   Olha Tkachenko, "Bii za zhyttia abo Kudy vede 'zelenyi korydor'. Istoriia odnoho viiskovoho z Kirovohradshchyny (chastyna 2)," *Elektronna hazeta Persha*, October 5, 2016, http://persha.kr.ua/article/92069-bij-za-zhyttya-abo-kudy-vede-zelenyj-korydor-chastyna-2/.

57   "Donbass: armiia propavshikh bez vesti," *BBC News Russkaia Sluzhba*, October 15, 2014, https://www.bbc.com/russian/multimedia/2014/10/141015_ukraine_war_diggers_ivshina.

militants and Russian volunteers.[58] For their part, the informational resources that supported the insurgency wasted no opportunity to showcase the destroyed Ukrainian hardware and lifeless bodies of Ukrainian soldiers over the course of the summer.[59] Moreover, at least on some occasions the insurgents contacted relatives of the dead soldiers, using captured cell phones or even regular mail. Sometimes they also posted photos, videos, and copies of identification documents on social networks.[60] Such actions, while technically efforts at political persuasion, sometimes veered into the realm of psychological abuse. Yet they also performed the function of informing family members and the authorities about the fate of many soldiers officially designated as missing in action.

What happened to the bodies usually depended on the local context. Occasionally, the dead (and sometimes also POWs) were exchanged almost immediately through negotiations between Ukrainian military representatives and insurgent or Russian military commanders.[61] In practice, this could apply not only to small engagements but also to major engagements such as the Ilovaisk debacle.[62] Such direct exchanges and returns continued also in the fall.[63] At least in some cases, the bodies were brought to the relatives with the help of various volunteer initiatives such as "Officer Corps," group "Patriot," and informal networks of the veterans of the war in Afghanistan (some of which also participated in the exchange of POWs).[64] More often, however, insurgents, Russian soldiers, or residents of local communities hastily buried the bodies to prevent the spread of epidemics in the summer heat.[65]

58   Mariia Turchenkova, "Kak v refrizheratore vyvozili ubitykh v Donetske rossiiskikh naemnikov," *Antikor*, June 2, 2014, https://antikor.com.ua/articles/6853-kak_v_refriheratore_vyvozili_ubityh_v_donetske_rossijskih_naemnikov.

59   "Ukrainskie natsisty nashli svoiu smert na blok-postu opolchentsev. Za chto oni voiuiut?" *Legendarnye podrazdeleniia ot Gennadiia Dubovogo*, August 7, 2014, https://youtu.be/3FTzdImY6x4.

60   "Zhena pogibshego geroia ATO: 'Ubiitsy moego muzha prislali mne pismo,'" *Depo.ua*, August 15, 2014, https://www.depo.ua/rus/life/zhena-pogibshego-geroya-ato-ubiytsy-moego-muzha-prislali-mne-15082014104200.

61   "V Luganske sostoialsia obmen telami pogibshikh mezhdu opolcheniem i silovikami," *RT na russkom*, June 19, 2014, https://youtu.be/zawp-qGOg4k; "Reportazh iz Dibrovki, 200-e, interviu s 'Riazaniu,'" *Info Korpus*, July 29, 2014, https://youtu.be/dlHJUuRCNp8.

62   Olena Goncharova, "Yurii Dumanskii vspominaet trudnye peregovory s rossiianami," *Kyiv Post*, March 30, 2018, https://www.kyivpost.com/ilovaisk/ru/general-yuriy-dumansky-recalls-tough-talks-with-the-russians.

63   "Pogibshie boitsy Natsgvardii na Bakhmutke," *South-East Information-Analytical Agency*, October 29, 2014, https://youtu.be/PNzvqifI7Ro.

64   "Pozyvnyi 'Chonhar'—Borysenko Alla: ya vyvozhu 'dvokhsotykh' iz ATO," *Pohliad*, October 15, 2014, https://poglyad.te.ua/protystoyannya-kyjiv/pozyvnyj-chonhar-borysenko-alla-ya-vyvozhu-dvohsotyh-iz-ato.html; "Eksgumatsiya voennykh VSU i peredacha ikh ukrainskoi storone," *South-EAST Information-Analytical Agency*, November 26, 2014, https://youtu.be/qIolP9enWTQ.

65   "Kolonna 92 brigada, posadki mezhdu Novokaterinovkoi i Leninskim," https://relicfinder.io.ua/v157934d85c706df43e4ca215c9bcfb91.

But in the aftermath of the events at Ilovaisk, the number of casualties ran into the hundreds and the bodies were spread over a sufficiently large territory to warrant coordinated retrieval. Moreover, with hundreds of civilians looking for their family members and the pro-rebel media broadcasting footage of the burned military hardware and fallen Ukrainian soldiers on the Internet, the Ukrainian armed forces came under political pressure to do something about the bodies in rebel-controlled territories.[66] It is within this context that the humanitarian mission "Evacuation-200" came into existence in early September 2014.

The Humanitarian Mission "Evacuation-200"

An informal dialogue with the insurgents was in progress throughout the summer 2014. As noted, military commanders on the ground often negotiated exchanges of bodies and prisoners-of-war with individual warlords, while higher level discussions were carried out by the SBU and by political representatives either directly or through middlemen such as Ukrainian opposition politicians Viktor Medvedchuk and Nestor Shufrych.[67] At some point there also began negotiations between representatives of the Ukrainian General Staff and their Russian counterparts. Such discussions intensified in late August and early September 2014.[68]

It was as a result of these agreements that the responsibility for coordinated removal of the bodies of Ukrainian military personnel from the non-government controlled territories ended up with the newly created Department of Civilian and Military Cooperation of the Ukrainian Armed Forces (CIMIC).[69] In a later interview, head of the department Colonel Oleksii Nozdrachev described the negotiations with the representatives of the DNR and Russian General Staff in September 2014 as extremely difficult. The Ukrainian side negotiated from the

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66 On relatives searching for MIAs, see "Na bezymiannykh mogilakh poiavliaiutsia foto boitsov ATO," *Soiuz Narodnaia pamiat*, February 16, 2015, https://youtu.be/Kc4946F9tJk.

67 "Korban: Ruban ne poviazanyi z Medvedchukom, vin nasha liudyna," *Hromadske Telebachennia*, April 30, 2015, https://youtu.be/a2vQoi7-Ppo; "SBU: Peregovory s boevikami imeiut stabiliziruiushchii kharakter," *Gordonua.com*, November 5, 2014, https://gordonua.com/news/war/sbu-peregovory-s-boevikami-na-donbasse-imeyut-stabiliziruyushchiy-harakter-49854.html; "Shufrich: Peregovory s predstaviteliami 'DNR' i 'LNR' budut prodolzheny," *Ukrainska Pravda*, June 27, 2014, https://www.pravda.com.ua/rus/news/2014/06/27/7030386.

68 "Litopys 'Chornoho Tiulpanu,' Seriia 1," *Soiuz Narodnaia Pamiat*, January 24, 2018, https://youtu.be/3hcra3XWZBg (after 1:00)

69 "Nachalnik CIMIC Aleksei Nozdrachev: 'God nazad podderzhka VSU v nekotorykh gorodakh Donetskoi oblasti kolebalas ot 20 do 30%, a seichas okolo 80-85%'" *Censor.net.ua*, August 15, 2015, https://censor.net.ua/resonance/347362/nachalnik_simic_alekseyi_nozdrachev_god_nazad_podderjka_vsu_v_nekotoryh_gorodah_donetskoyi_oblasti_kolebalas.

position of weakness and had to eschew political questions. Instead, the emphasis was placed on humanistic values, Christian ethics, cultural affinities, and shared attitudes towards the dead.[70] Nozdrachev did not mention the Geneva conventions and international humanitarian law, though these may have been an equally important, if unacknowledged, factor underlying the eventual success of negotiations.[71] Be that as it may, at that time the Ukrainian military received permission to recover the bodies in the vicinity of Ilovaisk.[72]

The initial agreement was place specific and did not apply to the territory of the LNR.[73] Moreover, military personnel were soon denied access to the DNR altogether, likely due to fears that they would engage in intelligence gathering. Instead, rebel representatives demanded that only civilian volunteers should be allowed to perform this necessary but extremely unpleasant task. Another condition was that the movement of search teams should be coordinated with the DNR, which would supply them with escorts from the ranks of the insurgents.[74] The task of the armed escorts was probably both to prevent the volunteers from engaging in espionage and to provide them with a modicum of security, given the chaotic conditions on the ground.

To accomplish the task under these circumstances, Nozdrachev turned to members of World War Two memorial societies (*poiskoviki),* who had accumulated significant experience of searching for remains of First and Second World War soldiers. The officers of the CIMIC first approached the National Military-Historical Museum of the Ukrainian Armed Forces. The latter's director then put them in touch with Iaroslav Zhylkin, leader of the all-Ukrainian network of memorial societies union, "People's Memory" (Soiuz "Narodnaia Pamiat," hereafter SNP).[75] It was the National Military-Historical Museum and the SNP that would form the core of the humanitarian mission "Evacuation-200" in 2014–16, until the CIMIC created a profile unit within its own structure.[76] The CIMIC always performed the directive role. Its officers negotiated with rebel representa-

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70 "Istoriia poiska odnogo boitsa. 'Chernyi tiulpan,'" *Soiuz Narodnaia Pamiat*, November 30, 2016, https://youtu.be/AP-kG9w1ihg (after 7:00).

71 International Humanitarian Law Database. Rule 115. Disposal of the Dead: https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule115.

72 "Interviu s zamnachalnika shtaba operativnogo komandovaniia 'Vostok' Igorem Nikolaevichem Palagniukom," *Petr i Mazepa*, August 12, 2015, https://petrimazepa.com/ilomainsidepalagnyuk.html.

73 The mission "Evacuation-200" operated in the Luhansk region only in January and February 2015. "Ni zhyvi, ni mertvi: Pro rezultaty poshuku znyklykh bezvisty ta identyfikatsiya zahyblykh na Donbasi," *5 Kanal,* August 30, 2018, https://youtu.be/Gio9oCwn9Mo.

74 "Poverny meni imia," *UA: Pershyi*, February 29, 2016, https://youtu.be/MzN2dsYBZl8.

75 "Litopys 'Chornoho Tiulpanu': Seriia 1," *Soiuz Narodnaia Pamiat*, January 24, 2018, https://youtu.be/3hcra3XWZBg (after 1:30).

76 "'Donbas Realii' Evakuatsiia 200: Kak ishchut tela pogibshikh na Donbasse," *Radio Svoboda*, July 7, 2016, https://youtu.be/woHGGHdyh6c. The term "cargo 200" is a code word for dead bodies. The phrase came into mainstream use during the Soviet military campaign in Afghanistan (1979–89).

tives and coordinated the movement of search teams both through the Ukrainian checkpoints and in non-government-controlled territories. But for political reasons the military curators of the project took a backseat and allowed civilian volunteers, who did all the work in the field, to become the public face of the mission, at least during the first two years.[77]

Founded in 2011 by Iaroslav Zhylkin, an entrepreneur from Kryvyi Rih, the SNP is a national network of grassroots organizations, who had for years conducted searches for the remains of soldiers from the two world wars and victims of Soviet political repression. There is indeed no shortage of information about the activities of the SNP in the public domain—whether it comes to the prior work or to the involvement in the humanitarian mission "Evacuation-200" between 2014 and 2016. Such an informational abundance is in large part due to the media savvy of Zhylkin and other activists, who from the beginning were frequent guests on various talk shows and news conferences, certainly with permission from the military. It did not hurt that some of the activists were themselves journalists.

On the other hand, many members of the organization, particularly museum workers, perceived their activities not only as an ethical undertaking of state significance, but also as historical in their own right. Consequently, from the start they invested considerable effort into documenting what they could and publicizing their activities through the organizational websites and social media. Some brought items from the war zone to serve as future museum exhibits.[78] Others took greater risks, despite prohibitions, to film their activities in the rebel areas.[79] Eventually the Kryvyi Rih broadcasting company Rudana, whose journalists participated in the project as volunteers, used this footage to produce an 18-episode documentary entitled *Chronicles of the "Black Tulip."* The concept of this series—which by now has been screened at international film festivals and at various community events in multiple Ukrainian cities—will receive more attention in the next section. But now let us turn to the organization itself.

The available information allows one to draw the conclusion that at its peak in 2014–2016 the network that formed the core of the mission "Evacuation-200" encompassed close to 100 volunteers, of whom more than eighty were deployed in the field, in small groups that worked shifts, while others formed the impro-

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77 "Kerivnyk operatsii z poshuku zahyblykh: 'Ne mozhna piarytys na trupakh,'" *Insider*, August 11, 2015, http://www.theinsider.ua/politics/55c9b969d9cfe.

78 "Vystavka Blokpost pamiati v Berdicheve," https://relicfinder.io.ua/v31fb97e1ca3542acaca845f-b00716e96.

79 "V Odesse predstaviat film Letopis 'Chernogo tiulpana,'" *7 Kanal*, February 28, 2018, https://youtu.be/1JEaaek7v04.

vised analytical center in Kyiv or supported the search activities in other ways: in the informational sphere, by repairing vehicles, or simply by cooking meals at the base camp.[80] As of September 2017, the volunteers had reportedly examined more than 100 locations in various parts of the rebel and government-controlled Donbas and retrieved bodies and body fragments of at least 827 soldiers, insurgents, and civilians.[81]

While the SNP came into existence only in 2011, some of its constituent groups, in fact, originated already in the late 1980s and early 1990s and bore a family resemblance both to the democratic historical associations (like Memorial) and to older memorial societies that started to appear in the USSR immediately after the Second World War.[82] The Soviet roots of the movement find their ultimate expression in the continued interest in the history of the Second World War ("the Great Patriotic War") and the fate of unknown Soviet soldiers. This interest, in turn, has translated into historicist initiatives, which stylistically are practically indistinguishable from traditional Soviet and post-Soviet Second World War commemorations.[83]

Importantly, up until the start of the conflict, the SNP has maintained ties with similar organizations in Russia and other republics of the former USSR, which share the ethos of "returning the names" to the unknown soldiers and giving proper burial to their remains.[84] Indeed, according to the leader of the organization, in 2014 some Russian *poiskoviki* expressed interest in participating in the search for victims of the war in the Donbas. The initiative, however, was blocked by the Ukrainian Armed Forces, illustrating the limits of transnationalism and shared commemorative cultures in times of war. This notwithstanding, donations supporting activities of the SNP reportedly came also from sister organizations in the near abroad, including Russia.[85] Associa-

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80 "Litopys 'Chornoho Tiulpanu,' Seriia 8," *Soiuz Narodnaia Pamiat*, April 11, 2018, https://youtu.be/dATiD8cia80.

81 "3 goda 'Chernogo tiulpana': dorogami smerti i nadezhdy," *Naidy.org.ua*, September 2, 2017, https://naidy.org.ua/ru/3-goda-chyornogo-tyulpana-dorogami-smerti-i-nadezhdy.

82 On the "Memorial" Society, see Nanci D. Adler, *Victims of the Soviet Terror: The Story of the Memorial Movement* (Westport, CT: Praeger, 1993). On the history of the search movement in the USSR, see Mikhail Cherepanov, *Istoriia poiska v SSSR,* October 4, 2015, http://www.kremnik.ru/node/456386; and "Sergei Smirnov: Rasskazy o geroiakh. Nikolai Orlov," *Telekanal Kultura*, https://tvkultura.ru/video/show/brand_id/42907/episode_id /358397/video_id/358397.

83 The concept of the so-called "Vakhty pamiati" (Memory Vigils) originated in the 1980s and is presently employed by *poiskoviki* in various post-Soviet countries. See, for example, "V Smolenskoi oblasti prodolzhaetsia rabota mezhregionalnoi 'Vakhty pamiati,'" *REN TV Smolensk*, May 8, 2018, https://youtu.be/JBosBn1XxLk.

84 On the search movement in Russia, see the documentary by Olga Ivshina: "Mogila izvestnogo soldata," *BBC News—Russkaia sluzhba*, October 11, 2017, https://youtu.be/JV4tv50Am04.

85 "Yaroslav Zhilkin: 'Chernyi Tiulpan' gotovitsia rabotat v Donetskom aeroportu," *Soiuz Narodnaia Pamiat*, February 16, 2015, https://youtu.be/qXVMXE-PVqU (from 26:30).

tion with Second World War memorial societies also proved useful once first search teams began their work in the breakaway regions in early September 2014, providing a point of identification for potentially hostile fighters. In fact, it turned out that before the war some insurgents had identified as *poiskoviki* and recognized members of the mission from their joint participation in the "Memory Vigils."[86]

By 2014, the People's Memory union comprised twenty-three search organizations and hundreds of activists from various parts of Ukraine. United by a shared set of ethical concerns, the SNP brought together people of various political views. In their numerous interviews *poiskoviki* emphasized the keen sense of ethical obligation towards the dead and empathetic identification with their relatives. Central to the self-presentation of the movement is the belief that all the dead must be given proper burial and their families should get an opportunity to mourn and obtain emotional closure.[87]

Importantly, in conducting their work, members of memorial societies explicitly rejected the division of the human remains into "ours" and "theirs." All bodies were regarded as deserving a dignified treatment regardless of whether they belonged to Red Army soldiers, Wehrmacht personnel, or Ukrainian Nationalist insurgents. This approach was encapsulated by phrases such as "one does not fight dead people" and "the war is not over until its last soldiers are buried." Such self-consciously ethical attitudes towards the dead and pacifist understanding of the war experience, while hardly unusual, stood in certain contrast to the more confrontational narratives of the post-Soviet Russian and Ukrainian nationalist commemorative traditions. As we shall see, in 2014–2016, *poiskoviki* of the SNP would extend these ethical precepts to all the casualties of the armed conflict in the Donbas.

In May 2014, when Zhylkin and his friends started to discuss prospects of searching for the dead of the ongoing war, the organization had already accumulated significant experience. Together, members of the network may have participated in more than 300 search expeditions in various parts of Ukraine and even beyond Ukraine's borders. In addition to honing archeological, forensic, and analytical skills, the SNP also developed extensive ties with similar organizations in Ukraine and in other countries, as well as with the media, museums, and state organs. Zhylkin himself spent some time serving as secretary of the State Commission for the Commemoration of Victims of War and Political

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86 "Litopys 'Chornoho Tiulpanu,' Seriia 2," *Soiuz Narodnaia Pamiat*, January 31, 2018, https://youtu.be/_MdTpBBahUI (after 11:50).

87 "Nahorodozhennia volonteriv 'Chornoho Tiulpana' vidznakamy prezydenta," *Soiuz Narodnaia Pamiat*, December 12, 2017, https://youtu.be/3aymXeqIxOc.

Repressions.[88] All these facts probably explain why the military would turn to the SNP for carrying out such a technically complicated and politically sensitive mission in the breakaway territories.

Within this context it must also be noted that following the Euro-Maidan, Russia's annexation of Crimea, and the start of the war in the Donbas, the network itself appears to have undergone certain ideological transformations, or perhaps, some positions simply became more pronounced. I already noted that many regional organizations had their origins in the Soviet search movement. As such, until recently, they not only reflected the ethos of their progenitors and maintained ties with similar groups in Russia and other countries of the CIS, but also subscribed to similar historical narratives.[89] The conflict between Ukraine and Russia and the beginning of the anti-government insurrection in the Donbas, however, caused some groups to embrace an explicitly national orientation. Indeed, commemorative activities of the National Military Historical Museum, of which some members of the SNP network are active employees, reference patriotic themes and the government conception of the war in the east without necessarily abandoning the older narrative of the Great Patriotic War.[90] Moreover, some *poiskoviki* volunteered or were mobilized into the armed forces and took part in fighting.[91] But others, including Zhylkin himself, at least in their public pronouncements, have preferred to emphasize ambiguities, political neutrality, pacifism, and the necessity of reconciliation.[92] The latter position became particularly important after the start of the mission in the territories outside government control.

As to practical work in the Donbas itself, the *poiskoviki* had to confront some qualitatively new challenges compared to their prior experience of excavating remains of fighters from the two world wars. For one thing, search teams had to travel to rebel-controlled territories, usually with minimal guarantees of security, at times equipped with just basic tips about the location of the bodies. Often

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88   "Iaroslav Zhilkin: U nas budut bezymiannye mogily, bessledno ischeznuvshie navsegda," *Naidy.org.ua*, April 19, 2015, https://naidy.org.ua/ru/yaroslav-zhilkin-u-nas-budut-bezymyannye-mogily-bessledno-ischeznuvshie-navsegda.

89   "Prosba rossiiskikh poiskovikov v poiskakh rodnykh boitsa VOV," *Soiuz Narodnaia Pamiat*, November 12, 2016, https://youtu.be/GMvk98HZdUw.

90   Examples of commemorative activities of the National Military Historical Museum include the mobile exhibition "Blockpost of Memory" and the "Wall of Memory." See "Vystavka Blockpost Pamiati v Berdicheve," https://relicfinder.io.ua/v31fb97e1ca3542acaca845fb00716e96; "Stena Pamiati. Mikhailovskii Zlatoverkhii," https://relicfinder.io.ua/v935864e48b5705boce54e4b1cddc412f.

91   "Obshchestvennaya organizatsiia 'Novokakhovskii voenno-istoricheskii klub 'Kakhovka,'" https://www.unm.org.ua/obshchestvennaya-organizaciya-novokahovskiy-voenno.

92   Yaroslav Zhylkin on Shuster Live, September 26, 2014, https://youtu.be/Y_LEoCKgd4M; "Yaroslav Zhilkin, "Chernyi Tiulpan' gotovitsia rabotat v Donetskom aeroportu," *Soiuz Narodnaia Pamiat*, February 16, 2015, https://youtu.be/qXVMXE-PVqU.

the information had to be gathered on the ground by interviewing local residents. With the intensive phase of fighting barely over, it certainly was not long before participants of the mission encountered belligerent combatants, minefields, and trip wires. Some even came under accidental shelling.[93] Once on site, the men (only men travelled to the DNR/ LNR) would have to handle decomposing, often severely disfigured bodies, body fragments, and completely incinerated human remains inside burned vehicles. Moreover, while this work was still in progress, the violence escalated for a second time in January and February 2015. Consequently, participants of the mission ended up evacuating casualties from near Debaltseve while fighting was still in progress.[94] Eventually, volunteers also transported bodies to relatives in the interior and delivered humanitarian assistance packages to Ukrainian POWs in Donetsk, in the latter case at significant personal risk.[95] There is little wonder that many reported physical, emotional, and relational costs of this work.[96]

Other challenges, however, were of a different order, reflecting the broader relationship between Ukrainian civil society organizations and the state. No doubt the biggest source of tension was the question of funding for search activities. When it comes to the history of the movement, this was certainly not a new challenge. Such organizations have always been primarily privately funded initiatives even in the Russian Federation, where the state has more resources at its disposal and actively promotes patriotic education and commemorative concept of the Great Patriotic War.[97] The situation in Ukraine in 2014, however, was different in that the search work was commissioned by the armed forces and the activists of the SNP anticipated with some justification a certain level of financial investment and social security.

Indeed, as per the initial agreement, the CIMIC, which lacked a separate article in its government budget, provided the search teams with minimal logistical support. This included primarily fuel, housing in field tents at the military base camp in the Donetsk region, and food rations. The officers also arranged the delivery of several refrigerator trucks and re-directed aid from various volun-

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93   "Litopys 'Chornoho Tiulpanu,' Seriia 14," *Soiuz Narodnaia Pamiat*, June 1, 2018, https://youtu.be/dv FVEOl7EJE?list=PLvr7cfXrh6N2aNoUbCZtTrwBnt-hB5H2K (after 14:00).

94   "Litopys 'Chornoho Tiulpanu,' Seriia 12," *Soiuz Narodnaia Pamiat*, May 16, 2018, https://youtu.be/zo-wIkiDca4.

95   "Vantazh 200. Doroha dodomu," *Radio Svoboda Ukraina*, December 24, 2017, https://youtu.be/RkIF9VlsoU4. On the delivery of humanitarian assistance to POWs, "Litopys 'Chornoho Tiulpanu': Seriia 15," *Soiuz Narodnaia Pamiat*, June 6, 2018, https://youtu.be/ERpH0mwr80Q (after 12:00).

96   Aleksandra Gaivoronskaia, "Chernyi tiulpan. Kak pogibshikh soldat vozvrashchayut domoi," *Ukrainska Pravda*, December 10, 2014, https://life.pravda.com.ua/projects/volunteers/54883d05a368c.

97   "Mogila izvestnogo soldata," *BBC News–Russkaia sluzhba*, October 11, 2017, https://youtu.be/JV4t-v50Am04 (after 30:00).

teer initiatives towards Zhylkin and his colleagues. The International Committee of the Red Cross provided equipment and supported the volunteers with training.[98] In time, with the increased media attention, some funding and other forms of support came also from the Embassies of Switzerland and Germany, foundations of Ukrainian oligarchs, the Dnipropetrovsk regional administration, the city of Lutsk, the Ukrainian Orthodox Church of the Kyiv Patriarchate, community fundraisers, and private donations.[99] These donations notwithstanding, the real needs of the mission always exceeded the available resources, certainly those allocated by the state. As a result, Zhylkin himself may have ended up footing a considerable portion of the bill and on several occasions had to appeal to the general public for assistance.[100]

Part of the problem may have rested with Zhylkin's concept of the project. Whereas the military was only interested in retrieving the bodies, the *poiskoviki*, it appears, had a more ambitious vision of a more permanent state-funded structure that would, among other things, gather and systematize information about casualties and MIAs, and serve as a coordination center for various investigative organs that dealt with the problem. Zhylkin himself repeatedly emphasized the necessity of such a center in various public venues and seems to have regarded the mission "Evacuation-200" as an opportunity to prove the mettle of his organization, to raise the status of *poiskoviki* in the eyes of the state, and to demonstrate the importance of their work.[101]

The conflict between *poiskoviki* and state representatives over insufficient funding would periodically come into the open. Zhylkin, for example, repeatedly complained in the media about the inadequate support, while military representatives faulted him for what they perceived as an excessive interest in public relations.[102] Nevertheless, in 2016, the conflict was resolved, albeit in a manner that many volunteers found unsatisfactory. The CIMIC finally procured state funding designated specifically for search work, but Zhylkin and a large part of

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98 "Navchannia dlia poshukovtsiv," *TRK Rudana*, November 16, 2015, https://youtu.be/nphwOFHkwcw.

99 Foundation of the Volhynian businessman Ihor Palytsia "Novyi Lutsk," for example, presented the volunteers with a new refrigerator truck. "U volonterov 'Evakuatsiya-200' ('Chernyi Tiulpan') poiavilsia novyi avtomobil-refrizherator," *Naidy.org.ua*, April 22, 2015, https://naidy.org.ua/ru/u-volonterov-evakuaciya-200-chernyy-tyulpan-poyavilsya-novyy-avtomobil-refrizherator.

100 "'Chornyi tiulpan' pro poshuk til zahyblykh u aeroportu Donetska," *Hromadske Telebachennia*, October 15, 2015, https://youtu.be/hm0Grmt4s9c.

101 "Yaroslav Zhilkin na Shuster LIVE: chtoby uspeshno iskat propavshikh v ATO, nado sozdat edinyi tsentr," *Soiuz Narodnaia Pamiat*, June 3, 2015, https://youtu.be/5y0jqJT8ujg.

102 "Komandir 'Chernogo tiulpana': 'Meshki zakanchivalis dlia trupov, izvinite,'" *Insider*, August 7, 2015, http://www.theinsider.ua/politics/55c37c5c747eb; "Kerivnyk operatsii z poshuku zahyblykh: 'Ne mozhna piarytys na trupakh,'" *Insider*, August 11. 2015, http://www.theinsider.ua/politics/55c9b969d9cfe.

his team were pushed to the sidelines.[103] With most of the bodies removed from the DNR/LNR, the work was then undertaken by officers of the CIMIC. Some earlier participants of the mission—those primarily associated with the Museum of the Armed Forces—were integrated into the new structure. As the state officials reasserted their power, the mission underwent some ideological transformations too. Specifically, the political neutrality and peculiar ethical conceptions of *poiskoviki* may have become at least partly eclipsed by the explicitly national narratives and attitudes of the officers.[104] Such changes may, of course, be merely an accidental byproduct of conflicting particularistic agendas of the CIMIC officials and Zhylkin's SNP. Yet it is also possible that they reflect a broader pattern of the conflicted relationship between government authorities and structures of civil society inconvenient to government officials. This story is not over and only time will tell either way.

The final section of the paper will examine the activities of the search teams in the field and their experiences of encountering the "other." The "other" in this context will refer not only to the dead bodies, but also to armed insurgents, and the population in the territories outside government control.

Encountering the "Other"

The analysis that follows is based on the testimonies of members of search teams featured in the 18-episode documentary *Chronicles of the "Black Tulip"* and on the numerous interviews in the media by Yaroslav Zhylkin and other participants of the mission. Importantly, testimonies in the film appear not as continuous narratives by individuals, but rather as a collage of snippets illustrating some larger theme broached by each specific episode (like search work at specific locations, encounters with the rebels and civilian population, logistics, etc.). This peculiarity renders the film a difficult source for historians, as it is, for example, not always clear to which time and place specific testimonies refer, making it difficult to establish chronology or compare the contents of full testimonies. My objective here, however, is not to provide a timeline or a definitive analysis of the situation in rebel-controlled territories in 2014–2016, but rather to show the after-effects of the war in the Donbas from a somewhat

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103 "Na poshuk zahyblykh biitsiv z biudzhetu vydilyly 2 miliony hryven," *Poiskovyi Kontakt*, April 29, 2016, https://youtu.be/HuKvZTIeoBU. SNP groups stopped working in rebel-controlled territories in late 2016, Kostiantyn Solohub in "V Odesse predstaviat film 'Letopis Chernogo Tiulpana,'" *7 kanal*, February 28, 2018, https://youtu.be/1JEaaek7vo4 (after 6:00).

104 See "Videozvernennia v pidtrymku proekta Stina pamiati vid poshukovoho viddilu ta ofitseriv upravlinnia tsyvilno-viiskovoho spivrobitnytstva Heneralnoho Shtabu Zbroinykh Syl Ukrainy," July 12, 2018, https://www.facebook.com/goldznak.ua/videos/1344486199017466.

unusual angle and contribute some qualitative data that could be used in analyses by future writers.

Created by Kryvyi Rih journalists Viktoriia Simkina and Kostiantyn Solohub, the documentary features several key elements: videos secretly recorded by participants of "Evacuation-200," extractions from testimonies by dozens of volunteers, and the background narration by the film director. The authors of the film did not hide their intention to pay homage to the dead soldiers, their family members, and altruistic volunteers who brought the bodies home. No less importantly, they wanted to condemn war as a social phenomenon. By exposing viewers to shocking images of death and destruction, complete with graphic descriptions of the experience of handling decomposing, severely damaged bodies (the images of the dead themselves were blurred out), the film conveyed a powerful message about the human costs of war and the necessity of finding political solutions to the problems well before the fighting starts. "Dead people are nobody's enemies," Simkina concluded in one of the interviews, "they are just somebody's sons."[105]

The opposition to war, of course, has always been a central element of *poiskovik* identity and there is probably nothing surprising about this perspective. Yet the film is more than that. Indeed, the testimonies centered around various thematic issues present a wealth of valuable information about the situation in the DNR/LNR and the experiences of positive and negative interactions with people "on the other side." Importantly, *poiskoviki* came into contact with insurgents and local residents as non-combatants on a humanitarian mission, but nonetheless as representatives of the Ukrainian side in a situation of utter powerlessness.[106] Moreover, they understood that they had to act submissively and avoid political confrontations, emphasizing the nature of their assignment.[107] This provided for unique power dynamics that undergirded many interactions and likely influenced some of the social outcomes. In the final analysis, the story of the "Black Tulip" (the name given to the mission by local residents) is not the story of moral and political certitudes. It is rather a story of existential complexity, cultural ambiguity, and common humanity under the extreme conditions of armed conflict.

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105 "V Odesse predstaviat film 'Letopis "Chernogo Tiulpana,"' *7 kanal*, February 28, 2018, https://youtu.be/1JEaaek7vo4 (after 16:00).

106 Ievhen Kishkin was bringing humanitarian assistance packages to Ukrainian POWs in Donetsk when his car was cut off by another car. Although the other driver was breaking the rules, he hit Kishkin's vehicle several times. Kishkin could not question the person, who was wearing uniform and carried weapons: "We were nobodies, *ukropy*," "Litopys 'Chornoho Tiulpanu,' Seriia 13," *Soiuz Narodnaia Pamiat*, May 23, 2018, https://youtu.be/XrBDnhfYVZk?list=PLvr7cfXrh6N2aNoUbCZtTrwBnthB5H2K (15:45).

107 "Litopys 'Chornoho Tiulpanu', Seriia 13," (after 19:00).

The mission formally began its work on September 2, 2014. That day the first group of volunteers arrived at the military camp near Kurakhove in the Donetsk region, which served as their base during the initial phase of the operations.[108] The very next day, the men headed to the rebel-controlled territories, accompanied by an Orthodox priest.[109] Participants of the mission spoke about anxiety and fears of the unknown as they approached the checkpoint Gamaliia near Donetsk. The first entry into the realm of war was marked by the sight of the machine-gunned bus of Pravyi sector, which was on the news a few weeks earlier. As they neared the checkpoint, they all crossed themselves.[110]

At the checkpoint, where they had to wait for the arrival of their escorts, the atmosphere was tense. There were a lot of armed fighters who checked the cars that lined outside for several kilometers. The DNR men had been informed about the mission of *poiskoviki*, but the two groups stood apart, did not engage each other, and avoided eye contact.[111] Eventually two escorts arrived and took them to Donetsk to pick up the equipment supplied by the Red Cross. The second psychological threshold would be crossed in the following days, in the areas where combat had recently taken place and where they would have to handle decomposing bodies and conduct exhumations.

The first assignment, we learn, was to Savur-Mohyla and the village Stepanivka in the south of the Donetsk region, where heavy fighting took place in July and August 2014. Silence fell when Zhylkin and his comrades saw the destroyed hardware. The men found little near Savur-Mohyla itself—the bodies, in all likelihood, had been evacuated by the Ukrainian military and the insurgents. But near Stepanivka, where the escort took them, the situation was different. The burned carcasses of self-propelled guns and armored vehicles were complemented by the bodies of the victims of the artillery strike in the field.[112] The human remains were allegedly black from long-term exposure to the sun (hence the legend propagated by the rebels and their allies that African American mercenaries were fighting on the Ukrainian side).[113] The stench of decomposing bodies could be sensed from afar. Many members of the team were nervous,

108 "Litopys 'Chornoho Tiulpana', Seriia 6," *Soiuz Narodnaia Pamiat*, March 14, 2018, https://youtu.be/N7BvNlsGK9I (after 5:00).

109 Aleksandra Gaivoronskaia, "Chernyi tiulpan. Kak pogibshikh soldat vozvrashchaiut domoi," *Ukrainska Pravda*, December 10, 2014, https://life.pravda.com.ua/projects/volunteers/54883d05a368c.

110 "Litopys 'Chornoho Tiulpanu,' Seriia 1," *Soiuz Narodnaia Pamiat*, January 24, 2018, https://youtu.be/3hcra3XWZBg (after 7:40).

111 "Litopys 'Chornoho Tiulpanu,' Seriia 2," *Soiuz Narodnaia Pamiat*, January 31, 2018, https://youtu.be/_MdTpBBahUI (after 2:00).

112 "Litopys 'Chornoho Tiulpanu,' Seriia 2," (after 3:30).

113 "Litopys 'Chornoho Tiulpanu,' Seriia 2," (after 7:30).

some admitted to being afraid to touch the dead.[114] Eventually, two men volunteered to pick up the first soldier and the work began.[115] That day they evacuated a dozen soldiers and handed them to the Ukrainian authorities.[116]

When the group returned to the base camp in the evening, they reportedly struggled with an array of overwhelming emotions and the cognitive dissonance between the reality of what they had seen and the images of the war that dominated national media. No one wanted to eat, instead they drank some alcohol. Similar experiences were referenced by volunteers who joined the mission at later points. Indeed, some soon discovered they could not handle the stress and left.[117]

The early experiences at Savur-Mohyla and Stepanivka provided a basic template for work elsewhere, even though the local contexts varied significantly. In time, they got used to the work, and with the help from professional psychologists, developed strategies of psychological distancing from the humanity of the corpses. The key, one of the participants of the expedition stated, was to approach them as inanimate objects (as "sacks of potatoes") that needed to be moved.[118]

The bodies were brought to Dnipropetrovsk and Zaporizhzhia, where they underwent the process of identification through DNA analysis. The remains of the insurgents were handed to the DNR representatives in Donetsk. In the meantime, the information coming from different sources, including the newly created website, was used to build the database of locations of actual and potential gravesites.

Importantly, as the area of operations extended and they removed bodies lying on the surface near the destroyed hardware, it became increasingly difficult to locate graves in the remote locations. These were often unmarked and could be identified only with the help of witnesses. The situation was further complicated by wild animals scavenging for food and by the locals, who, weeks after the end of fighting, started to cut the destroyed military hardware for metal scraps, with incinerated remains being lost in the process.[119] In the winter, the snow would render the search impossible. Within this context, accurate information was the key. Many *poiskoviki* spoke about their dependence on a wide variety of sources—Ukrainian military personnel, relatives of the MIAs, insurgents, and local residents.[120] Relations with the rebels and the civilian population were particularly important.

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114 "Litopys 'Chornoho Tiulpanu,' Seriia 2," (after 4:00).

115 "Litopys 'Chornoho Tiulpanu,' Seriia 2," (after 8:00).

116 Yaroslav Zhilkin, *Facebook*, September 7, 2014, https://www.facebook.com/permalink.php?story_fbid=348033548687987&id=100004440333793.

117 "Litopys 'Chornoho Tiulpanu,' Seriia 2," (after 15:00).

118 Gaivoronskaia, "Chernyi tiulpan."

119 "Litopys 'Chornoho Tiulpanu', Seriia 10," *Soiuz Narodnaia Pamiat*, May 2, 2018, https://youtu.be/5QDD2epvmZ0 (after 11:00).

120 Sergei Khanin, "Bolee poloviny ubitykh v zone ATO ne identifitsirovany – poiskovik," *Naidy.org.ua*, January 9, 2015, https://naidy.org.ua/ru/bolee-poloviny-ubityh-v-zone-ato-ne-identificirovany-poiskovik.

The first meetings with DNR fighters occurred already at Savur-Mohyla on the first day of work in early September 2014. At the time the fighting was still in progress in some sectors and emotions were running high. The attitude of their escort was condescending, but he did not try to intimidate. Very soon, however, a group of armed militants appeared on site. One of them approached the group and started to curse, threatening to shoot them. They understood immediately that the best strategy was to just listen to the rant and not engage the man in any political discussions. Eventually, their escort intervened, and the armed fighter went away, but such situations were not unusual.[121] Indeed, it appears at least in 2014 that many rebel fighters did not draw a boundary between Ukrainian military personnel and the civilian participants of the humanitarian mission. In their view, both were *ukropy*[122] with *poiskoviki* at times blamed for all the perceived grievances inflicted by the Ukrainian state and armed non-state actors.[123]

Sometimes the danger stemmed from the escorts themselves who could be drunk or high, and members of search teams justifiably feared for their lives. Some fighters tried to intimidate by boasting of having shot Ukrainian prisoners.[124] Others acted in ways that were described as inadequate. During exhumations at Marynivka, for example, the armed insurgent who escorted them started laughing and taking photographs of the dead.[125] The filming and unethical comments by rebel fighters reportedly accompanied the exhumation of seven paratroopers of the 25th airborne brigade in Shakhtarsk in November 2014.[126]

Participants of the mission took all sorts of precautions prior to venturing into the rebel-controlled territories. They always tried to return to the government-controlled territory before dark so that they could avoid dangerous encounters with armed groups roaming the country. Prior to departure, members of search teams also received some basic instructions, the essence of which was not to talk too much in the presence of armed people and not to use Ukrainian words. In the field, they rapidly learned that when confronted, the best strategy was to act submissively and not challenge agitated armed people. At some point, they stopped

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121 "Subiektyv 13.02.18 Ihor Sliusar, Leonid Sholkovs," *Televsesvit*, February 13, 2018, https://youtu.be/7LalbhL3ItY.

122 The derogatory term that came into widespread use by the insurgents and their allies in the course of the armed conflict in relation to Ukrainian military personnel and supporters of the Ukrainian statehood.

123 "Poverny meni imia," *UA: Pershyi*, February 29, 2016, https://youtu.be/MzN2dsYBZl8 (after 3:00).

124 "Litopys 'Chornoho Tiulpanu', Seriia 13," *Soiuz Narodnaia Pamiat*, May 23, 2018, https://youtu.be/XrBDnhfYVZk?list=PLvr7cfXrh6N2aNoUbCZtTrwBnt-hB5H2K (after 12:30).

125 "Litopys 'Chornoho Tiulpanu', Seriia 5," *Soiuz Narodnaia Pamiat*, February 28, 2018, https://youtu.be/396S6owb-wk (after 4:40).

126 "Litopys 'Chornoho Tiulpanu', Seriia 9," *Soiuz Narodnaia Pamiat*, April 25, 2018, https://youtu.be/vLdGtk3AGis (after 12:00).

bringing people from western part of the country, given the rebel propensity to check the passport registration and their tendency to accord better treatment to people from southern and eastern regions.[127] Indeed, as search teams accumulated experience, the volunteers started to identify trigger points and learned how to steer around them. Some even learned to utilize stereotypes and elements of rebel narratives about the conflict to protect themselves.[128] Their identity as members of the search movement and association with Second World War memorial societies could also be useful in some situations.

An important issue for some fighters was language usage. Although, the conflict in the Donbas is not an ethnic conflict in strict terms, cultural and identity issues have always been an important value for quite a few participants of the insurrection.[129] Prior to their departure, members of the mission were cautioned against speaking Ukrainian. But in practice, for people raised in a bilingual environment it was not always possible to completely filter their speech, with Ukrainian words seeping through. Some fighters reportedly did not care, but at least on a few occasions such slips provoked serious conflicts that could have ended badly. Kostiantyn Solohub and Andrii Ihnatenko gave a vivid account of one such incident, which illustrates not only the sensibilities of the fighters but also their own ingenuity in managing such conflicts:

K.S. We were standing near our vehicle when there came a powerful explosion. There was a hill and a road. The explosion was behind the hill. Everybody fell to the ground. Silence. Two rebels approached us. One of them was Pasha ("Variag"). He sat on the ground, uttered some obscenities and started eating canned meat.

A.I. Then it all started.

K.S. Conversations about nothing. After a while Andrei Ignatenko asked Pasha in Ukrainian: "Pasha, did you finish your snack?" At that moment

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127 "Litopys 'Chornoho Tiulpanu', Seriia 13," (after 9:00).

128 Oleksandr Sobutskyi went to Donetsk by car. In the city, he was stopped by the traffic police who saw his Volhynian registration and started harassing him. He decided he should start telling them what they wanted to hear, that the Ukrainian army was shelling peaceful cities. "Litopys 'Chornoho Tiulpanu,' Seriia 13," (after 15:00).

129 Such issues did not have to appear in the confrontational context, but the rebels nonetheless frequently marked themselves as Russian speakers. Zhylkin recalled one such situation. When the rebels described a grave as "yours," he inquired about how they knew that it was the grave of a Ukrainian soldier. They answered: "Do you think we would write in Ukrainian?" Yaroslav Zhilkin, October 30, 2014, https://www.facebook.com/photo.php?fbid=372653329559342&set=a.116422278515783.22470.100 004440333793&type=3&theater.

two DNR fighters turned to him. "Are you khokhol?" The silence was deafening, I thought I could hear Andrei's thoughts.

A.I. It was necessary to come up with a good answer to save the lives of the group.

K.S. He lowered his head and said: "We are all Slavs."

A.I. For 10 or 15 minutes I heard a lot about myself. They said I was an *ukrop*, such and such, though I tried to explain to them that I came to collect the dead. I did not come with weapons. The most important thing is that dead people have to receive a humane burial. In the end, they said "Fine, we do not hold grudges."[130]

But elaborate precautions, sensitivity training, and continuous learning offered no guarantees. In practice, it was often impossible to predict what words, gestures, or facial expressions would trigger a negative reaction and feelings of subjective antipathy.[131] On one occasion the truck loaded with bodies broke down. The delay triggered the rage of the escort who started screaming "Why are you not leaving? Are *ukropy* heavy?"[132] On another occasion museum workers wanted to bring some items from the war zone to serve as museum exhibits. This may have angered their escort, who, in turn, brought an unexploded anti-tank rocket charge.[133]

Occasionally, the *poiskoviki* themselves made avoidable mistakes. As has been noted, many of them secretly recorded at the sites of their work as part of the historicist agenda. Indeed, some of this footage was very sensitive and among other things featured evidence of the presence of Russian armed forces near Ilovaisk.[134] Most of the time the filming was done covertly, and they managed to pass through the rebel checkpoints without a problem. But one day, Oleksandr Zelenskyi committed the mistake of taking a photograph of the bridge in full view of the insurgent patrol on the other side of the river. Needless to say, they stopped the group and subjected them all to lengthy questioning.[135]

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130 "Litopys 'Chornoho Tiulpanu', Seriia 13," (after 7:30).
131 "Litopys 'Chornoho Tiulpanu', Seriia 10," *Soiuz Narodnaia Pamiat*, May 2, 2018, https://youtu.be/5QDD2epvmZo (after 6:30).
132 "Litopys 'Chornoho Tiulpanu', Seriia 4," *Soiuz Narodnaia Pamiat*, February 14, 2018, https://youtu.be/tB9MK1KSvyo (after 15:00).
133 "Litopys 'Chornoho Tiulpanu', Seriia 14," *Soiuz Narodnaia Pamiat*, June 1, 2018, https://youtu.be/dvFVEOl7EJE?list=PLvr7cfXrh6N2aNoUbCZtTrwBnt-hB5H2K (after 6:30).
134 "Obsledovanie pozitsii armii RF. Polubatareia D-30," https://relicfinder.io.ua/v6684e3d872a9911e-0c57e0128b67f88e.
135 "Litopys 'Chornoho Tiulpanu', Seriia 8," *Soiuz Narodnaia Pamiat*, April 11, 2018, https://youtu.be/dATiD8cia80 (after 17:00).

Work in the field, however, was also an occasion to confront the political ambiguities of the armed conflict and the humanity of the "other." During the work near Osykovo (Ilovaisk area), Andrii Skrypchenko struck up a conversation with one rebel leader. It turned out the latter's own brother was fighting for the Ukrainian side and the two of them did not expect to ever sit down at the table together in their mother's home.[136] Oleh Portnov described an 18-year-old who joined the ranks of the insurgency after his family members were killed by a Ukrainian shell.[137] But if the war was driving some to take up arms early, it made others jaded and disillusioned. Oleksandr Zelenskyi, for example, recalled a fighter near Luhansk who simply asked him "Old man, when will this shit be over?"[138] Zelenskyi concluded that some of the fighters are simply hostages of the situation.

The attitudes of the civilian population appeared equally complex. Some were afraid to talk to members of search teams. Others identified with the insurgents, hated Ukraine, and perceived *poiskoviki* as *ukropy*.[139] Still others wanted to help and were completely sincere in their efforts to establish rapport. There were those who reported being victims of expropriations by armed groups and those who warned them about the dangers of landmines. Finally, there were also some pro-Ukrainian people who either helped actively or simply felt trapped in the rebel territories.[140]

The views of hostile civilians in some ways mirrored the attitudes of armed insurgents, except they had no weapons and could do no harm. In the beginning, some were aggressive and expressed their views that "*ukropy* should rot." But such attitudes were at times challenged even by armed fighters. During the exhumation of paratroopers in Shakhtarsk in November 2014, an old man appeared on site. While some insurgents filmed the exhumation and laughed, the old man started cursing at the corpses, calling them "Banderites." Eventually one DNR fighter had enough and told the old man to get lost. He was reproached also by a local woman. Such gestures seem to have convinced Ihor Sliusar that sometimes morality was more important than war.[141]

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136 "Litopys 'Chornoho Tiulpanu', Seriia 4," (after 14:00).
137 "Volonter Zhilkin: Za sem mesiatsev raboty v ATO my vyvezli bolshe 450 meshkov s telami i fragmentami tel ukrainskikh voennykh," *Naidy.org.ua*, April 12, 2015, https://naidy.org.ua/ru/volonter-zhilkin-za-sem-mesyacev-raboty-v-ato-my-vyvezli-bolshe-450-meshkov-s-telami-i-fragmentami.
138 "Litopys 'Chornoho Tiulpanu', Seriia 8," (after 11:00).
139 "Litopys 'Chornoho Tiulpanu', Seriia 9," (after 3:30).
140 "Litopys 'Chornoho Tiulpanu', Seriia 9," (after 6:30). Several members of the mission remembered a woman named Alla Pavlovna, a resident of the village Blahodatnoe, whose son served in the 25th airborne brigade. At the beginning of the conflict she was helping the Ukrainian army openly and, consequently, soon started receiving threats from the supporters of the insurgency. Eventually her son called his old friend who at the time was fighting for the DNR and reportedly asked him to not to harm his mother. "Litopys 'Chornoho Tiulpanu,' Seriia 9," (after 18:00).
141 "Litopys 'Chornoho Tiulpanu,' Seriia 9" (after 14:30).

Importantly, as the word about the work of "Evacuation-200" spread, *pois-koviki* started to develop contacts with the insurgents and local civilians. The initial wariness allegedly gave way to a degree of trust. Some escorts accompanied them on many occasions. Within such a context, it was impossible not to strike up conversations. Consequently, they learned about the lives of some of these men and what brought them into the fight.[142] For their part, DNR fighters, just like Ukrainian soldiers, seemingly understood that what search teams were doing, no one else would do. Sometimes, the rebels reproached them for only looking for Ukrainian soldiers, but not for the fighters on their side. It was after one such discussion that the team received a request to exhume the body of a rebel commander in the government-controlled territory and bring it across the line.[143] In time, such operations would become quite common. On one occasion, the volunteers retrieved several bodies of Ossetian fighters of the battalion Piatnashka from the grey zone near Mariinka who had been killed during the attack on the Ukrainian positions on June 3, 2015. As a sign of gratitude, the Ossetians returned a Ukrainian POW.[144]

Many insurgents and civilians, indeed, supported the ethos of "not fighting against the dead" and agreed that the bodies should be returned to the relatives. During the work near Debaltseve in February 2015, members of the search team discovered that some insurgents gave a proper burial to a soldier of the 30th mechanized brigade and marked the grave with a cross.[145] Elsewhere, the head of the village council buried Ukrainian soldiers in the village cemetery and preserved their documents.[146] Moreover, in time the war fatigue may have moderated attitudes of even the aggressive parts of the population.[147] Many locals reportedly helped *poiskoviki* with information and in other ways. Eventually, the organization established contacts with Liliia Rodionova and the Commission for the Affairs of POWs and MIAs of the DNR and the exchanges became institutionalized.[148] In paradoxical fashion, Andrei Skripchenko observed, death itself served as an instrument of reconciliation.[149]

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142 Gaivoronskaia, "Chernyi tiulpan."

143 "Litopys 'Chornoho Tiulpanu,' Seriia 5," (after 12:00).

144 "Litopys 'Chornoho Tiulpanu, Seriia 15," *Soiuz Narodnaia Pamiat*, June 6, 2018, https://youtu.be/ER-pHomwr8oQ.

145 "Litopys 'Chornoho Tiulpanu,' Seriia 9," (after 3:00).

146 "Litopys 'Chornoho Tiulpanu,' Seriia 9," (after 2:30).

147 "Volonter: Donetskii aeroport—eto uzhasno . . ." *Soiuz Narodnaia pamiat*, April 23, 2015, https://youtu.be/VBoRZkMc8V8.

148 "Litopys 'Chornoho Tiulpanu,' Seriia 5," (after 16:00); "Seriia 12," (after 2:30).

149 "Litopys 'Chornoho Tiulpanu,' "Seriia 9," (after 9:30).

Conclusion

This chapter has undertaken a modest attempt to analyze the problem of war casualties and (inter-)communal ethics in the Ukrainian-Russian borderlands from the start of the armed conflict until 2017. While the evidence presented in this study is limited, it nonetheless allows one to draw certain preliminary conclusions. Specifically, the paper makes the case for the necessity of separating the reality of the armed conflict in the Donbas, which in historical terms must be categorized as rather limited, from the narratives propagated as part of informational warfare by belligerent sides. The tendency to exaggerate the crimes of the enemy and downplay one's own is, of course, a universal element of warfare. The imperatives of conflict resolution and long-term reconciliation at the societal level, however, dictate that attention be redirected to a set of themes that emphasize responsibility of different sides and common humanity. Within this context, the history of the humanitarian mission "Evacuation-200" allows us to examine the conflict in the Donbas from a somewhat different angle without succumbing to wishful thinking and unwarranted optimism about the prospects of rapid conflict resolution.

On the positive side, the participants of the search mission have managed to return home and facilitate identification of more than 800 victims of the war (members of the Ukrainian armed forces, law enforcement agencies, and volunteer battalions, as well as some insurgents, Russian volunteers, and civilians on both sides of the frontlines) with many of the bodies brought from the DNR/LNR. At a time when the Ukrainian state simply did not have the ability to carry out such an assignment, the mission must be seen as an extraordinary success. The achievement of these goals was predicated primarily on cooperation between individual officers of the Ukrainian Armed Forces and members of Second World War memorial societies, who performed the hardest part, searching for bodies in the field under trying circumstances and often at considerable personal risk. Theirs is a story of ingenuity, social intelligence, personal diplomacy, selfless service, and emotional resilience. The volunteers went where few people were willing to go, and in addition to accomplishing the task, delivered a powerful message of peace, empathy, and humanity. The film-director Simkina may have encapsulated the message in simplest possible terms: "people are people everywhere."

Yet the history of "Evacuation-200" also provides a number of important insights about the nature of the relationships between the volunteers and the Ukrainian state and between the volunteers and the rebels/civilians in the DNR/LNR. It is the relations in this triangle that caution against excessive optimism and wishful thinking about the possibilities of the rapid resolution of

the conflict in the Donbas. Ultimately, the volunteers were able to accomplish their objectives in rebel-controlled territories and come face to face with the humanity of insurgents and local civilians because they essentially renounced any claims to power and submitted to the rebels' authority (they did not, of course, have any choice). Even under these circumstances the men ran considerable risks, while real political dialogue was completely out of the question. On the macro-level, the problem of power continues to plague the relations between Ukraine and Russia and between Ukraine and the DNR/LNR.

Similar problems illustrate the relationship between the SNP and the organs of the Ukrainian state. On the one hand, the armed forces had no misgivings about leaning on volunteer associations when they needed them, providing minimal support. But when the volunteers completed the most difficult part of the job, they were quickly sidelined. With officers of the CIMIC taking over the mission "Evacuation-200," the narrative ambiguity advocated by Zhylkin and *poiskoviki*, likewise became an afterthought, even if considerable parts of Ukrainian society identified with this approach wholeheartedly. The views of the officers, it appears, are very much aligned with the official concept of the war and compromises may not be part of their identity. In a sense, these tensions and narrative conflicts are at the core of nation-building in contemporary Ukraine. How Ukrainian society resolves them may determine not only the practical outcomes of the armed conflict in the Donbas but also the future of the Ukrainian state and nation.

Russia's Hybrid Strategy in the Sea of Azov
Divide and Antagonize

ALLA HURSKA

Introduction

On November 25, 2018, the Russian Federal Security Service (FSB) coast guard fired upon and seized three Ukrainian Navy vessels at the entrance of the Kerch Strait which connects the Black Sea and the Sea of Azov. Three captured Ukrainian Navy vessels were attempting to pass from the Ukrainian Black Sea port of Odesa into the Sea of Azov to the Ukrainian port of Mariupol. Twenty-four Ukrainian sailors from the captured ships were detained by Russia and charged with border violations.[1] The Russian side perceived the incident as a provocation planned by the Ukrainian leadership.[2] Ukraine called the attack on the ships an "act of aggression." According to Ukrainian Minister of Defense Stepan Poltorak, Russia's ultimate goal in the Azov–Black Sea region is to "force Ukraine to renounce its right to navigate through the Kerch Strait and to annex the Sea of Azov in its entirety."[3] For the first time in Ukrainian contemporary history, parliament voted to declare martial law in border territories for thirty days, a measure that was never used even during the worst moments of the conflict in Southeast Ukraine.[4] On May 25, 2019, the International Tribunal for the Law of the Sea decided that Russia must immediately release the three captured ships

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1   "Zakhoplennia ukrainskykh viiskovykh v Azovskomu mori: okupanty zayavyly, shcho moriaky chynyly opir," *UNIAN*, November 26, 2018, https://www.unian.ua/politics/10352160-zahoplennya-ukrajinskih-viyskovih-v-azovskomu-mori-okupanti-zayavili-shcho-moryaki-chinili-opir.html.

2   Roman Shymayev and Marianna Chursina, "'Predlog dlia narashchivaniia sanktsii': Moskva vyrazila protest Kievu v svyazi s intsidentom v Kerchenskom prolive," *RT*, November 26, 2018, https://russian.rt.com/russia/article/576796-moskva-protest-kiev-provokaciya.

3   "Poltorak: My ne otkazhemsia ot nashego zakonnogo prava prokhodit cherez Kerchenskii proliv," *Gordon.com*, January 16, 2019, https://gordonua.com/news/society/poltorak-my-ne-otkazhemsya-ot-nashego-zakonnogo-prava-prohodit-cherez-kerchenskiy-proliv-665319.html.

4   "Rada pogodylasia zaprovadyty viyskovii stan u deiakykh oblastiakh Ukrainy na 30 dniv," *UNIAN*, November 26, 2018, https://www.unian.ua/politics/10353462-rada-pogodilasya-zaprovaditi-viyskoviy-stan-u-deyakih-oblastyah-ukrajini-na-30-dniv.html.

and the captured Ukrainian servicemen. Nevertheless, the latter remained imprisoned in Russia until September of this same year.

Since the annexation of Crimea in 2014, the Russian Federation has expanded her coastal possessions. Moreover, thanks to using hybrid strategies in the region it was able to gain almost full-fledged control in the Azov. The Sea of Azov, together with the Baltic and Caspian Seas, have serious importance to Russian national interests. This Kerch Strait incident further aggravated the already complicated relations between Russia and Ukraine, bringing them closer to a complete impasse. For many military and political analysts this situation was entirely predictable and was simply a continuation of Russia's hybrid strategy over Ukraine. The crisis in the Azov Sea became just another phase of full-scale hybrid warfare that Russia has been waging against Ukraine since late 2013.

Although the term "hybrid warfare" was commonly accepted, at least in the West, and appeared to be the best way to describe the variety and blending of tools and methods employed by the Russian Federation during the annexation of Crimea (February–March 2014) and events in Ukrainian Southeast, Russia actually started implementing its hybrid strategy toward Ukraine much earlier.[5] Aside from Ukraine, Russia had also tested her hybrid tactics in other countries: in Georgia and Abkhazia during the Russian-Georgian War in 2008;[6] and in Syria (at least since 2013).[7] Despite this fact, it was Russia's approach to Ukraine that became a classical example of a hybrid form of warfare.

This paper aims to analyze the origins of the Russian-Ukrainian conflict in the Sea of Azov indicating the main "hybrid" tools/instruments used by Russia against Ukraine. Special attention will be allocated to the following means: lawfare, "information confrontation," (counter-) intelligence, and diplomacy. In this regard, the author's key objective is to underscore continuity and tradition in Russia's actions in the region, thereby dismissing a thesis about the "spontaneity" or offhand nature of Russia's actions.

Understanding Russian Hybrid Warfare

Non-linear forms of confrontation have been an integral part of human military history from time immemorial: some scholars track implementation thereof to

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5   For more information, see Sergey Sukhankin and Alla Hurska, "Russian Informational and Propaganda Campaign Against Ukraine Prior to the Euromaidan (2013–2014): Denying Sovereignty," *Securitologia*, no. 1 (January 9, 2015): 35–59. Available at SSRN: https://ssrn.com/abstract=2713001.

6   Niklas Nilsson, "Russian Hybrid Tactics in Georgia," *Silk Road Paper* (Washington: Central Asia-Caucasus Institute and Silk Road Studies Program, 2018): 9.

7   "Rossiya otpravliaet k beregam Sirii desantnii korabl so spetsialnym gruzom," *RT*, September 6, 2013, https://russian.rt.com/article/15045.

the Peloponnesian War (431–404 BC), an ancient Greek war between Athens and the Peloponnesian League led by Sparta.[8] In this regard, the term "hybrid warfare," despite its frequent employment (which intensified after 2010–2011, the so-called Arab Spring),[9] does not have a universally acknowledged or agreed-upon definition. Rather, it would be safe to rely on the most generally employed mode, where the term is construed as "the coordinated and combined use of different methods of warfare," including the use of regular and irregular forces (guerrillas, insurgents, and terrorists), blended with other methods, such as political warfare, cyberwarfare, disinformation campaigns, lawfare, diplomatic, and economic activities.[10] This combination of regular and irregular forces is employed by the sides in a confrontation to gain superiority over the enemy through the effect of surprise and non-standard actions. Interestingly enough, despite visible continuity, the experts do not seem to have demonstrated a large share of interest in the phenomenon until recently. In the twenty-first century (especially, in the aftermath of the above-indicated events), the use of the term "hybrid" became a common way to describe contemporary warfare. Because of its increasing sophistication and growing potential, hybrid warfare has been subject to significant attention in political, military, academic, and security circles and is now commonly used in their vernacular.

While the means by which state or non-state actors conduct hybrid war today have changed (mainly due to the development of new technologies and the advent of globalization that has trigged the development of new forms of communication and information exchange), the strategy itself is hardly new. In effect, it would not be an exaggeration to argue that most military conflicts known by mankind have borne traits of "hybridity." This primarily pertains to the use of non-state actors that have always been prone toward blending conventional means of warfare with unconventional tactics. The principle of utilizing a combination of conventional and non-conventional methods of warfare has historically constituted one of the main precepts of Russian military thinking, which is corroborated by numerous examples from both pre-1917 (Imperial Russia) and post-1922 (Soviet) interims of Russian military history. Without going into details, it would, perhaps, make sense to name a few crucial examples.

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8   Peter R. Mansoor, "Introduction: Hybrid Warfare in History," In *Hybrid Warfare—Fighting Complex Opponents from the Ancient World to the Present*, edited by Williamson Murray and Peter R. Mansoor (Cambridge: Cambridge University Press, 2012).

9   Alfred Hermida, Seth C. Lewis, and Rodrigo Zamith, "Sourcing the Arab Spring: A Case Study of Andy Carvin's Sources on Twitter During the Tunisian and Egyptian Revolutions," *Journal of Computer-Mediated Communication* 19, no. 3 (2014): 479–99.

10   "NATO's Response to Hybrid Threats," *North Atlantic Treaty Organization*, August 8, 2019, https://www.nato.int/cps/en/natohq/topics_156338.htm .

During the war of 1812 against Napoleon, the Russian side not only extensively relied on (counter-) propaganda, thereby paving the way toward the creation of what is currently known as "information-psychological operations,"[11] it also ardently employed irregular military forces (partisans/guerilla fighters), intelligence, and recruitment of high-ranking French diplomats during the Patriotic War of 1812.[12] At the same time, the Soviet period witnessed continuation, and, arguably, visible sophistication of the trend initiated before the advent of the Soviet government. Namely, the Soviet *maskirovka* (deception)[13] was given a boost in the 1920s; whereas Soviet psychological and informational operations prior, during and after the Great Patriotic War (1941–1945),[14] gave huge boost to the development and promotion of the Soviet model of Communist ideology and drew a sizable number of new players into the Soviet realm of influence.

This being said, it should be underscored that at the time the term hybrid had yet to be used in the same vein as it was after 2006, which marked a new landmark in the employment of the term. Specifically, during the Israel-Hezbollah conflict, scholars started to pinpoint the weaker party (Hezbollah) using a combination of diverse forms and methods of warfare under the same umbrella as a means to confront a militarily and technologically more advanced party.[15] Therefore, before the outbreak of the Arab Spring and Russian's annexation of Crimea in March

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11   Ambartsumov I.V., "Obraz Napoleona I v russkoi ofitsialnoi propaganda, publitsistike i obshchestvennom soznanii pervoi chetverti XIX veka," (master's thesis); "Internet proekt '1812 god,'" (St. Petersburg, 2008), http://www.museum.ru/1812/library/Ambartsumov/index.html. See also Sergey Sukhankin, "Russia's Offensive and Defensive Use of Information Security," in *Russia's Military Strategy and Doctrine*, ed. Glen E. Howard and Matthew Czekaj (Washington, DC: The Jamestown Foundation, February 2019): 302–45.

12   Natalia Fedorenko, "Otechestvennaia voina 1812g. i deiatelnost rossiiskikh spetssluzhb," *Vestnik SPbGUK*, 2013. No. 1 (14): 151–58, https://cyberleninka.ru/article/n/otechestvennaya-voyna-1812-g-i-deyatelnost-rossiyskih-spetssluzhb.

13   Soviet military doctrine developed at the beginning of the twentieth century and covered a broad range of measures for military deception, including concealment, imitation with decoys and dummies, maneuvers intended to deceive, denial, and disinformation. For more information, see William Hutchinson, "The Influence of Maskirovka on Contemporary Western Deception Theory and Practice," *Proceedings of the 3rd European Conference on Information Warfare and Security*, 2004.

14   For example, the creation of the Comintern (1919–1943)—an international organization and propaganda instrument that advocated world communism, also called the Communist International or Third International. The main propaganda/counterpropaganda methods and tools used by the Soviet side during the Great Patriotic War were leaflets and posters, audio recordings, radio broadcasts, printed matter, music, arts, religion, and the creation of collaborationist organizations. For more information, see I. Panarin, *SMI, Propaganda i Informatsionnie voiny*, Moscow, 2012; After the Great Patriotic War the Cominform or Communist Information Bureau (1947–1956) was created. The Cominform's activities consisted mainly of publishing propaganda to encourage international communist ideology. See I. Panarin, *SMI, Propaganda i Informatsionnie voiny* (Moscow, 2012).

15   See, for example, Frank G. Hoffman, "Hybrid Warfare and Challenges," *National Defense University Press* 52, (1st quarter 2009): 37.

2014, strategy employed by the Hezbollah was showcased by the intellectual community as the most vivid example of hybrid warfare.[16] Yet, the two above-indicated events have had a dramatic transformative effect on (a) the way the terms are being currently used; (b) the range of actors that utilize forms and methods of hybrid confrontation, which makes it no longer applicable only to non-state actors per se. Indeed, even a cursory glance at the most recent trends in the intellectual domain related to the theory of contemporary warfare underscores the key trend: it is the Russian Federation (to be more specific, its actions after 2014) that are viewed as the defining example of hybrid confrontation.[17]

In order to get more sense of Russia's employment of hybrid measures, it is useful to first glance at the logic behind Russia's actions. First and foremost, Russia sees the West as a force that exercises hybrid warfare against Russia, which takes the form of "color revolutions."[18] From the "Bulldozer revolution"[19] to the Rose and Orange revolutions, Moscow has been construing these actions as Western attempts not only to encroach on Russia's traditional spheres of influence," but also to test a model of regime change that could be later executed in Russia itself.[20] Therefore, Russia's logic goes as far as to argue that given Russia's weakness (demographic, conventional military, and economic) against the West, the only possible response to "Western unfriendly actions" is the asymmetric response.[21] Therefore, it is not Russia that wages a hybrid war against the West, it is the other way around, and Russia is using asymmetric actions to confront a superior force. Notably, the term "asymmetric response" was first used by the Soviet leadership in response to Ronald Reagan's Strategic Defense Initiative Declaration.[22] The occasion was Mikhail Gorbachev's press conference in Reyk-

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16 Damien Van Puyvelde, "Hybrid war—Does it Even Exist?" *NATO Review*, accessed July 20, 2019, https://www.nato.int/docu/review/2015/Also-in-2015/hybrid-modern-future-warfare-russia-ukraine/EN/.

17 Mark Galeotti, "The 'Gerasimov Doctrine' and Russian Non-Linear War," *In Moscow's Shadows*, July 6, 2014, https://inmoscowsshadows.wordpress.com/2014/07/06/the-gerasimov-doctrine-and-russian-non-linear-war/.

18 "Rossiia ne priiemlet 'tsvetnykh revoliutsii' v stranach SNG," *Obozrevatel*, December 1, 2005, https://www.obozrevatel.com/news/2005/12/1/66845.htm.

19 The Bulldozer Revolution refers to the overthrow of Slobodan Milošević (President of the Federal Republic of Yugoslavia) that occurred on October 5, 2000, in Belgrade, Yugoslavia. Events in Belgrade are usually called the first "color revolution." For more information, see Maksim Bochanov, "'Tsvetnie revoliutsii': aktualnyi rakurs," *Srednerusskii vestnik obshchestvennykh nauk*, no. 2 (2011), https://cyberleninka.ru/article/n/tsvetnye-revolyutsii-aktualnyy-rakurs.

20 A. Naumov, *'Miagkaia sila', 'tsvetnie revoliutsii' i tekhnologii smeny politicheskikh rezhymov v nachale XXI veka*, (Moscow: Agramak-Media, 2016), 73.

21 Sergey Sukhankin, "'Syrian Lessons' and Russia's 'Asymmetric Response' to the US," *Eurasia Daily Monitor* 14, no. 118, September 26, 2017, https://jamestown.org/program/syrian-lessons-and-russias-asymmetric-response-to-the-us/.

22 S. Oznobishchev, V. Potapov, and V. Skokov, *Kak gotovilsia 'asimmetrichnyi otvet' na "Strategicheskuiu oboronnuiu initsiativu" R.Reygana. Velikhov, Kokoshyn i drugie,'* (Lenand: 2008).

javik on October 12, 1986, and implied a comprehensive political and military strategy that was built on a combination of both non-military (diplomatic and political propaganda) and military (some specific programs aimed at developing weapons systems) measures. Generally speaking, most strategies elaborated by the Soviet Union until the late 1980s in confronting the West were predominantly symmetrical in nature and substance. Some notable exceptions included the use of "reflexive control"[23] (a prototype of modern information operations) or use of military "advisors/instructors" to countries that were construed as a "vanguard" of anti-Imperialist struggle and firm allies of the USSR (Algeria, Angola, Afghanistan, Vietnam, Egypt, Yemen, Cambodia, China, Cuba, North Korea, Laos, Lebanon, Mozambique, Nicaragua, Syria, and Ethiopia).[24] Indeed, those actions of Moscow did have visible elements of hybridity.

However, in the face of new challenges posed by Reagan's strategy, the Soviets embarked on a search for a new optimized model capable of inflicting unacceptable damage on the aggressor. The idea of a new asymmetric concept was based on the work of Russian and Soviet military theorist Aleksandr Svechin,[25] who carefully examined the use of asymmetric strategies in different periods of history and scooped up the ideas of "the ideology of asymmetry" (both in the military-technical and in the political-psychological dimension) that could be found in the works of the outstanding ancient Chinese theorist and strategist Sun Tzu.[26] Current Russian military experts and thinkers also make extensive reference to works of both theorists.[27]

After the collapse of the USSR, the Russian Federation did not forget this strategy and continued to work in the same direction by testing (quite successfully) her capabilities in Moldova (in the unrecognized state of Transnistria), Nagorno-Karabakh, Tajikistan, the self-proclaimed republics of South Ossetia

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23 Reflexive control is a uniquely Soviet concept, a special kind of influence activity, which predates the modern concept of information warfare. This concept was based on *maskirovka*, an old Soviet notion in which one "conveys to a partner or an opponent specially prepared information to incline him to voluntarily make the predetermined decision desired by the initiator of the action." For more information, see T. L. Thomas, "Russia's Reflexive Control Theory and The Military," *Journal of Slavic Military Studies* 7 (2004): 237–56; and Keir Giles, *Handbook of Russian Information Warfare* (Rome: NDC, 2016), 19.

24 Sergey Sukhankin, "The Russian State's Use of Irregular Forces and Private Military Groups: From Ivan the Terrible to the Soviet Period," *War by Other Means*, Jamestown Foundation, April 12, 2019, https://jamestown.org/program/the-russian-states-use-of-irregular-forces-and-private-military-groups-from-ivan-the-terrible-to-the-soviet-period/ .

25 Svechin's classical military book *Strategy*. This work became required reading at Soviet military schools. See A. Svechin, *Strategiia*, (Moscow, 1926).

26 Vladimir Sharonov, "Assimitrichnii otvet," *Voiennoe obozrenie*, August 27, 2010, https://topwar.ru/1175-assimetrichnyj-otvet.html.

27 See Oznobishcheva, Potapov, and Skokov, *Kak gotovilsia asimmetrichnyi otvet' na 'Strategicheskuiu oboronnuiu initsiativu R. Reigana*.

and Abkhazia, Ukraine, the Baltic States, and Syria. This strategy became the basis of the contemporary Russian response imposed by geopolitical challenges.

Quite frequently, Russian contemporary hybrid warfare strategy is ascribed to the Russian Chief of the General Staff, Army General Valery Gerasimov.[28] In February 2013 (almost one year before Russia annexed Crimea), Gerasimov published the article "The Value of Science is in the Foresight,"[29] which later came to be defined as the "Gerasimov Doctrine."[30] In this article Gerasimov analyzed changing methods and the whole nature of the war in the twentieth century; the lessons of the Arab Spring (as well as extensively referring to the "color revolutions"); the role of Western powers in the Libyan and Syrian crises; and the possibility for elaborating ways to defend Russia and its population against such actions. Despite its lack of innovation, Gerasimov actually pointed to a new, interesting element premised on shifting balance between military and non-military (political, economic, informational, humanitarian) means of warfare. Among other aspects, he noted that instead of direct military confrontation it would make much more sense to ignite protest movements and support to the anti-regime forces. While this trend develops, covert para-military measures (including actions on non-state actors and private military companies) backed by elements of external information confrontation should lead toward worsening domestic crisis and the potential toppling of the ruling regime.

Despite the fact that the General never mentioned the phrase "hybrid warfare," and only wrote about "asymmetric" actions and opportunities, the article became the source of attention of Western military analysts and media after the events in Ukraine and made Gerasimov the main ideologist behind the concept of hybrid warfare. Moreover, the article is considered by many to be the most salient articulation of Russia's modern strategy of conducting hybrid warfare. But Gerasimov's article in reality simply supported another doctrine that has guided Russian policy for over two decades: the Primakov doctrine of 1996.[31] This doctrine was named after Ievgeny Primakov, who from January 1996 to September 1998 was Russia's Foreign Minister, and from September 1998 to May 1999 led Russia's Cabinet of Ministers. Primakov was the first Russian pol-

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28 Maria Snegovaya, "Putin's Information Warfare in Ukraine," (Washington, DC: Institute for the Study of War, 2015), 10.

29 Valerii Gerasimov, "Tsennost nauki v predvidenii," *Voienno-Promyshlennii Kurier*, February 26, 2013, https://vpk-news.ru/articles/14632.

30 Mark Galeotti, "The 'Gerasimov Doctrine' And Russian Non-Linear War," *In Moscow's Shadows*, July 6, 2014, https://inmoscowsshadows.wordpress.com/2014/07/06/the-gerasimov-doctrine-and-russian-non-linear-war/.

31 Ariel Cohen, "The 'Primakov Doctrine': Russia's Zero Sum Game with the United States," *The Heritage Foundation,* December 15, 1997, https://www.heritage.org/report/the-primakov-doctrine-russias-zero-sum-game-the-united-states.

itician who, in response to the formation of unipolar Post Cold War world dominated by the United States, laid down the fundamentals of independent thinking in Russian foreign policy and set forth new foreign policy objectives. According to Primakov, this new unipolar world was unacceptable to Russia and the goal of Russian foreign policy was to weaken American influence in East European countries and the Middle East. In Primakov's view, for this strategy it was essential to build a Eurasian counterbalance by establishing closer relations with China and Iran.[32] Moreover, his doctrine gave impetus to the formation of the BRICS[33] group (which he started with Russian, Chinese, and Indian cooperation).[34] Already in 1996, Primakov promoted closer integration of former Soviet Republics in the Commonwealth of Independent States under Russian leadership. He also strongly believed that Russia should oppose NATO expansion. With Russian economic and domestic (Chechen War) problems in the 1990s, Moscow had certain limitations for implementing Primakov's doctrine in full and only resorted to relatively limited forms of hybrid warfare: under Primakov, Russia used hybrid tactics like supporting pro-Russian groups and played a key role in ethnic regional conflict in former Soviet Republics.

The situation changed after Yugoslavia's Bulldozer Revolution. Russia openly expressed her negative opinion regarding the intrusion of "the third parties" into her "sphere of influence." In 2005, Army General Yury Baluievsk the then First Deputy Minister of Defense and Chief of the General Staff, stated that Russia would not accept stimulation of "velvet" and "color revolutions" in the CIS countries. Moreover, as he noted, Russia also "has the right to defend its interests in the post-Soviet space."[35]

Another strong signal to the West was send by Vladimir Putin between 2007 (the Munich Speech on February 10, 2007)[36] and 2008 (the Bucharest NATO Summit April 2–4, 2008, when the red lines were clearly drawn). Regarding Ukraine, Russia was primarily preoccupied with the future status of Crimea. This concern was premised on the importance of the peninsula from two perspectives. The first one is military-strategic perspective: the threat of

32 V.A. Nikonova, "Mnogopolyarnaia alternativnos—'doktrina Primakova,'" *Politika v sovremennoi Rossii* (Moscow, 2005).

33 The acronym BRICS was coined in 2001 by Jim O'Neill (then the chairman of Goldman Sachs Asset Management) for an association of five major emerging national economies: Brazil, Russia, India, China, and South Africa. See Jim O'Neill, "Building Better Global Economic BRICs," *Global Economics*, no. 66 (November 30, 2001).

34 Sergei Lavrov, "Pamiati E.M.Primakova," *Mezhdunarodnaia zhizn,* https://interaffairs.ru/jauthor / material/1345.

35 "Rossiia ne priiemlet 'tsvetnykh revoliutsii' v stranakh SNG," *Obozrevatel*, December 1, 2005, https:// www.obozrevatel.com/news/2005/12/1/66845.htm.

36 "Vystupleniie i diskussiia na Miunkhenskoi konferentsii po voprosam politiki bezopasnosti," *Kremlin. ru*, February 10, 2017, http://kremlin.ru/events/president/transcripts/24034.

NATO's further expansion along Russia's southwestern border, the fear of Ukraine joining NATO, and the fear of losing Russia's strategically important naval base in Sevastopol. And the second is moral-psychological perspective: the Crimean peninsula has been a natural sphere of influence for Russian leaders ever since Russian Tsarina Catherine the Great annexed it from the Ottoman Empire in 1783 and also the patriotic-psychological importance of Sevastopol for Russia should be considered.[37] In effect, the potential straining of relations between Russia and Ukraine over Crimea—practically ignored in the West—was predicted by Taras Kuzio in his report "The Crimea: Europe's Next Flashpoint?" in 2010.[38]

Indeed, following the outbreak of instability in Kyiv in late 2013, Russian ruling elites pondered ways to capitalize on the instability and re-gain control over Crimea and the Azov Sea basin. Indeed, as would be later revealed by Colonel-General of the Russian Armed Forces Vladimir Shamanov, "The Kremlin had been preparing the operation to return the Crimean peninsula for several years, from the moment Viktor Iushchenko (in 2008) raised the question of the gradual movement of the base of the Russian Black Sea Fleet from Sevastopol to Novorossiisk."[39]

The Problem of the Azov Sea Region —(Geo)political and Legal Aspects since 1991

A closer look at political relations between Russia and Ukraine after 1991 demonstrates a long history punctuated by multiple conflicts and tensons regarding the status of the Azov Sea. The disputes broke out and intensified immediately after the collapse of the Soviet Union in 1991.[40] The importance of the strait can hardly be overlooked: connecting two seas (the Azov and the Black Seas), it thereby serves as a passageway for both Russia and Ukraine. By virtue of its geographical location and in accordance with the norms of international maritime law, the Sea of Azov had the status of internal waters of the USSR. The collapse of the Soviet Union and emergence of two sovereign states—the Rus-

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37 Boris Toucas, "The Geostrategic Importance of the Black Sea Region: A Brief History," *The Center for Strategic and International Studies,* February 2, 2017, https://www.csis.org/analysis/geostrategic-importance-black-sea-region-brief-history; "Krym. Put na Rodinu," *Rossiya 1*, https://russia.tv/video/show/brand_id/59195/episode_id/1180834/video_id/1147633/.

38 Taras Kuzio, "The Crimea: Europe's Next Flashpoint?" *The Jamestown Foundation*, November 2010, http://www.taraskuzio.com/Nation%20and%20State%20Building_files/CrimeaFlashpoint.pdf.

39 "Shamanov, 'V 2014 godu Rossiia obmanula amerikantsev v Krymu,'" *IA Realist*, March 19, 2019, http://realtribune.ru/news/world/1787.

40 Ferran Requejo and Nagel Klaus-Jürgen, *Federalism beyond Federations: Asymmetry and Processes of Resymmetrisation in Europe* (New York: Routledge, 2016), 199.

sian Federation and Ukraine—changed the legal status of the Sea of Azov and the Kerch Strait (it was no longer a "mediterranean sea," surrounded by the shores of one state).[41] The coastal states found themselves in a situation where it was necessary not only to develop a new legal status for the sea but also to agree on delimitation and navigational issues. The status of the Kerch Strait and the Sea of Azov became an object of politico-military and economic interests of both actors involved.

By 2003, the parties concluded a bilateral "Agreement on Cooperation in the use of the Sea of Azov and the Strait of Kerch," that proclaimed the Azov Sea an historic internal sea of Russia and Ukraine, with both countries having equal rights to it and declaring that "no obstruction of maritime traffic from either side [is] allowed."[42] According to the agreement, both states recognized free navigation of Russian and Ukrainian merchant ships and warships through the strait, and free passage of to ports of Russia and Ukraine of foreign merchant ships. As for foreign warships, they could enter the Sea of Azov upon invitation or permission of one party to the agreement, which should be agreed on by the other country. Importantly, any disputes arising in the area had to be jointly resolved by parties to the agreement.

Speaking in retrospect, one episode of what turned out to be huge importance over the Kerch Strait should be recalled, the so-called Excavator War between Russia and Ukraine.[43] In the last days of September 2003, Russia unexpectedly began to build a dam (without any preliminary consultations with Ukraine) from the Taman Peninsula toward the Tuzla Island, which belonged to the Crimea (from January 7, 1941 the island of Tuzla territorially belonged to the Crimean Oblast, which on February 19, 1954 by the Decree of the Presidium of the Supreme Soviet of the Soviet Union was transferred from the RSFSR to the Ukrainian SSR), and therefore remained under Ukraine's legal jurisdiction.[44] Thus, suddenly in 2003, Tuzla Island appeared in the headlines of global news and became a matter of heated bilateral disputes between Kyiv and Moscow. In many respects, it was the first vivid example of Russian use of hybrid methods

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41 A. Salimgerei, "Mezhdunarodno-pravovoi status zamknutykh morei: nekotorye aktualnye voprosy," *Sovremennoe parvo*, no. 9 (2012): 127–137, https://www.sovremennoepravo.ru/m/articles/view/Международно-правовой-статусзамкнутых-и-полузамкнутых-морей-некоторые-актуальные-вопросы.

42 "Dogovir mizh Ukrainoiu ta Rosiiskoiu Federatsieiu pro spivrobitnytstvo u vykorystanni Azovskogo moria i Kerchenskoi protoky," December 12, 2003, https://zakon.rada.gov.ua/laws/show/643_205.

43 Nikolai Dzis-Voinarovskii, "Ostrov sokrovishch," *Lenta.ru*, October 22, 2003, https://lenta.ru/articles /2003/10/22/tuzla/.

44 *Sbornik zakonov SSSR i ukazov Prezidiuma Verkhovnogo Soveta SSSR. 1938 g.—July 1956 g.*, ed. I. Mandelshtam, (Moscow: Gosudarstvennoye izdatelstvo yuridicheskoy literatury, 1956), 35; and Liliia Lysenko, "Azovske more: staryi-novyi front," *Instytut Prosvity*, December 6, 2018, https://iprosvita.com/azovske-more-staryj-novyj-front/.

that resulted in an outbreak of a sharp and far-reaching conflict between two countries. It should have been a wake-up call for the Ukrainian political elites, yet looking at the event from a historical perspective, it did not.

Justifying her actions, Russia's initial argument followed a line that boiled down to the necessity to protect and strengthen her shoreline in order to prevent erosion of the coastline of the Taman Peninsula and the spit. But later, on October 20, Russia changed her strategy and insisted that there were no officially clear borders in the Azov Sea and the Kerch Strait, and refused to recognize Tuzla as an island, insisting that it was a spit.[45] Moscow's position was explained by the fact that by 1925 Tuzla was a part of the Taman Peninsula, but became an island as a result of a severe storm. In addition, Russia insisted (although without any factual confirmation) that in 1954 only the continental part of the Crimea had been transferred to Ukrainian SSR, even though the Tuzla Island had been administratively part of Crimea since 1941. The situation developed rapidly: Russian builders worked in three shifts and the dam was approaching the island at a fast pace of 150 meters per day.[46] Moreover, the Kremlin's position was clearly articulated by officials. During a media briefing Vladimir Putin's chief of staff, Alexander Voloshin said that "Russia will never give up the Kerch strait ... we'll do everything it takes to maintain our position. If we have to, we'll drop bombs there."[47] Later, he claimed that his rhetorical escapade was a mere joke. Additionally, Krasnodar Governor Aleksandr Tkachev said that there were archival documents confirming that Tuzla spit is a part of the Russian Federation and an integral part of the Krasnodar Krai.[48] Besides, according to an express survey on the topic conducted by the Krasnodar State Sociological Center, 81 percent of residents of the Krasnodar Krai supported the position of their governor over Tuzla.[49]

In Kyiv, the situation was seen as an attempt to annex part of Ukrainian territory.[50] The situation over Tuzla quickly became the worst bilateral crisis between the two capitals since the collapse of the Soviet Union. President Leonid Kuchma terminated his visit to Latin America and flew to Crimea, ordering

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45 Roman Woronowycz, "Russian-Ukrainian Dispute Over Tuzla Escalates," *The Ukrainian Weekly* LXXI, no. 43, October 26, 2003.

46 "Situatsiia v Azovskomu mori iak ekonomichnii bezpekovii ta sotsialnii vyklyk," *Analitychnyi zvit za pidsumkamy provedennia Lvivskogo bezpekovogo forumu 2018* (October 2018): 39, https://www.lvivse-curityforum.org/LSF_broshura_final_web.pdf.

47 Nikolai Dzis-Voinarovskii, "Ostrov sokrovishch. Tsena Tuzly—16 millionov dollarov v god," *Lenta.ru*, October 22, 2003, https://lenta.ru/articles/2003/10/22/tuzla/.

48 "Kosa Tuzla. Obzor SMI Kubani za 21-25 oktiabria," *Regnum*, October 28, 2003, https://regnum.ru/news/173195.html.

49 "Oprosy. Obzor SMI Kubani 11-15 noiabria," *Regnum*, November 19, 2003, https://regnum.ru/news/polit/181839.html.

50 Ferran Requejo, Nagel Klaus-Jürgen, *Federalism beyond Federations: Asymmetry and Processes of Re-symmetrisation in Europe* (New York: Routledge, 2016), 199.

locally stationed armed forces to open fire if Russia progressed with the construction of the dam. Within hours Ukraine deployed hundreds of border guards and special forces to the area, transferred additional ships and aircraft to the Kerch Strait, and launched combat training (which included aviation and missile forces) on the mainland.[51] Moreover, the Verkhovna Rada (the Ukrainian parliament) issued a resolution "to eliminate a threat to the territorial integrity of Ukraine that appeared as a result of dam construction by the Russian Federation in the strait of Kerch."[52] The situation was approaching the stage that any move could have resulted in a limited scale military confrontation involving two largest countries of the post-Soviet area. Incidentally, that time, the recruitment of volunteers to defend Tuzla "from foreign invasion" was launched by Kyiv. Meanwhile, in a special decree, Kuchma mentioned the possibility of a Ukrainian appeal to the UN, NATO, and the countries of the Budapest Memorandum.[53]

Negotiations between Moscow and Kyiv began only after construction reached the Ukrainian border pontoon. Talks led to the suspension of the construction of the dam. Tuzla remained Ukrainian, but no third-country warship could cross the Kerch Strait without Moscow's consent. Due to the conflict, on December 2, 2003, a border patrol station of Ukraine was installed on the island.

Some experts believe that the status of the Kerch Strait and the Sea of Azov became an object of conflict of interests for economic reasons: annually Russian paid Ukraine almost $15 million for the use of the Kerch-Yenikale Canal, a maritime shipping canal in the Kerch Strait that connects the Sea of Azov and the Black Sea, plus potential profits from the development of offshore oil and gas deposits.[54] But in retrospect it would be safe to suggest that the real purpose of the conflict was to exert pressure on Ukraine to delimit the border in the Kerch Strait and the Sea of Azov. Russia offered to share the Azov-Kerch water area but agreed to establish a state border only along the bottom of the sea, not along the water surface. In 2007, Kyiv and Moscow reached a new agreement stating that "every vessel traveling through the Kerch Strait must report the nature of its business to the Kerch port."[55]

51 "Khroniki nezalezhnosti. Chy bula Tuzla repetytsiieiu aneksii Krymu?" *LB.ua*, June 6, 2018, https://ukr.lb.ua/news/2018/06/07/399652_hroniki_nezalezhnosti_chi_bula_tuzla.html.

52 "Kuchma prikazal silovikam gotovitsia k vtorzheniiu Rossii u ostrova Tuzla," *Lenta.ru*, October 23, 2003, https://lenta.ru/news/2003/10/23/dam/.

53 "Viina za Tuzlu: iak 15 rokiv tomu my vidbyly ii v Rossii, i iak zakhyshchaly pid chas 'russkoi vesny,'" *Depo.ua*, September 28, 2018, https://www.depo.ua/ukr/life/viyna-za-tuzlu-yak-rosiya-14-rokiv-repetiruvala-okupaciyu-20170928648584.

54 A.V. Baranov, "Problemy uregulirovaniia pogranichnogo konflikta mezhdu Rossiiskoi Federatsiiei i Ukrainoi v Kerchenskom prolive," *Chelovek, Obshchestvo, Upravlenie*, no. 1 (2012): 106.

55 "Morskiie administratsii Rossii i Ukrainy podpisali vremennoie polozhenii o poriadke prokhoda

The crisis demonstrated Russia's strategic interest in Tuzla in particular and the region in general: according to Russian sources, "the area was even more important than the Kuril Islands."[56] Later, with the expansion of NATO eastward closer to the Ukrainian borders (the Charter on a Distinctive Partnership),[57] this trend was viewed by Russia as a direct threat, thereby bringing the issue of Azov Sea and Kerch Strait to a qualitatively new level. According to Russian logic, diminishing control over the strait meant that foreign warships could approach (within reach of tactical weapons) to Rostov-on-Don and other strategic centers of Southern Russia. Although Tuzla remained under Ukrainian sovereignty, Russia tested hybrid methods of confrontation and did not abdicate from its plans. As it turned out, the temporary retreat was by no means a defeat for Russia, and Ukraine did not pay the necessary attention to this seemingly unimportant episode. Later, the Tuzla experience would be employed (in addition to other lessons learned by Moscow in other theaters) during the so-called Russian Spring in January–March 2014.[58]

Russian Hybrid Strategy in the Sea of Azov: Divide and Conquer?[59]

Following Russia's illegal annexation of Crimea in March 2014, Moscow has assumed de facto control over access to and from the Sea of Azov,[60] thus essentially transforming it into Russia's "internal lake."[61] On November 25, 2018, Russia's violent moves in the Kerch Straits posed a threat of a serious (potentially military) escalation between Kyiv and Moscow. Yet, contrary to Russia's actions in January–March 2014 (the annexation of Crimea) and April 2014 (nascent dis-

sudov cherez Kerchenskii proliv," *Ministerstvo Transporta Rossiiskoi Federatsii*, November 18, 2007, https://www.mintrans.ru/press-center/news/869.

56 Sergei Nikolaiev, "Zlokliucheniia Tuzly. Kakiie podvodnye kamni obnazhyla razmytaia kosa," *Rossiyskaya Gazeta—Federalnyi vypusk*, (3326): October 22, 2003, https://rg.ru/2003/10/22/tuzla-1.html.

57 "Charter on a Distinctive Partnership between the North Atlantic Treaty Organization and Ukraine," *North Atlantic Treaty Organization*, July 9, 1997, https://www.nato.int/cps/en/natohq/official_texts_25457.htm.

58 Ievgenii Zubarev, "Krymskaia vesna 2014-go: kak eto bylo. Vzgliad iz Moskvy," *Federalnoye Agentstvo Novostei*, March 18, 2017, https://riafan.ru/667851-krymskaya-vesna-2014-go-kak-eto-bylo-vzglyad-iz-moskvy.

59 A large portion of this segment was first published by the author in *Eurasian Daily Monitor*. For more information, see Alla Hurska, "Russia's Hybrid Strategy in the Sea of Azov: Divide and Antagonize (Part One, Part Two)," *Eurasia Daily Monitor* 16, no. 1, January 30, 2019, https://jamestown.org/program/russias-hybrid-strategy-in-the-sea-of-azov-divide-and-antagonize-part-one/ and *Eurasia Daily Monitor* 16, no. 18, February 12, 2019, https://jamestown.org/program/russias-hybrid-strategy-in-the-sea-of-azov-divide-and-antagonize-part-two/.

60 "Glava Soveta natsionalnoi bezopasnosti Ukrainy anansiroval novii pohod korablei v Azovskoie more," *Svoboda.org*, December 19, 2018, https://www.svoboda.org/a/29665411.html.

61 Silke Bigalke, "Als wär's ein russischer See," *Süddeutsche Zeitung*, December 9, 2018, https://www.sueddeutsche.de/politik/russland-ukraine-krim-konflikt-1.4243657.

turbances in the Donbas region), the situation around the Kerch Straits differed since Russia was adding the sea to already existing fields of confrontation on land and information space.

Incidentally, this was not the first sea-based incident that occurred in the Kerch Strait since 2014, but unlike the above-mentioned operations, this was the first time Russian forces openly engaged their Ukrainian counterparts and employed resources of the Federal Security Service (FSB) against Ukrainian Navy ships.[62] Moreover, the Kerch Straits confrontation emphasized the fragile legal status of the Azov Sea and the Kerch Straits, a status that Russia has taken advantage of in recent years to exert political and economic pressure on Ukraine by using lawfare as a part of her hybrid strategy in Ukraine.

When addressing the issue of Azov Sea, the majority of experts concentrate on the military-strategic importance of this area, which, indeed, is inseparable from Russia's rapid military buildup in Crimea as well as Moscow's most recent naval provocations.[63] But what frequently escapes attention is the geostrategic and geo-economic importance of this maritime zone. In fact, it is so vital to Ukraine that, even without firing a single shot, Moscow could economically strangle a sizable portion of southeastern Ukraine, cultivate local anti-Kyiv sentiment, and trigger additional instability, turmoil, and the potential outbreak of separatist sentiment.

Ukrainian economic and geo-strategic interests in the Azov Sea are premised on two major communication and transportation pivots: Berdiansk and Mariupol. From these ports, the vast majority of metallurgical products (one of the main categories of Ukrainian exports) are exported. The port of Berdiansk also handles agricultural cargo and smaller vessels coming to and from Russia, Kazakhstan, Iran, as well as countries in the Mediterranean and Southeast Asia. Whereas, Mariupol (popularly known as "the export gates of Ukraine" due to its former connection to 152 ports worldwide) deals primarily with outgoing shipments of iron, coal, and metallurgy products.

Before 2014, both of these Azov Sea ports secured virtually a quarter of Ukraine's maritime exports. But the current output has plummeted by three times (despite an annual capacity of 17 million tons, the actual export volumes at the time of writing were 5.8 million), primarily caused by Russia's "groundless detentions of vessels (traveling to and from Mariupol and Berdiansk) and

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62 "Kyiv Says Russia Attacked Ukrainian Navy Ships, Seized Three in Black Sea," *RFE/RL's Ukrainian Service*, November 25, 2018, https://www.rferl.org/a/ukraine-russian-ship-rams-navy-tugboat-off-crimea-azov/29619665.html.

63 Taras Repin, "Imeiut li pravo amerikanskiie voiennie korabli vhodit v Azovskoie more," *Russian7.ru*, December 8, 2018, http://russian7.ru/post/imeyut-li-pravo-amerikanskie-voennye-k/.

the proximity of the zone of instability (i.e., the frontline in Donbas)."[64] Another limiting factor is the height of Russia's Kerch Strait Bridge that connects occupied Crimea to the Russian mainland, which has resulted in Mariupol losing up to 30 percent of its shipping fleet, leading to breaches of contracts with important foreign customers from the United States and Southeast Asia.[65] In January 2019, Mariupol received only five vessels, and Berdiansk, three. In 2016, for example, these figures were six times higher.[66] The situation in 2019 was further aggravated by southeastern Ukraine's poor railroad connections, inadequate infrastructure and the constant risk of new hostilities breaking out nearby.[67]

In accordance with Ukrainian legislation, the Mariupol and Berdiansk ports are both owned by the state; yet, a closer look at the issue reveals a somewhat different picture. Many Ukrainian sources ascribe these two port facilities to the broader business interests of Rinat Akhmetov, one of the most affluent and powerful Ukrainian oligarchs. He allegedly controls the port in Mariupol via his relationship with his associate Aleksandr Oleinik, its current director. Control over Berdiansk was de facto established in August 2018, when Metinvest Group, an enterprise owned by Akhmetov, acquired 25 percent of the stock auctions of Donetskstal Metallurgical Plant (controlled by Viktor Nusenkis), an enterprise that reportedly controlled the port in the past.[68] The rest of the stock was acquired by "independent players" such as Altana Limited, Misandyco Holdings LTD, Mastino Trading LTD, and Treimur Investments Limited, whose origins may themselves also point to connections with Akhmetov.[69] Another important player is Akhmetov's business partner Vadim Novinsky (owner of the Smart-Holding Group), who is interested in Mariupol as an important artery of agricultural exports, particularly given the fact that in 2019 this port was to receive a major new grain complex. Ukrainian sources argue

64 "Konflikt v Azovskom more: chto proishodit v portakh Mariupolia i Berdianska," *Bankomet.com.ua*, accessed January 24, 2019, http://bankomet.com.ua/2018/11/konflikt-v-azovskom-more-chto-proisxodit-v-portax-mariupolya-i-berdyanska/.

65 "Konflikt v Azovskom more. Chto proishodit v portakh Mariupolia i Berdianska," *X-rss.com*, November 30, 2018, https://x-rss.com/konflikt-v-azovskom-more-chto-proishodit-v-portah-mariupolya-i-berdyanska/.

66 "Kolichestvo sudov, idushchikh v Mariupol i Berdiansk, kriticheski snizilos—ekspert," *Donetskiye Novosti*, January 19, 2019, https://dnews.dn.ua/news/702594.

67 "Suda obhodiat storonoi port Mariupolia," *Newizv.ru*, December 16, 2018, https://newizv.ru/news / politics/16-12-2018/suda-obhodyat-storooy-port-mariupolya.

68 "'Metinvest' Akhmetova priobrel pochti 25% aktsii 'Donetskstal-metallurgicheskii zavod,'" *UNIAN*, August 9, 2018, https://www.unian.net/economics/industry/10218719-metinvest-ahmetova-priobrel-pochti-25-akciy-doneckstal-metallurgicheskiy-zavod.html.

69 "Kto pomog Akhmetovu kupit ugolnoie predpriiatiie Nusenkisa," *Delo.ua*, October 2, 2018, https:// delo.ua/business/ktopomog-ahmetovu-kupit-ugolnoe-predprijatie-nusenkisa-346739/.

that the interests of Novinsky and Akhmetov could further converge over the agribusiness entity HarvEast Holding, based in Donetsk region, in which both are stakeholders.[70]

While official figures demonstrate the virtual collapse of transportation via Ukraine's two main ports on the Azov Sea, smuggling is seemingly becoming a viable substitute for legal transactions. A closer look at this opaque issue points to the involvement of Russia, Ukraine, and some third parties. One of the most recent and discussed episodes occurred in November 2018, when a Dutch vessel, the Comet, under the flag of Liberia and managed by a Singapore-based company, was apprehended in Mariupol. The vessel, which turned out to have belonged to Russia in the past, was carrying 3,000 tons of metal products illegally transported from Alchevsk Metallurgic Combinate (currently under the occupation of separatist forces) to Antwerp, Belgium.[71] Further investigation revealed that the crew consisted of Russian and Ukrainian citizens. Some sources have claimed that the cargo on board the Comet may have belonged to Akhmetov, which raises even more questions regarding the smuggling scheme and private business interests in the Azov Sea today.[72]

This example is by no means the only one—apparently, smuggling in the Sea of Azov is becoming an increasingly lucrative business.[73] Russia continues to export Ukrainian coal from the Temporarily Occupied and Uncontrolled Territories of Ukraine (TOUTU)[74] through the ports Azov and Kavkaz, and by railway to the Baltic states. The established schema works because of the system of fake documents. The Russian side is simply selling these documents to the authorities from the occupied territories at the ports of departure. According to falsified documents, this coal became Russian, not Ukrainian. The price of such coal is $5 per ton.[75] According to investigative journalists, the list of countries where the coal is allegedly transported includes at least nineteen states. Among them are Poland, Turkey, Georgia, Egypt, India, Moldova, and

70 Fedor Tikhii, "Kak Kerchenskii krizis otrazilsia na finansakh oligarkha Akhmetova i Ukrainy" *Ukraina.ru*, December 7, 2018, https://ukraina.ru/exclusive/20181207/1022011779.html.

71 "V Mariupole arestovan gruz iz okkupirovannogo Alchevska, kotorii vezli iz RF—Lutsenko," *Censor. net.ua*, November 1, 2018, https://censor.net.ua/n3094689.

72 "V Belgiiu cherez Mariupol. Kapitan o situatsii s zaderzhannym na Ukraine sudnom," *Nsn.fm*, November 2, 2018, http://nsn.fm/incident/v-belgiyu-cherez-mariupol-kapitan-o-situacii-s-zaderzhannym-na-ukraine-sudnom.html.

73 "Ukraina v otvet na rossiiskiie sanktsii vnezapno arestovala evropeiskoe sudno," *Fondsk.ru*, November 6, 2018, https://www.fondsk.ru/news/2018/11/06/ukraina-vnezapno-arestovala-evropejskoe-sudno-47076.html.

74 Ukrainian territories of the Crimean Peninsula and parts of the Donetsk and Luhansk regions that were lost by Ukraine in 2014 following the Russian military intervention and hybrid strategies.

75 Mariana Prikhodko, "Rossiia prodolzhaet vyvozit ukrainskii ugol iz ORDLO cherez Azovskoie more," *Donbass.live*, June 24, 2019, https://donbass.live/2019/06/24/rossyya-prodolzhaet-vvozyt-ukraynskyjugol-yz-ordlo-cherez-azovskoe-more/.

even Canada. From March 2017 to December 2018 almost 6 million tons of such coal was sold.[76]

As pointed out above, Russia's current strategy in the Sea of Azov (the economic strangulation of Mariupol and Berdiansk) is, at its core, an elaborate attempt to morally break down the population of southeastern Ukraine and seed anti-Kyiv sentiment there.[77] But a secondary Russian motive that often escapes observers' attention is to concoct artificial antagonism between Mariupol and Odesa. As noted by the head of the Mariupol seaport, Igor Baiskii, "we are losing clients to Odesa, which does not face the same problems that we do."[78] At the same time, Ukrainian Minister of Infrastructure Volodymyr Omelian stated, on February 2019, that "Russian's most recent actions in the Sea of Azov have resulted in Ukraine losing $360 million."[79] The announcement pointedly contrasted with comments several weeks earlier by Mikhail Sheremet, a deputy in the State Duma (the lower chamber of the Russian parliament). Specifically, the Russian lawmaker defiantly claimed that "sanctions will not change Russia's policies in the Sea of Azov," adding that "threats and aggressive rhetoric will do nothing but deepen the rift between the two countries (Russia and Ukraine) and hinder bilateral trade and understanding."[80]

In spite of its limited geographic scope, the Sea of Azov is crucial for the Russian side for three main reasons. First, it provides Russia with economic leverage against Ukraine. Second, the Azov Sea serves as an operational theater from which to deepen the political and economic rift between Ukraine's southeastern regions and Kyiv. And third, Russian activities in the Azov Sea contribute to expanding Russia's military power in the wider Black Sea region.

In his interview, the former governor of Donetsk Oblast from 2015–2018, Pavlo Zhebrivsky, defined Moscow's strategy in the Sea of Azov as a "creeping annexation" (*polzuchaya anneksiya*), premised on blocking the remaining transit of Ukrainian vessels via the Kerch Strait as well as isolating Odesa and Ukraine's Azov Seaports. One of the goals of this strategy, Zhebrivsky asserted, has been to pressure Kyiv into fully re-establishing occupied Crimea's water sup-

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76   "Schema na $290 mln. Komu Rossiia prodaet ugol iz Donbassa," *Antikor*, June 26, 2019, https://antikor.com.ua/articles/311738-shema_na_290_mln._komu_rossija_prodaet_ugolj_iz_donbassa.

77   Mirek Tóda, "V portu ona rabotaet s sovetskikh vremen, no tak, kak seichas, eshche nikogda ne boialas za Mariupol," *Inosmi.ru*, December 5, 2018, https://inosmi.ru/politic/20181205/244163131.html.

78   Denis Trubetskoy, "Iabloko razdora—Azovskoe more," *Inosmi.ru*, July 26, 2018, https://inosmi.ru/politic/20180726/242836969.html.

79   "V Kieve nazvali summu ushcherba Ukrainy ot deistvii Rossii v Azovskom more," *RBC.ru*, February 1, 2019, https://www.rbc.ru/rbcfreenews/5c54783b9a79474532e454a5.

80   "Deputat GD: novie sanktsii ne izmeniat politiku Rossii v Azovskom more," *RIA Novosti*, January 16, 2019, https://ria.ru/20190116/1549413252.html.

ply, which used to come from mainland Ukraine.[81] In his turn, the then secretary of the Ukrainian National Security and Defense Council, Oleksandr Turchynov, has pointed to Russia's increasing military buildup in the region (primarily arrayed against the coastal city of Mariupol and the surrounding areas). This buildup threatens and de facto blockades all the Ukrainian cities located along the northern shore of the Azov Sea, an area known as Priazovia.[82]

Finally, the deputy chief of the General Staff of Ukraine's Armed Forces, Lieutenant General Ihor Romanenko, noted in 2018 the regional risks associated with deployments of 3M-54 Kalibr cruise missiles onto Russian naval and coast guard vessels operating in the Sea of Azov. With a reported strike range of up to 2,500 kilometers, these advanced missiles could cover all of Ukraine.[83] Collectively, these aforementioned security developments are profoundly decreasing both the economic attractiveness and logistical capabilities of Ukraine's two main Priazovian seaports—Mariupol and Berdiansk.

Russia's use of the Azov Sea for shipping goods looks quite modest, at least based on official statistics. The largest Russian port there, Rostov-on-Don, handles only 12.9 million tons of cargo annually. As mentioned earlier, together Ukraine's Mariupol and Berdiansk have an annual capacity of 17 million tons. In contrast, the Black Sea port of Novorossiysk handles 131.4 million and Murmansk (in the Arctic High North), 33.4 million tons.[84] Instead, when it comes to maritime shipping in the Sea of Azov, Russia appears to be profiting mainly from smuggling and the so-called "gray trade," while extensively relying on illegal front companies.[85]

Connected to this, it is evident that Russia is attempting to use the Azov Sea as a means to simply evade Western economic sanctions. One of the most telling examples came to light on January 21, 2019, when a fire broke out aboard two Tanzanian-flagged liquid natural gas (LNG) tankers, Maestro and Candy, off the southeastern coast of Crimea. The Maestro (crewed by citizens of Turkey and India) was headed to the Russian Azov Sea port of Temriuk. However, the vessel allegedly belongs to the Turkish company Milenyum Denizcilik Gemi,

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81 Valentin Korzh, "Pochemu shtormit v Azovskom more," *Rosbalt*, August 15, 2018, https://www.rosbalt.ru/world/2018/08/15/1724863.html.

82 "Obostrenie v Azovskom more: pochemu Ukraina prospala polzuchuiu aneksiiu Azova Rossiiei," *Segodnya.ua*, August 23, 2018, https://www.segodnya.ua/ukraine/obostrenie-v-azovskom-more-pochemuukraina-prospala-polzuchuyu-anneksiyu-azova-rossiey-1164926.html.

83 Valentin Korzh, "Pochemu shtormit v Azovskom more," *Rosbalt*, August 15, 2018, https://www.rosbalt.ru/world/2018/08/15/1724863.html.

84 Aleksandr Alikin, "Porty soshli s meli," *Fontanka.ru*, accessed February 3, 2019, https://www.fontanka.ru/longreads/seaports/.

85 Elen Iurchenko, "'Piratskaia zona' u beregov Kryma: chto izvestno o 'seroi zone' v Chernom more," *Krymr.com*, January 30, 2019, https://ru.krymr.com/a/piratskaya-zona-u-beregov-kryma/29741922.html.

which is under United States' sanctions.[86] Further investigation demonstrated that, since at least 2016, the Maestro has been used to transport Russian- and Kazakhstani-originated hydrocarbon products to some countries of the Middle East, including Syria.[87]

Another important area of smuggling is coal. On January 7, 2019, a ship with a Ukrainian crew (but under the flag of Panama) sank near Turkey. It was quickly revealed to have been transporting coal from Azov (Russia) to Samsun (Turkey). Importantly, the coal it was carrying aboard had first been illegally smuggled out of the Luhansk and Donetsk regions.[88] Further evidence strongly suggests that the coal in question (400,000–500,000 tons of highest-quality anthracite extracted monthly), was being illegally transported via Russia's Azov Sea ports and had apparently been sold to Poland, Moldova, Romania, and even back to Ukraine. This supposition has been partly corroborated by detailed analysis of the Russian companies "in charge" of coal-related deals. Two key players—Vneshtorgservis (registered in South Ossetia) and Gaz Alians (Russian registration)—are closely connected to Ukrainian oligarch Serhii Kurchenko, who fled the country in 2014, and his alleged "patron" in Moscow, Deputy Prime Minister Dmitry Kozak. Moreover, in 2018, Russia's port city of Azov increased its transportation of coal by 50 percent year-to-year.[89] In other words, the Russian side was artificially strangling southeastern Ukraine's trade by de facto blockading Mariupol and Berdiansk, while simultaneously increasing its own trade (especially in terms of coal) in the Azov Sea basin.

Another crucial Russian seaport used for illegally exporting coal from the occupied regions of Ukraine to foreign markets is Taganrog,[90] an assertion that has been implicitly corroborated by the Organization for Security and Cooperation in Europe's Special Monitoring Mission (OSCE SMM). On January 13, the SMM detected sixty rail cars moving from Donbas toward the Russian

86 "Vzryv i pozhar na dvukh tankerakh u beregov Kryma: kolichestvo pogibshyv vozroslo-SMI," *Krymr. com*, January 21, 2019, https://ru.krymr.com/a/news-kolichestvo-pogibshyh-v-pozhare-na-tankerah-vozroslo/29722767.html.

87 "Tankeru, shch zagorivsia v Chornomu mori, bulo zaboroneno zakhodyty v port RF cherez sanktsii," *Pravda.com.ua*, January 23, 2019, https://www.pravda.com.ua/news/2019/01/23/7204587/?fbclid=IwAR20oU3qYxzPofz8mOWO0nbqUrVrtKRPVDMH6ux5qfkqUzEAotPqClku1s.

88 "Zatonuvshee u beregov Turtsii sudno moglo perevozit ugol iz ORDLO—MinVOT," *Zn.ua*, January 8, 2019, https://zn.ua/UKRAINE/zatonuvshee-u-beregov-turcii-sudno-moglo-perevozit-ugol-iz-ordlo-minvot-305041_.html.

89 "Rosiia prodaie Ukraini vydobute na Donbasi vugillia. Chomu ukrainska vlada robyt vygliad shcho ne pomichaie mahinatsii," *Marker.ua*, January 18, 2019, http://marker.ua/energeticheskijblok/toplivo/7189-rosiya-prodaye-ukrayini-vidobute-na-donbasi-vugillya-chomu-ukrainska-vlada-robit-viglyad-shho-nepomichaye-mahinatsij/.

90 "Ukraina prediavila pritenzii k portu v Taganroge," *161.ru*, August 17, 2018, https://161.ru/text/gorod/65282401.

border. Subsequently, this coal may easily have been relabeled as "extracted in the Kuznetsk Basin" and exported abroad.[91] Over the past several years, Russia has been progressively taking de facto control over the maritime transit in the Sea of Azov and consequently slowly strangling the local economy in Ukraine's Priazovia. At the same time, Russia has been using these regional shipping lanes to illegally export coal extracted from occupied Donbas. In light of these dynamics, Kyiv's policy of an economic blockade of occupied lands looks increasingly ineffective and may need to be radically reformulated. [92]

Conclusion

After the annexation of Crimea, Russia's posture in the Black and the Azov Seas has become much more aggressive in comparison with the "tumultuous '90s." Of course, the dream of both Imperial Russia and Stalin's Soviet Union garnering control over Bosporus and Dardanelles is not, and cannot be possibly seriously entertained. However, the recent territorial acquisitions (leaving aside their compatibility with international law) by Moscow have profoundly strengthened Russia's positions in the southwestern flank, weakening Ukraine, and posing yet another security challenge to NATO (on its weakest southeastern flank).[93]

That being said, the situation in the Sea of Azov and the Kerch Strait incident should be seen as yet another serious warning to Ukraine. In effect, in testing its hybrid strategy on Ukraine, Russia has already been able to (successfully) test all main elements pertaining to the so-called "Gerasimov Doctrine," both on an individual basis and in an integrated manner, thereby proving the supremacy of the non-military component over brute military force. Furthermore, Ukraine has given Russia a unique chance to explore its offensive capabilities—much improved since 2007 (a cyber and information-phycological attack against Estonia) and 2008 (the Russo-Georgian conflict)—in the following strategically important domains:

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91 "Rosiia prodaie Ukraini vydobute na Donbasi vugillia. Chomu ukrainska vlada robyt shcho ne pomichaie mahinatsiy," *Marker.ua*, January 18, 2019, http://marker.ua/energeticheskijblok/toplivo/7189-rosiya-prodaye-ukrayini-vidobute-na-donbasi-vugillya-chomu-ukrayinska-vlada-robit-viglyad-shho-nepomichaye-mahinatsij/.

92 Maksym Bugriy, "Donbas Blockade Exposes Political Fault Lines in Ukraine," *Eurasia Daily Monitor* 14, no. 24 (February 24, 2017), https://jamestown.org/program/donbas-blockade-exposes-political-fault-lines-ukraine/; Oleg Varfolomeyev, "Kyiv Stops Trade With Occupied Donbas, Slaps Sanctions on Russian Bank Subsidiaries," *Eurasia Daily Monitor* 14, no. 43 (March 29, 2017), https://jamestown.org/program/kyiv-stops-trade-occupied-donbas-slaps-sanctions-russian-bank-subsidiaries/.

93 For more information, see Janusz Bugajski, Margarita Assenova, *Eurasian Disunion: Russia's Vulnerable Flanks* (Washington, DC: The Jamestown Foundation, 2016).

- Information/cyber space (disinformation; information-phycological operations; cyber operations);
- Land (actions with small, highly maneuvering forces);
- Electronic Warfare (EW) and radio-electronic confrontation.[94]

After the "Kerch incident" Russia gained practical experience of hybrid confrontation on the sea, merging this with a new test of Ukraine-Western ties. Thus far, weak international response and successful implementation of the "Kerch operation" as well as pressuring Ukraine in the Sea of Azov may be assessed as a large tactical regional success for the Kremlin. However, the Ukrainian lesson should become a stern warning for NATO members, especially Romania, Bulgaria, and Montenegro (areas, seen by Moscow as a part of the "Russian world"), since experience gained by Russia in Ukraine between 2013–2018 could be subsequently applied in other areas as well.

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94 Sergey Sukhankin, "Russian Electronic Warfare in Ukraine: Between Real and Imaginable," *Eurasia Daily Monitor* 14, no. 71 (May 24, 2017).

Russian Private Military Contractors in the Donbas
Rehearsing Future Voyages

SERGEY SUKHANKIN

Introduction

The Euromaidan (also known as the Revolution of Dignity) that began in late 2013 has dramatically reshaped Russo-Western political relations: despite multiple frictions and apparent lack of mutual understanding, prior to 2013–2014, Moscow and its Western counterparts managed to avoid major confrontations, even though the signs were in the air starting from 2003. The Ukrainian crisis, however, became a spark that made previously accumulated problems explode, resulting in escalating tensions between Russia and the Western world, while Ukraine has been turned into a playground between the European Union, the United States, and the Russian Federation.

This chapter argues that the developments in Ukraine's Donbas region in April 2014 and subsequently, that are often referred to as a "civil war" (especially, in Russia's discourse) were by no means coincidental or spontaneous. In effect, these events should be viewed as the Kremlin's desire to practically simulate various stages of the "conflict of the new type" on the basis of experience gained by the Russian side in other regional conflicts (both with and without Kremlin's direct participation) that took place between 1999 and 2011. Specifically, I argue that Russia's main objectives in the Donbas were the following:

- · practical testing of the results of the Serdiukov-Makarov military reform;
- · an attempt to simultaneously apply both (para)military and non-military components in the scope of a regional conflict taking place on Russia's national border;
- · to test Russia's theoretical achievements in the realm of non-linear confrontation, including the principle of asymmetry.

Given the extremely broad scope of the subject, the I primarily concentrate on activities of Russia's Private Military Companies (PMCs) in the Southeast Ukraine in 2014.

Russia and the Euromaidan—Time to Act?

Developments that started to unravel in Ukraine in late October–early November 2013 shook Russia's ruling elites, as a result of a number of interrelated factors. First, there were moral-ideological calculations and the legacy of the "color revolutions." As aptly noted by conservative US political thinker Zbigniew Brzezinski in 1997, "Without Ukraine, Russia ceases to be a Eurasian empire."[1] In spite of buoyant rhetoric about Russia's "turn to the East,"[2] even in 2019 this "turn" appears to be more of an optical illusion, rather than an undisputed success.[3] In 2013, the prospect of a Sino-Russian alliance was viewed by a sizable share of Russian political elites with barely concealed skepticism. For mainstream Russian thinkers, the prospect of facing China (dwarfing Russia in terms of economic and demographic capabilities) appeared to be very disturbing indeed. Thus, to remain a Eurasian player, Moscow would hang on to the project of Eurasian integration (in the form of the Eurasian Economic Union), in which Ukraine was seen as a key element.[4] Therefore, events in Kyiv became a stern warning to Russian elites that Ukraine might be lost for good. At this juncture, parallels with "color revolutions—Georgia (2003), Ukraine (2004–2005), and Kyrgyzstan (2005)—when Russia suffered tactical (but by no means less humiliating, especially in the first two cases) defeats became apparent. It would not be an exaggeration to argue that the color revolutions explicitly demonstrated numerous weaknesses of Russian counter-propaganda, especially its information-psychological elements, and the lack of flexibility in the Kremlin's understanding of the notion of "information security."[5] In 2013, however, the stakes were much higher: with a looming economic crisis, a growing protest

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1   Zbigniew Brzezinski, *The Grand Chessboard: American Primacy and Its Geostrategic Imperatives* (New York: Basic Books, 1997), 46.

2   See Sergei Karaganov, "Ideology of Eastward Turn," *Russia in Global Affairs*, June 21, 2018, https://eng.globalaffairs.ru/pubcol/Ideology-of-Eastward-Turn-19628.

3   Alla Hurska, "Flawed 'Strategic Partnership': Putin's Optimism on China Faces Harsh Reality," *Eurasia Daily Monitor* 15, no. 175 (December 12, 2018), https://jamestown.org/program/flawed-strategic-partnership-putins-optimism-on-china-faces-harsh-reality/.

4   Alla Hurska, Sergey Sukhankin, "Ukraine at the Crossroads. Time to make a choice," *European Focus*, ICPS (Kyiv), May 2013.

5   Sergey Sukhankin, "Russia's Offensive and Defensive Use of Information Security," in *Russia's Military Strategy and Doctrine*, ed. Glen E. Howard and Matthew Czekaj (Washington DC: The Jamestown Foundation, 2019), 302–42, https://jamestown.org/wp-content/uploads/2019/02/Russias-Military-Strategy-and-Doctrine-web.pdf?x87069.

movement within Russia itself, a plummeting level of support for Vladimir Putin and the potential collapse of the incumbent regime in neighboring Ukraine could have had dramatic consequences for the Kremlin. Moreover, in comparison with a series of color revolutions (2003–2005), Russia's own capabilities and perception of the outside world had undergone profound transformation, reflected in the following shifts:

· adoption and strong adherence to the multi-polar world system, with Russia envisaging its role to be equal to the European Union (EU), the United States (US), and China;
· adherence to Eurasian economic and political integration and participation in non-Western organizations such as BRICS, the Shanghai Cooperation Organization (SCO), and the Collective Security Treaty Organization (CSTO)—deemed to be a counter-force against Western-led institutions;
· growing popularity of a thesis about the US (still, the most powerful global player) losing its preeminence, whereas the EU was perceived as an economically and ideologically wrecked entity lacking common vision and apprehensive of Russia's ambitions;
· perception of the post-Soviet space as the area of Russia's "privileged sphere of influence."[6]

Second, Ukraine was Russia's prime red flag. Among fifteen countries that emerged after the dissolution of the USSR in 1991, it would be quite hard to find a country, which has become an object of Russian information pressure more often than Ukraine. The post-1991 history of Russo-Ukrainian relations has been permeated with multiple instances of information confrontation, trade wars, and geopolitical disputes. In this regard, the notorious language issue—an element conveniently "forgotten" by Moscow in other countries (Turkmenistan, Uzbekistan) or even parts of the Russian Federation (Chechnya, Tatarstan)— would be hoisted by Russian propaganda as solid "proof" of raging Russophobia in Ukraine. At the same time, anti-Ukrainian sentiments were traceable in Russia's political discourse,[7] mass/popular culture,[8] open bias, and patronizing

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6   "Medvedev nazval 'piat printsipov' vneshnei politiki Rossii," *RIA Novosti*, August 31, 2008, https://ria.ru/20080831/150827264.html.

7   As recalled by Ukraine's first president Leonid Kravchuk, during one of their conversations Boris Ieltsin once said: "Do you really believe that Ukraine will follow the European path? Russia cannot tolerate Ukraine taking this course of development." See "Yeltsin ne khotel, chtoby Ukraina sblizhalas s ES – Kravchuk," *Segodnya*, February 5, 2015, https://www.segodnya.ua/politics/elcin-ne-hotel-chtoby-ukraina-sblizhalas-s-es-kravchuk-589946.html.

8   Sergey Sukhankin and Alla Hurska, "Russian Informational and Propaganda Campaign Against Ukraine Prior to the Euromaidan (2013–2014): Denying Sovereignty," *Securitologia*, no. 1 (2015), 35–59.

behavior.[9] Moreover, even though it is impossible to measure with necessary precision and accuracy, one could argue that among the color revolutions, the events in Ukraine caused much greater ire, discontent, and sense of apprehension among Russian ruling elites. Therefore, when first signs of brewing protest movement appeared in Kyiv, Russian elites developed a clear understanding that yet another (even a tactical) defeat in Ukraine could potentially bring about consequences of much greater magnitude.

The third factor was the ghost of the Arab Spring. While speaking about developments in Kyiv, it would make sense to go back to late 2010, when a series of tumultuous events broke out in the Middle East (the so-called Arab Spring) and paralyzed the whole region. The most distinctive trait of these events (that managed to crush the Libyan regime and seriously shook Syria) was an unprecedented, rapid pace of transformation of initially peaceful public protests into a military confrontations between opposition forces and the current political regime. These events became a genuine shock and a wakeup call for Russian ruling elites and the military-strategic community, leading the latter (so-called Gerasimov Doctrine) toward supposition that the Arab Spring is exactly the way how wars would be waged in the twenty-first century. As it was argued, this new type of war, aside from (para)military aspects, included "employment of internal opposition . . . as well as information pressure."[10] In effect, the image of growing protest movement in Ukraine came into alliance with not-so-distant developments in Russia itself—the so-called Snow Revolution (2011–2013),[11] a series of anti-government public protests caused by electoral fraud—which bore all the main traits of other "color revolutions." Most likely, events in Ukraine could have stirred up some of the disgruntled masses in Russia too, potentially leading toward a new wave of public protests, which, given slowing economic growth and the stagnating popularity of Vladimir Putin, brought to the forefront "Libyan" or "Syrian" scenarios as a viable possibility.

Fourth, there were military-strategic calculations. Russia's ability to ensure security and ward off potential aggressors on the East European Plain (the major invasion route against Russia for centuries) is predetermined by its ability to maintain a steady control over Crimea and Kaliningrad Oblast.[12] While the sit-

9   "Sud obiazal vedushchego programmy 'Odnako' vyplatit zhene byvshego premier-ministra Ukrainy 2,5 tysiach griven," *Newsru*, January 30, 2002, https://www.newsru.com/world/30Jan2002/odnako.html.

10   Valery Gerasimov, "Tsennost nauki v predvidenii. Novye vyzovy trebuiut pereosmyslit formy i sposoby vedeniia boevykh deistvii," *Voenno-Promyshlennii Kurier*, February 26, 2013, https://vpk-news.ru/articles/14632.

11   Anders Åslund, "The Snow Revolution's Orange Shadow," *Project Syndicate*, February 10, 2012, https://www.project-syndicate.org/commentary/the-snow-revolution-s-orange-shadow?barrier=accesspaylog.

12   Sergey Sukhankin, "From 'Bridge of Cooperation' to A2/AD 'Bubble': The Dangerous Transformation of Kaliningrad Oblast," *The Journal of Slavic Military Studies* 31, no. 1 (2018): 15–36.

uation in Russia's westernmost bastion was beyond questioning, Crimea (de-jure under jurisdiction of Ukraine) was a totally different case. Potential regime change in Kyiv could have resulted in the prospect of Russia having to withdraw its forces from Crimea. This void could have been easily filled up by NATO forces—a possibility that would have eliminated Russia's supremacy in the Black Sea region and put the whole southern flank under serious jeopardy. Incidentally, a somewhat similar prospect faced by Moscow in the Middle East—the potential forfeiture of its only military base in in the region (Tartus) due to the poor performance of the Syrian regular army in clashes with the opposition— made Russia start rendering covert support to the government of Bashar al-Assad from 2013 on (including, among other aspects, sending private military contractors). This was brought to international attention after the decimation of the Slavonic Corps Limited in 2013 in Syria.[13]

At the same time, the Russian side kept in mind the lessons of the military conflict with Georgia (August 2008), when rapid, ruthless and timely application of military force, which came to be known in Russian parlance as "coercion to peace,"[14] helped the Russian side to:

- discourage third parties from entering the conflict and/or meddling in Russia's self-proclaimed sphere of influence;
- derail the plans of the Tbilisi leadership to join Euro-Atlantic structures via permanent destabilization of the South Ossetia and Abkhazia;
- allow Russian armed forces to test their military capabilities in real-time conditions;
- identify the "red lines" for third parties and warn other countries of the post-Soviet area.

Hybrid Warfare and Asymmetricity: The Arab Spring as Russia's Playbook

As argued by Carl von Clausewitz ,"Every age has its own kind of war, its own limiting conditions, and its own peculiar preconceptions."[15] Based on the experience of regional conflicts that occurred from 1999–2011, the nature of warfare in the twenty-first century (at least in the first half thereof) will bear marks of

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13 Irek Murtazin, "Pervyi i poslednii boi 'Slavianskogo korpusa,'" *Novaia gazeta*, October 6, 2017, https://www.novayagazeta.ru/articles/2017/10/05/74081-pervyy-i-posledniy-boy-slavyanskogo-korpusa.

14 Evgenii Krutikov, "Prinuzhdenie Gruzii k miru vyvelo Kavkaz iz 'bolshoi igry,'" *Vzgliad*, August 8, 2017, https://vz.ru/politics/2017/8/8/881808.html.

15 Ikram Sehgal, "Hybrid warfare," *Daily Times*, October 5, 2018, https://dailytimes.com.pk/306350 / hybrid-warfare-2/.

"hybridity," reflected in simultaneous application of military and non-military means, with clear priority allocated to the latter element. In essence, the emergence of the term "hybrid warfare" dates back to the year 2005, whereas first practical application of the notion is usually ascribed to the strategy adopted and employed by the Hezbollah (2006).[16] The use of the term has been subjected to criticism for being excessively blurred and "fundamentally misaligned with the realities of conflict in the twenty-first century," since the "term 'hybrid war' connotes the use of conventional military force supported by irregular and cyber warfare tactics."[17]

In this regard, the Russian school of military thought delineates a difference between the following two notions: hybrid warfare and non-linear warfare. While the former is seen as a weapon invented and levelled against Russia by the West, the latter is usually associated with the way Russia should react to hybrid threats. Namely, from a purely military prospective, the notion argues for a simultaneous employment of both conventional and irregular military forces in close conjuncture with psychological, economic, political, and information-related measures. This combination allows a belligerent to apply pressure on various spheres/realms of a potential adversary, while at the same time, searching for the weakest spot(s) to be able to deliver a precise strike once these weaknesses are identified.[18]

Russia's growing reliance on non-linear forms of confrontation is premised on two pillars. The first factor is its apparent conventional (as well as economic and demographic) inferiority in comparison with major geopolitical adversaries. As rightfully pointed out by Lyle Goldstein, in spite of the fact that Russia's forces are substantially weaker in aggregate than those of the US and NATO, "Russia has invested wisely in the last 15 years, so that it has preserved certain niche capabilities that give it some advantages."[19] This niche came to be reflected in the principle of "asymmetricity" or "asymmetric measures." This strategy was first (publicly) emphasized by Vladimir Putin in 2006, who, claiming that in confrontation with militarily and economically more powerful adversaries Russia should rely on its intellectual superiority and less costly (but more effective)

16   Damien Van Puyvelde, "Hybrid war—Does it Even Exist?" *NATO Review*, May 7, 2015, https://www.nato.int/docu/review/2015/also-in-2015/hybrid-modern-future-warfare-russia-ukraine/EN/index.htm.

17   Joshua Stowell, "What is Hybrid Warfare?" *Global Security Review*, August 1, 2018, https://globalsecurityreview.com/hybrid-and-non-linear-warfare-systematically-erases-the-divide-between-war-peace/.

18   Makhmut Gareev, *If War Comes Tomorrow? The Contours of Future Armed Conflict*, ed. by Jacob W. Kipp (London: Routledge, 1998); Makhmut Gareev and Vladimir Slipchenko, *Budushchaia Voyna* (Moscow: OGI, 2005).

19   Jonathan Marcus, "Russia v the West: Is this a new Cold War?" *BBC*, April 1, 2018, https://www.bbc.com/news/world-europe-43581449.

means, and added that the country's armed forces should be able to participate in several conflicts simultaneously.[20] In earnest, this idea came to dominate Russian military strategic outlook with the outbreak of the Syrian civil war in 2011, which demonstrated that a seemingly stable regime could be seriously jeopardized with application of minimum resources.

Second, Russia's traditional strength lay in terms of non-standard thinking and non-linear forms of confrontation. Developments in the Middle East (primarily, in Syria and Libya) spurred Russian intellectuals to search for an adequate response to the "virus of the Arab Spring" less it should befall Russia. Specifically, to find ways of asymmetric response to the mounting challenges. This thesis became a focal point of reflections put forth by the Russian Chief of the General Staff, Army General Valery Gerasimov, who has underscored a direct connection between "guerrilla and subversive methods" (as Russia's traditional military strong points) and color revolutions as a phenomenon used by the West to seek regime change and instability in Russia.

In his article, Gerasimov drew attention to the necessity to maintain a balance between a "high-technology component" (modernization of Russian armed forces and inclusion of a high-tech compound) and the ability to prepare the Russian Armed Forces for actions in "non-traditional circumstances," including the ability to confront color revolutions sponsored by the West.[21] It is also interesting that Gerasimov's thesis was premised on the necessity to reintegrate the Soviet experience of partisan/guerrilla warfare into the current structure of the Russian armed forces, where the best example was the Great Patriotic War. Following this idea, Gerasimov's article urged Russian military thinkers and strategists to stay off-the-beaten-path and think creatively, while keeping in mind the achievements of the Soviet military school.[22] At this juncture a link with such prominent Russian/Soviet military thinkers as Chief of the General Staff of the USSR (1977–1984) Nikolai Ogarkov, Evgenii Messner (1891–1974), and Aleksandr Svechin (1878–1938), who saw "warfare" as a "a combination of economic, financial, and cultural compounds," is hard to overlook.

These ideas have also been supplemented by the three following aspects:

20 "VS RF pri liubykh stsenariiakh dolzhny garantirovat bezopasnost strany," *RIA Novosti*, May 10, 2006, https://ria.ru/20060510/47918308.html.

21 Rostislav Ishchenko, "Deviat tezisov o voine, kotoruiu my vedem," *RIA Novosti*, April 28, 2016, https://ria.ru/20160428/1422502838.html.

22 Sergey Sukhankin, "'Continuing War by Other Means': The Case of Wagner, Russia's Premier Private Military Company in the Middle East," in *Russia in the Middle East*, ed. by Theodore Karasik and Stephen Blank (Washington, DC: The Jamestown Foundation, 2018), 290–319, https://jamestown.org/wp-content/uploads/2018/12/Russia-in-the-Middle-East-online.pdf?x87069.

1. *The changing nature and rapid evolution of warfare* reflected in the grow-ing necessity to confront non-state actors (guerilla forces, terrorists, pirates) within the scope of Counter Insurgency Campaigns (CIC) that empha-sized the changing nature of the "front line," which is becoming less artic-ulate than used to be the case.[23] Combined, these two ideas have had a vis-ible effect on Russian contemporary military thought. For example, it has been argued that PMCs/irregular formations could be of immense use in terms of non-contact military operations with the use of Unmanned Aer-ial Vehicles.[24]

2. *Public perception of war casualties*, and Russia's particularly bitter experi-ence in Afghanistan (1979–1989) and Chechnya (1994–2000). While the first episode is frequently attributed to growing aloofness and discontent within Soviet society and eroding trust in the Soviet political leadership, the latter is still associated by the majority of Russians with the tumultu-ous 1990s.

3. *New tasks and challenges* faced by armed forces, requiring prompt and non-standard actions, including (aside from purely military-related tasks) the ability to promote Russia's geo-strategic objectives abroad, including the "power economy" (*silovaia ekonomika*). Professor Alexandr Ageev, a mem-ber of the Russian Academy of Natural Sciences, defines the power econ-omy as a state-controlled system of coercion (including a reliance on lim-ited-scale military conflicts, if necessary) aimed at realizing economic goals.[25]

One of the most efficient ways to deal with all three issues is Private Military Companies (PMCs). Western practices, primarily utilized by the US and South Africa, where this business has reached particular success, have demonstrated an impressive ability to deal with these challenges by privatizing war and using PMCs, which differs from the West on the following main categories:

1) Military provider companies (*kompanii voennykh uslug*)—provide clients with tactical support during military operations, including direct participa-tion in defensive hostilities;

2) Military consulting companies (*konsaltingovye kompanii*)—consult cli-ents on questions related to strategic planning, reforming military forces,

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23   Vladimir Slipchenko, "K kakoi voine dolzhna byt gotova Rossiia," *Polit.ru*, November 18, 2004, http://polit.ru/article/2004/11/18/slipch/.

24   Vladimir Neelov, *Chastnye voennye kompanii Rossii: opyt i perspektivy ispolzovaniia* (St. Petersburg, 2013), 45, http://csef.ru/media/articles/4838/4838.pdf.

25   Aleksandr Ageev, "Silovaia ekonomika i smena mirovogo gegemona," *Strategicheskie prioritety,* no. 2 (2015): 27–48.

provide direct help with the training of military personnel, and provide guidance in term of work with the new types of weaponry;

3) Military support companies (*logisticheskie kompanii*)—provide auxiliary functions, including services in IT and military spheres;

4) Private security companies (*chastnye okhrannye kompanii*)—deal with crisis management, risk assessment, security consulting, de-mining, training local police and law enforcement agencies.

The idea of PMCs was proposed to the Russian side in 2010, when during the St. Petersburg Economic Forum former lieutenant-colonel of the South African Defense Force Eeben Barlow, founder of Executive Outcomes PMC (South Africa), spoke at a closed briefing for members of the Russian General Staff and the Ministry of Defense (MoD). The proposed idea was to use mercenaries for various "delicate missions" abroad. As noted by Malkova and Baev, "Moscow remembered quite well the embarrassing lessons of the Yandarbiyev affairs, when three members of the Russian military were arrested in Qatar and were let free only after Putin's personal involvement ... with mercenaries involved, Moscow need not have done this."[26]

However, unlike in the West, where profitability of the enterprise is inseparable from the legal status enjoyed by PMCs (now, performing exclusively consultative and security-related tasks), in Russia PMCs and private military contractors do not officially exist. Joining or organizing a PMC is construed as "mercenary" (*naemnichestvo*) and is severely punished by Article 359 of the Penal Code of the Russian Federation. Despite several rounds of intense debates and false hopes, legalization of PMCs in Russia never ensued. The last unsuccessful attempt occurred on March 27, 2018, yet all key ministries (including the *siloviki* faction) unanimously rejected the idea in spite of previously expressed enthusiasm.[27]

Nonetheless, despite a legally non-existent status, both official and unofficial sources have on numerous occasions pointed to the fact that Russian PMCs do not only exist, but also their employment (in terms of both the number of cases and rapidly expanding geography) has increased dramatically since 2013–2014. Ukraine was destined to become the first serious testing ground for Russian private military contractors.

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26 Irina Malkova and Anton Baev, "Chastnaia armiia dlia prezidenta: istoriia samogo delikatnogo porucheniia Evgeniia Prigozhyna," *The Bell*, January 29, 2019, https://thebell.io/41889-2/.

27 Sergey Sukhankin, "War, Business and 'Hybrid' Warfare: The Case of the Wagner Private Military Company," *Eurasia Daily Monitor* 15, no. 60, April 19, 2018, https://jamestown.org/program/war-business-and-hybrid-warfare-the-case-of-the-wagner-private-military-company-part-one/.

Ukraine and its Armed Forces in the Face of Looming Hostilities: First Military Engagements.

By late April 2014—the period when first military engagements between the Ukrainian Armed Forces (UAF) and Donbas *oplochentsy* occurred—the UAF had arrived in a virtual state of collapse and utmost degradation.[28] In spite of the fact that after the dissolution of the USSR, in military terms, Kyiv inherited the largest armed forces (after Russia) and weaponry arsenal among other post-Soviet states, the years of independence brought nothing but stagnation. Aside from being severely underfinanced and lacking reforms (an abrogation of mandatory military service could hardly be seen as an example of success),[29] the General Staff of the Armed Forces of Ukraine (frequently referred to as the "brain center" of the armed forces) demonstrated a barely concealable lack of talented and capable military strategists.

However, in spite of the dire state in which the Ukrainian army found itself in the spring of 2014, it could have mobilized an up to 30,000 strong (some argue that the upper level could have been 20,000) contingent to conduct a thrust into the Donbas to achieve a decisive victory over the nascent separatist movement. Yet, even the theoretical chance of success was tainted by two circumstances. First, there was the pervasive corruption and conspicuous lack of solidarity among ruling elites. As rightfully pointed out by Russian military experts, Ukraine experienced some sort of an "Africanization of the conflict"—a situation where the military command seeks to compensate serious deficiencies of the armed forces (being under-equipped, lack of training and proper preparation, as well as poor motivation) with disproportionate reliance on heavy weaponry and "voluntary brigades."[30] Another problem of paramount importance was the de facto collapse of the mobilization plan. Curiously, this could be observed not only in the western part of the country (quite predictably), but in the northeast as well. One of the most telling examples was Sumy Oblast, where only 13.7 percent were drafted.[31]

In addition to the above-mentioned deficiencies, capabilities of the UAF were severely abridged by the following factors:

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28 A popular joke among Russian commentators described the Ukrainian armed forces as "Razoruzhennye Sily Ukrainy" (Disarmed Forces of Ukraine).

29 Reforms were initiated only after the shock of severe military defeats in 2014–2015. For more information, see Olga Oliker et al., *Security Sector Reform in Ukraine* (Santa Monica, 2016), https://www.rand.org/content/dam/rand/pubs/research_reports/RR1400/RR1475-1/RAND_RR1475-1.pdf.

30 Ilia Kramnik, "Vooruzhennye sily Ukrainy: voina na fone sistemnoi degradatsii," *Rossiia v globalnoi politike*, July 4, 2014, https://globalaffairs.ru/global-processes/Vooruzhennye-sily-Ukrainy-voina-na-fone-sistemnoi-degradatcii-16787.

31 "V Sumskoi oblasti sabotiruiut prizyv v riady Vooruzhennykh sil Ukrainy," *0542.ua*, June 27, 2014, https://www.0542.ua/news/564949/v-sumskoj-oblasti-sabotiruut-prizyv-v-rady-vooruzennyh-sil-ukrainy.

– *Russia's astounding success in Crimea*.[32] Russia's application of non-linear measures in Crimea resulted in an (almost) bloodless capture of strategic initiative and rapid "referendum" that de jure turned the peninsula into a part of the Russian Federation. Aside from the lack of coordination on the Ukrainian side, the half-hearted actions of Ukraine's Western partners did not add optimism.

– *Brilliant information campaign*. Moscow managed to execute all major provisions pertaining to the offensive side of its rapidly increasing capabilities in the domain of "information confrontation," later reinstated in the new Doctrine of Information Security.[33]

– *Denial of the looming conflict*. Sociological polls carried out at the time in Ukraine explicitly demonstrated two things. First, the perception by Ukrainians of Russians and Russia was much more positive than vice-versa. Second, for the majority of Ukrainians the prospect of a conflict with Russia was inconceivable, whereas in Russia, the majority of respondents had a very different opinion on the matter.

Despite these deficiencies, the Ukrainian army managed to launch the summer offense and evicted the separatist forces from Mariupol, reinstated their control over Sloviansk and Kramatorsk,[34] and engaged in intense urban fighting in Donetsk and Luhansk. This relative success was possible because the population of the Donbas was by and large unwilling to join anti-Ukrainian forces. What is more, previous rhetorical escapades and alleged resolve "to fight the Junta to the end" would come to an end when the prospect of military engagement became palpable. At this juncture, it would make sense to quote three different sources (in effect, many more, but this paper is not primarily concerned with this topic) that corroborate this thesis.

On May 18, 2014, the so-called commander of the self-proclaimed Donetsk People's Republic (DNR) Igor Strelkov (Girkin) stated the following:

> . . . I have to tell you the truth . . . To tell you harsh, perhaps even offensive for your dignity, words . . . Now, we have the weapons . . . But what do we see? Everything but a crowd of volunteers . . . I must confess, I had never expected that the whole oblast could not assemble a thousand men willing to risk their lives . . . Nevertheless, here we are . . . Tens and hundreds have taken up arms and are now fighting. Tens and hundreds of thou-

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32   Jolanta Darczewska, "The Anatomy of Russian Information Warfare: The Crimean Operation, a Case Study," *OSW Point of View* 41, May, 2014, https://www.osw.waw.pl/sites/default/files/the_anatomy_of_russian_information_warfare.pdf.

33   Sergey Sukhankin, "Russia's Offensive and Defensive Use of Information Security."

34   Ekaterina Mirnaia, Sergei Osipov, "Perelomnyi moment. Kak budut razvivatsia sobytiia na Ukraine posle Slavianska," *Argumenty i fakty*, July 8, 2014, http://www.aif.ru/euromaidan/prediction/1203905.

sands are merely watching this on their TVs while sipping beer . . . Where are those 27,000 volunteers reported by the journalists? I do not see them . . . The Donbas needs defenders, whereas the *opolchenie* needs disciplined soldiers-volunteers. If local men are incapable of this, we will have to ask women. From today on, I am giving a permission to accept them to the *opolchenie* . . . Shame and disgrace![35]

Another volunteer from Armenia, when asked about the proportion between locals and external participants, stated that "the proportion in Donetsk is approximately 20 to 80 percent respectively," where the majority of fighters are "Russians, Chechens, Ingush, Armenians." He also noted that the locals who did take part in fighting were "inexperienced and knew close-to-nothing in terms of how to deal with weaponry."[36] Undoubtedly, with this kind of "armed forces," the *opolchenie* could not have conceivably dealt several blows to the UAF, in spite of their weakness. Incidentally, the so-called Premier of the DNR (now deceased) Aleksandr Zakharchenko himself confessed that members of the Russian military were in fact taking part in hostilities. In his statement on August 28, 2014 he noted that:

Today there is a lot of questions asked: how come the DNR armies, loosely coordinated and consisting of semi-partisan groups, have emerged as a powerful military organization, capable of not only inflicting but incurring military defeats on the Ukrainian army. We have never concealed the fact that there are many Russians among us.[37]

This remark does provide a clear and unambiguous explanation to a puzzle related to the skyrocketing military capabilities of the *opolchenie*, and their ability to conduct operations (urban fighting; ambushing techniques; increasing precision in firepower; counter-offensive operations; and anti-aircraft warfare) requiring relatively high level of military skills. Moreover, during the battle of Ilovaisk (August 7–September 2, 2014) the separatist forces employed various types of weaponry and munitions (multiple launch rocket systems *Grad*, the BMP-2, the BTR-80)[38] whose sole source could only have been the Russian Federation.

35   Aleksandr Grishyn, "Chtoby pobedit, nado srazhatsia," *Komsomolskaia pravda*, May 18, 2014, https://www.kp.ru/daily/26232.7/3114620/.

36   Mumin Shakirov, "DNR-fiktsiia. Resheniia prinimaiut drugie," *Radio Svoboda*, July 10, 2014, https://www.svoboda.org/a/25452387.html.

37   "'Premier DNR' Zakharchenko: Sredi nas voiuiut rossiiskie voennye, kotorye nahodiatsia v otpuske," *Gordon.ua*, August 28, 2014, https://gordonua.com/news/separatism/premer-dnr-zaharchenko-sredi-nas-vooyut-rossiyskiy-voennye-kotorye-nahodyatsya-v-otpuske-38510.html.

38   Ilya Yashin and Olga Shorina, eds., *Putin. War. An Independent Expert Report* (Moscow, May 2015), https://4freerussia.org/putin.war/Putin.War-Eng.pdf.

Reflecting on the initial successes of the separatist forces, primarily, their ability to take under effective control such large cities as Donetsk and Luhansk, one should note a combination of such factors as:

1. Apathy, reluctance and passive support for the separatist forces from the side of the local population, whose expectations were that the Crimean scenario would repeat itself in the Donbas;

2. Weakness and, above all, indecisiveness of the Ukrainian army;

3. Skillful application of the principle of asymmetricity, rather atypical for *opolchenie*.

At this juncture, the line of argument quite popular among some experts is that in order to take control of such large entities as Donetsk and Luhansk with very limited personnel (in other words, without considerable public support) does not match either the logic of contemporary warfare or previous historical experience. For instance, the legendary Operation Storm-333 (storming of the Tajbeg Palace in Kabul on December 27, 1979) that was carried out by 54 members of the Soviet elite forces (Spetsnaz of the GRU, Zenith, Vympel, and Grom) against over 2,000 elite forces from the Presidential Guard is a solid corroboration of this argument.[39] At the same time, given the pervasive reluctance and moral support from the side of the locals, the task of the separatist forces was profoundly facilitated.

Also, some clarification ought to be provided to another quite popular thesis (especially among pro-Russian reporters and commentators) about Western PMCs taking part in hostilities on the side of the UAF.[40] Even if this supposition has a kernel of truth, it has to be maintained that unlike Russian private military contractors, Western PMCs are solely concerned with rendering consultative and training functions.[41] Moreover, the "price" of lives of Western PMC members is extremely high and their actions are monitored too well, the examples of Afghanistan and Iraq prove this point,[42] meaning that their use in the Donbas conflict (hardly a lucrative enterprise) was bereft of logical calculus.

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39 Oleg "Vehrwolf" Tarasov, "Spetsnaz 'Vympel'. 1980-e." *Istoriia Gosudarstva*, November 2, 2011, http://statehistory.ru/2169/Spetsnaz-Vympel--1980-e/; Vasilii Kolesnik, "Spetsialnye operatsii: 'Shtorm' v Kabule," *Bratishka*, June 2000, http://www.bratishka.ru/archiv/2000/6/2000_6_8.php.

40 "Voiuiut li na Ukraine inostrannye naemniki? Mnenie eksperta," Radio Sputnik, August 28, 2014, https://ria.ru/20140828/1021768859.html.

41 Boris Chikin, "CHVK, biznes-razvedka, 'kuptsy i bankiry' . . . Pochemu Rossiiskim chopam ne dadut rabotat za rubezhem," *Mir bezopasnosti*, February 2015, https://docplayer.ru/56655087-Chvk-biznes--razvedka-kupcy-i-bankiry.html.

42 Ivan Konovalov, *Soldaty udachi i voiny korporatsii. Istoriia sovremennogo naemnichestva* (Pushkino, 2015), 201.

The Donbas as Russia's Testing Ground

In the fall of 2008, immediately after the military confrontation with Georgia, Russia embarked on a drastic military reform which came to be known as the Serdiukov-Makarov military reform,[43] and had the goal to eliminate elements that no longer fit the realities of contemporary warfare. It needs to be pointed out that these transformations concerned with creation of the "Army of the New Look,"[44] are seen as one of the most decisive steps in Russian military history since the creation of the Soviet Armed forces in 1918. As argued by Russian military experts, "drastic reformation allowed the considerable upgrading of the level of military preparedness of the army. This played a crucial role in 2014, during events in Crimea and the emerging Ukrainian crisis."[45]

Without going into the details of this reform, it is essential to pinpoint a key novelty: with the idea of major conventional confrontation between the chief global players becoming obsolete (Russia's strategic nuclear forces should be seen as the main deterrent), the Russian military command assumed that Russian armed forces had to be primarily prepared for potential confrontations on the territory of the Commonwealth of Independent States (CIS) and the so-called near abroad. Therefore, mobilization and operational principles established in the Soviet army were to be corrected in line with changing realities. Specifically, the results of Russian military reform were initially tested during the Crimean Operation and later with the outbreak of hostilities in the Donbas in the following domains:

(A) *Information confrontation*, which consisted of:
a. Information-psychological operations (including rapid mobilization of Russian armed forces near the Ukrainian national border during April–May 2018);
b. Information-technology warfare, implemented via:
– cyber attacks on critical infrastructure (up to 7,000 instances between 2014 and 2017);
– electronic warfare, which witnessed employment of the following means (it played a crucial role in all major military defeats suffered by the Ukrainian army):[46]

43 Ilia Kramnik, "Reforma Serdiukova-Makarova," *Natsionalnaia oborona*, no. 11 (November 2018), http://oborona.ru/includes/periodics/maintheme/2011/1205/13177807/detail.shtml.

44 Aleksandr Mozgovoi, "Anatomiia novogo oblika Rossiiskoi armii," *Nezavisimoe voennoe obozrenie*, April 6, 2012, http://nvo.ng.ru/forces/2012-04-06/7_oblic.html.

45 Mikhail Barabanov, "Ispytanie 'novogo oblika'. Ukrainskii konflikt i voennaia reforma v Rossii," *Rossiia v globalnoi politike*, November 10, 2014, https://globalaffairs.ru/number/Ispytanie-novogo-oblika-17097.

46 See Sergey Sukhankin, "Russian Electronic Warfare in Ukraine: Between Real and Imaginable," *Eurasia Daily Monitor* 14, no. 71, May 24, 2017, https://jamestown.org/program/russian-electronic-warfare-ukraine-real-imaginable/.

1) The RB-341B "Leer-3" complex is designed for jamming GSM (cellular) signals with the support of Orlan-10 unmanned aerial vehicles (UAV) and transmitting information. These up-to-date weapons systems were spotted near the city of Donetsk in May 2016.

2) The RB-301B "Borisoglebsk-2" complex is one of the most advanced systems of electronic suppression. It is designed for radio intelligence and jamming of HF/UHF (both terrestrial and aircraft) radio channels as well as mobile terminals and trunked radios at the tactical and operational-tactical command levels. It was introduced in the Russian armed forces in 2013 (even though it was created in 2009), when the first units were deployed to the territory of the Southern Military District (SMD). Later it was observed in 2015 in the occupied Ukrainian city of Luhansk. Also, complexes of this type frequently appeared near the Anti-Terrorism Operation (ATO, the Ukrainian military's term for its armed activities against Russian-backed separatist forces) zone. Some sources have claimed that this complex played a decisive role in the Battle of Debaltseve (January 2015), one of the heaviest defeats suffered by the Ukrainian Armed Forces to date.

3) The R-934UM automated jamming station was first spotted near Luhansk in 2015, where it was working together with an F-330KMA command unit. Previously, this station appeared near the eastern Ukrainian cities of Horlivka and Makiivka. Russian sources also admitted that this station "has been successfully employed in local military conflicts," but did not elaborate.

4) Between 2015 and 2016, the R-330Zh "Zhitel" automated jamming station was spotted in Horlivka, Makiivka, and Zaitseve. This system is deployed with an infantry brigade based in the SMD (on the territory of Chechnia). This equipment may have been used by separatist forces near Debaltseve in 2015 as well.

5) The R-381T2 UHF radio monitoring station (R-381T "Taran" complex) and "Torn" radio intelligence complexes were observed with joint Russian-separatist forces in 2015 near Donetsk International Airport.

6) The PSNR-8 Kredo-M1 (1L120) portable ground reconnaissance station is designed to detect moving targets on the ground or on the water and to support artillery fire at any time of day, regardless of the season. Importantly, this system can also be used in conditions of low visibility. It has been seen on the territory of Luhansk Oblast (Blahodatne, Olhynka, Buhas, and Volnovakha).

(B) *Asymmetric limited-scale paramilitary operations* carried out by the following forces:

– Elite unites of the Airborne forces (VDV);

– Special Operations Forces (SOF), which played an essential part in Russia's occupation of Crimea;[47]
– Irregulars and private military contractors (initially they performed an auxiliary role, and later assumed more responsibilities).

As argued in Russian sources, the decision to launch a limited-scale operation on the Ukrainian Donbas, supporting forces of Strelkov with "recognizance, artillery, special forces . . ." was taken by Moscow on April 24.[48] After Ukrainian forces suffered a series of defeats and the front line stabilized (close to January 2015), the *opolchenie* increased (in addition to its previous course of development concerned with creation of regular army-type armed forces) the non-linear operative aspect. Namely, the emphasis was made on active employment of highly maneuverable sabotage and reconnaissance groups (*diversionno-razvedovatlnye gruppy*), 10–30 persons equipped with the BTR/BMP, or even a battle tank. Given the fact that the front line remained highly volatile and porous, such groups could easily be deployed in the rear of the UAF (such occurrences were very widespread), distracting the Ukrainian General Staff and sowing confusion among Ukrainian troops and civilians. In effect, this tactic is fully commensurate with the Soviet experience of local and regional conflicts. Other Russian authors have argued that the experience of the Chechen wars, which "many members of the *opolchenie* took part in," played a decisive role in "formation of modern and answering to all necessary requirements armed forces . . . that are now ready for major offensive operations . . . the *opolchenie* has reached military-technical parity with the Ukrainian armed forces."[49] It needs to be pointed out that this "miraculous" transformation occurred within a mere four months, which undoubtedly resulted from the external help rendered not only via delivery of weaponry, but also expertise channeled through private military contractors sent to the Donbas from Russia.

Private Military Contractors: who they were and what they did?

On the basis of data pertaining to Russia's actions in Ukraine, one should be able to ascertain critical transformation in terms of the role and functions played by

47   Mark Galeotti, *Spetsnaz: Russia's Special Forces* (Oxford: Osprey Publishing, 2015), 50.

48   Mikhail Barabanov, "Ispytanie 'novogo oblika'. Ukrainskii konflikt i voennaia reforma v Rossii," *Rossiia v globalnoi politike*, November 10, 2014, https://globalaffairs.ru/number/Ispytanie-novogo-oblika-17097.

49   Petr Skorobogatii, "Ot opolcheniia k armii: razlichiiaa letnei i zimnei kampanii na Donbasse," *Rossiia v globalnoi politike*, January 30, 2015, https://globalaffairs.ru/global-processes/Ot-opolcheniya-k-armii--razlichiya-letnei-i-zimnei-kampanii-na-Donbasse-17273.

Russia's private military contractors between the seizure of Crimea and subsequent hostilities in the Ukrainian southeast. Whereas in Crimea, these groups were primarily tasked with auxiliary functions, and the most crucial tasks were carried out by highly qualified Russian (para)military formations, in subsequent developments mercenaries would play an increasingly important role. Apparently, this change derived from four main factors:

a. The already indicated weak public support for the anti-Kyiv rebellion.
b. The lack of desire of the Russian side to "waste" highly skilled forces (such as the Special Operations Forces).
c. The so-called "plausible deniability"—the ability of Moscow to de facto be an active participant of the Ukrainian crisis without the necessity to answer for its actions (and ensuing human casualties), either to the international public or domestically, thereby avoiding the humiliations endured in Afghanistan (1979–1989) and the first Chechen campaign (1994–1996).
d. Ukraine seems to have served a part of the "natural selection" process: as will be demonstrated below, many of the mercenaries who took part in the Donbas hostilities ended up fighting in Syria on the side of Bashar al-Assad later.

At this juncture, it would make sense to briefly identify the main players among Russian mercenary groups, providing a succinct description of tasks and functions performed.

1. The Wagner Group[50]

The origins of the Wagner Group are linked to the Slavonic Corps PMC that was registered in Hong Kong by Vadim Gusev and Evgenii Sidorov from the Moran Security Group in 2013. After its first serious military engagement in Syria, this PMC effectively ceased to exist (while its founders were imprisoned for "recruiting mercenaries" upon their arrival in Russia), yet its remnants were pulled together and re-formed into what came to be known as the Wagner group. According to the Conflict Intelligence Team (CIT), the group played an auxiliary role in Russia's operation in Crimea and later actively participated in hostilities in the Donbas, and this information has been corroborated by a num-

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50 This segment of the paper first appeared in: Sergey Sukhankin, "'Continuing War by Other Means': The Case of Wagner, Russia's Premier Private Military Company in the Middle East," July 13, 2018, https://jamestown.org/program/continuing-war-by-other-means-the-case-of-wagner-russias-premier-private-military-company-in-the-middle-east/.

ber of journalist investigations as well as accounts of former members of the PMC.[51] While in Ukraine, the group primarily operated on the territory of the Luhansk People's Republic (LPR), where the group performed operations requiring a relatively high level of military proficiency. For example, many accounts claim the Wagner personnel to be responsible for the assassination of LPR's Minister of Defense, Aleksandr Bednov; the killing of Aleksei Mozgovoi, the leader of the Prizrak Brigade; the disarmament of the Odesa mechanized brigade; and of wide-scale repressions against Russian Cossacks who had previously served in Luhansk Oblast but, with the collapse of the Moscow-backed "Novorossiia" (New Russia) project for southeastern Ukraine, they grew more independent of the Kremlin.[52]

There have been multiple examples that suggest close connections between the group and Russia's *siloviki*. For instance, the Wagner Group is headed by former the Main Directorate of the General Staff of the Armed Forces of the Russian Federation (the GU) member Dmitry Utkin, previously employed by the Moran Security Group, who later took part in the Syrian campaign with the Slavonic Corps. Despite the Kremlin's continuous rejections of ties with the Wagner Group, Utkin's picture (standing alongside Vladimir Putin) appeared in the Russian media, when he was awarded the Order of Courage (*Orden Muzhestva*) during one of the galas in Kremlin.[53] Later this information was corroborated by President's press secretary Dmitry Peskov.

Another element that draws on existing connections between the Wagner group and the state is inseparable from its training and military preparation techniques. As ascertained by multiple journalist investigations, Wagner's training center is located in Molkino (Krasnodar Krai), which belongs to the GU's 10th special forces brigade. Notably, the site's recent modernization was funded by the Russian Ministry of Defense, which spent some 41.7 million rubles ($675,000) on these improvements.[54] At the same time, weaponry and munitions used by the Wagner (inter alia, T-72 main battle tanks, BM-21 Grad multiple rocket launchers, as well as D-30 122-millimeter howitzers) and methods of military training (simulating preparation of *Spetsnaz*)[55] draw on the fact that ties between Russian *siloviki* (primarily, the GU and the MoD) and the

51 Andrei Sharogradskii, Aleksandr Gostev, and Mark Krutov, "Siriiskie poteri 'Slavianskogo korpusa,'" *Radio Svoboda*, December 13, 2016, https://www.svoboda.org/a/27642396.html.

52 Denis Korotkov, "'Slavianskii korpus' vozvrashchaetsia v Siriiu," *Fontanka.ru*, October 16, 2010, https://www.fontanka.ru/2015/10/16/118/.

53 Denis Korotkov, "Vagner v Kremle*," Fontanka.ru*, December 12, 2016, https://www.fontanka.ru/2016/12/12/064/.

54 Denis Korotkov, "Spisok Vagnera," *Fontanka.ru*, August 21, 2017, http://www.fontanka.ru/2017/08/18/075/.

55 Korotkov, "Spisok Vagnera."

Wagner group are quite real. A supposition that the "Ukrainian chapter" of Wagner's history proved to be a success stems from the rapidly expanded geographic area of operations in which members of the groups have been spotted after 2014.

2. PMC MAR

Previously virtually unknown, the existence of this group was brought to light in 2015, when Russian investigative reports started to provide materials on its activities in the Donbas. One report provided images with heavily armed members of MAR near Donetsk (the village Spartak), very close to the front line.[56] On the other hand, an article published on the MAR's web page entitled "Protection of the Russian speaking people on the territories of the bordering states" openly claimed that the PMC had taken part in hostilities on the territory of Ukraine. The article states that "PMC MAR cannot stand aside from what is happening, and fully supports the course chosen by Russia's president Vladimir Putin, that is why we are defending interests of the Russian speaking people on territories of bordering states and abroad."[57] That being said, the PMC claims not to have taken direct part in hostilities against the Ukrainian armed forces. According to Aleksei Marushchenko, the head of the MAR: "Now we are located in the zone of hostilities, convoying humanitarian convoys from the Russian Federation. We are not taking part in military engagements for now. However, if needed and if such a request will come from the DNR regular army, we are always ready to take part in hostilities."[58]

3. PMC E.N.O.T.

The PMC presents an extremely interesting case study—an odd combination of mercenary, military-patriotic upbringing, and anti-Western information confrontation. Ukrainian sources and investigative reports suggest that being closely related to Aleksander Borodai (the former so-called Prime Minister of the DNR) this PMC has taken an active part in (para)military hostilities in the

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56 "Chastnye voennye kompanii Rossii vypolniaiut prestupnye prikazy Kremlia," *Censor.net*, August 31, 2017, https://censor.net.ua/photo_news/453586/chastnye_voennye_kompanii_rossii_vypolnyayut_prestupnye_prikazy_kremlya_informnapalm_fotoreportaj.

57 "Zashchita russkoiazychnogo naseleniia na territorii sopredelnykh gosudarstv," *Chastnaia voennaia kompaniia MAR*, January 14, 2016, http://chvk-mar.ru/publikacii/zashhita-russkoyazychnogo-naseleniya-na-territorii-sopredelnyx-gosudarstv#2.

58 "Chastnye voennye kompanii Rossii na Donbasse," *Stopteror*, January 18, 2016, https://stopterror.in.ua/info/2016/01/chastnye-voennye-kompanii-rossii-na-donbasse/.

Donbas.[59] The PMC emerged as one of the co-founders of the Union of the Donbass Volunteers (*Soiuz Dobrovoltsev Donbassa*)[60]—an illegal Russia-sponsored quasi-organization operating as a pool for new mercenaries. Interestingly, the PMC has signs of distinction from both illegal Donbas "authorities" as well as Russian state institutions.[61]

In many ways, E.N.O.T. should be seen as a unique Russian PMC: unlike other known groups of this type, functions of this company extend well beyond standard tasks (including various missions abroad), yet include, as stated on their web-page "military-patriotic upbringing of youth." In practical terms, this "upbringing" translates into organization of "boot camps and military-tactical exercises for young people." One such "boot camp" became a matter of huge scandal that originated in Serbia and went well beyond the Balkans. On August 16, 2018, the Serbian Ministry of Internal Affairs shut down the Zlatibor youth camp, where 44 adolescents (aged 14–23) had been learning a wide range of paramilitary skills, including wilderness survival techniques, first aid, martial arts, and basic handling of various weapons and explosives. On August 23, 2018 one of the co-organizers of the Zlatibor youth camp, Valerii Shambarov, wrote an article in which he openly stated that preparatory works as well as practical paramilitary training sessions were carried out by members of the E.N.O.T Corp. (in addition to Serbian instructors). Shambarov also highlights that in spite of various difficulties and challenges, the Veterans of the Yugoslav War Society, headed by Željko Vukelić, had been bringing its young members to boot camps organized by E.N.O.T. in Russia for two years in succession.[62]

Importantly, the article points to the fact that Serbs are not the only participants of such camps: they additionally bring together "teams from Belarus, the Donetsk and Luhansk republics, Transnistria, Montenegro, Bosnia, and Herzegovina, as well as young volunteers from Italy, Bulgaria, Moldova, Armenia, and Canada. Our experience is studied by those who come from Finland, Norway, South Ossetia, Australia, France, and other countries." Moreover, Shambarov argues that the agenda of such camps are particularly appealing to those who are against "globalization and liberal influence destroying traditional systems of national and human values . . . against trans-national deceit and gay parades."[63]

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59   Andrei Dikhtiarenko, "Karmannye armii Kremlia: voina za dengi i rasprava and 'nedostoinymi' na Donbasse," *Krym realii*, September 4, 2017, https://ru.krymr.com/a/28715853.html.

60   "V Rossii sozdan Soiuz dobrovoltsev Donbassa," *TASS*, August 27, 2015, https://tass.ru/mezhdun-arodnaya-panorama/2215105.

61   "Chastnye voennye kompanii Rossii: vypolniaia prestupnye prikazy Kremlia," *Informnapalm*, http://informnapalm.rocks/chastnye-voennye-kompanii-rossii-vypolnjaja-prestupnye-prikazy-kremlja.

62   "E.N.O.T Corp: povsei Evrope est ludi, ishushie spaseniia w Russkom mire," August 22, 2018, https://e-news.su/in-world/239731-enot-corp-po-vsey-evrope-est-lyudi-ischuschie-spaseniya-v-russkom-mire.html.

63   Gey-paradi ili wojenskij marsh?", September 23, 2018, http://zavtra.ru/blogs/gej-paradi_ili_voinskij_marsh.

Such ultra-conservative ideological positions also constitute the backbone of the Iunarmia (Youth Army) movement, ardently supported inside Russia by the Ministry of Defense.[64] This episode is indeed a telling one: it has explicitly demonstrated that the Russian side is willing to use mercenaries and private military contractors in regions that are located well beyond so-called post-Soviet space.

4. Russian Cossacks

Cossacks became an integral part of the conflict that broke out in the Donbas region.[65] It is very difficult to ascertain the precise number of Cossacks that took part in hostilities during 2014–2015; however, even collateral evidence suggests that the overall number was considerable. For example, the so-called Cossack National Guard—headed by Ataman Nikolai Kozitsyn, who in his own words took part in conflicts that broke out in Transnistria, Abkhazia, and Ossetian-Ingushetia, as well as hostilities in both Chechen campaigns—crossed the Ukrainian national border on May 3, 2014 and took control of the city of Antratsyt (Luhansk Oblast).[66] The overall number of "Kozitsyn Cossacks" operating in the territory of the Donbas was said to have reached at least 4,000 men, which allowed them to either take under their direct control, or seriously jeopardize such cities as Sievierodonetsk, Lysychansk, Krasnyi Luch, and Alchevsk.[67]

Actions of these groups (frequently referred to as "fake Cossacks") were highly controversial, and as some sources have claimed, led to internal disputes among the separatists. For instance, on June 16, 2014 Valerii Bolotov (at the time the head of the self-proclaimed LNR) drafted a letter addressed to Kozitsyn, where the Ataman and his forces were accused of "banditry and pillaging."[68] The latter also unequivocally stated that "if this behavior continues, we will have to use force to put an end to it." Some Russian and Ukrainian sources have claimed that the conflict erupted in a military confrontation between leaders of the LNR and the Cossacks, which led to the Wagner Group and E.N.O.T Corps taking up arms against so-called "independents" (Cossacks who refused to acknowledge

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64 This passage first appeared in Sergey Sukhankin, "Russian PMCs, War Veterans Running 'Patriotic' Youth Camps in the Balkans," *Eurasia Daily Monitor* 15, no. 151, October 24, 2018, https://jamestown. org/program/russian-pmcs-war-veterans-running-patriotic-youth-camps-in-the-balkans-part-one/.

65 "SBU vstanovyla prychetnist ros kazatskykh struktur do postach zbroi terorystychnym organizatsiiam ta do vykradennia," *Sluzhba Bezpeky Ukrainy*, June 4, 2014, https://www.youtube.com/watch?v=K-FedPYqS_JA.

66 "S kem voiuiut na Ukraine kazaki atamana Kozitsyna?" *Bolshoi Rostov*, June 9, 2014, https://big-rostov. ru/5694/.

67 Yurii Soshyn, "Ataman Nikolai Kozitsyn i 'Kazachia natsionalnaia gvardiia,'" *Agentstvo politicheskikh novostei*, February 22, 2017, https://www.apn.ru/index.php?newsid=36029.

68 "Obrashchenie Valeriia Bolotova k atamanu Kozitsynu i k ego podrazdeleniiam," *Gazeta Bratia Slaviane—za LNR i Sviatuiu Rus!*, June 16, 2014, https://bratyaslaviane.livejournal.com/77211.html.

supremacy of the "official" leaders).[69] On top of that, there is every reason to believe that the above-mentioned PMCs and mercenary forces became a matter of great uneasiness for Strelkov/Girkin himself. In an interview, he openly stated that elimination of Aleksei Mozgovoi (the leader of the Prizrak Brigade) that occurred on May 23, 2015 should be attributed to the Wagner Group.[70]

These elements present one side of the story. New details pertaining to Cossacks and their role in the war on the Donbas were revealed after February 7, 2018 when the Wagner Group was decimated near Deir ez-Zor (eastern part of Syria) as a result of the coalition air strike. In spite of the traditional informational parsimony of Russian officials, even Russian sources have revealed (and it was later corroborated officially) the death of a Cossack from Kaliningrad Oblast, Vladimir Loginov.[71] Prior to his voyage to Syria, Loginov had taken part in both Chechen conflicts and the war in the Donbas after which he must have been recruited by the Wagner Group and sent to Syria. This is an extremely important and rather telling detail, which brings more light to the post-Donbas fates of the "volunteers," many of whom (in spite of pro-Russian propaganda claiming their allegiance to the "Russian World" idea and a craving to "protect Russian speakers in the Donbass") ended up fighting as ordinary mercenaries in Syria.[72] In fact, as was revealed by the Security Service of Ukraine (SBU), at least 500 Russian militants who took part in the war in the Ukrainian southeast were subsequently transferred to Syria.[73]

5. The Non-Russian People.

The idea to use ethnically non-Russian people for "delicate missions abroad" re-emerged among Russian intellectuals amid the events in the Donbas. Namely, it was argued that forming PMCs consisting of the *kadyrovtsy* (a paramilitary organization in Chechnya that serves as the protection service to Ramzan Kadyrov), Cossacks, and the South Ossetians would be a convenient option for the

69 "Dlia zachistki 'dikikh' kazakov v Donetsk iz Rossii perebrosili politsaev-spetsnazovtsev," *Glavred*, March 30, 2015, https://glavred.info/politics/311158-dlya-zachistki-dikih-kazakov-v-doneck-iz-rossii-perebrosili-policaev-specnazovcev.html.

70 "Eksperty rasskazali o 'griaznoi' rabote chastnykh voennykh kompanii Rossii na Donbasse," *Donbass. Kommentarii*, September 5, 2017, https://donbass.comments.ua/news/131958-eksperti-rasskazali-gryaznoy-rabote.html.

71 "Kaliningradskii kazak pogib v Sirii," *Rugrad*, March 23, 2018, https://rugrad.eu/public_news/1021180/.

72 "Ponomarev: Rossiiskikh 'golovorezov' s Donbassa Putin otpravliaet na 'utilizatsiiu' v Siriiu," *Segodnia*, June 7, 2018, https://www.segodnya.ua/ukraine/ponomarev-rossiyskih-golovorezov-s-donbassa-putin-otpravlyaet-na-utilizaciyu-v-siriyu-1144917.html.

73 "SBU: S Donbassa v Siriiu uekhali sotni naemnikov RF," *Korrespondent*, July 22, 2017, https://korrespondent.net/ukraine/3871005-sbu-s-donbassa-v-syryui-uekhaly-sotny-naemnykov-rf.

Russian side.[74] This splash of interest in the employment of these groups may have stemmed from the activities of the "Smert" (death) battalion—a military unit reportedly composed of ethnic Chechens with extensive military service experience—whose emergence allegedly dates back to December 2014.[75] Scarcity of credible data does not allow one to indicate with necessary accuracy and precision either the exact number (the majority of available sources name figure close to 300 militants,[76] whereas other sources provide a lesser figure[77]) or specific military operations carried out by the group (most open sources relate their activities with the Ilovaisk operations and the battle for the Donetsk Airport). Various evidence of Chechen fighters taking part in hostilities on the side of *opolchenie* forces primarily stems from qualitative primary data (images and video materials from the theater)[78] as well as bits and pieces of information drawn from statements given by foreign fighters that joined the *opolchenie*. Subsequent investigations corroborated the presence of Chechen fighters in the Donbas as well as operations in which they took part. Incidentally, a data-rich and perceptive report by Ilia Iashin uncovered connections between the battalion and Ramzan Kadyrov, which states that "90 percent of the group are former separatists who used to fight against the Russian army yet decided to surrender their arms and fell under the amnesty program, thereby joining structures personally loyal to Kadyrov."[79]

6. Beyond Immediate Results: Final Remarks

The conflict in the Donbas has vividly demonstrated that this issue cannot be solved by Ukraine alone with purely military means. This conclusion is primarily related to the fact that the Russian Federation has no interest in the conflict to be finalized within the short or mid-term. In fact, Moscow has achieved its intermediary objectives. Crimea is now being turned into a Russian military

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74 Elina Marzoeva, "Rossiiskie 'ChVK'—armii vezhlivykh liudei," *Tsentr voenno-politicheskikh issledovanii*, December 12, 2015, http://eurasian-defence.ru/?q=vneshniy-istochnik/analitika/rossiyskie-chvk-armii-vezhlivyh.

75 "Separatisty soobshchili o popolnenii chechenskim batalionom 'Smert,'" *Korrespondent*, December 5, 2014, https://korrespondent.net/ukraine/3452126-separatysty-soobschyly-o-popolnenyy-chechenskym-batalonom-smert.

76 Maria Tsvetkova, "Chechens Loyal to Russia Fight Alongside East Ukraine Rebels," *Reuters*, December 10, 2014, https://www.reuters.com/article/us-ukraine-crisis-chechen-fighters/chechens-loyal-to-russia-fight-alongside-east-ukraine-rebels-idUSKBN0JO0OP20141210.

77 "Batalion Smert," *Stopterror*, October 15, 2015, https://stopterror.in.ua/info/2015/10/batalon-smert/.

78 "Batalion Smert,".

79 Ilia Iashin, "Nezavisimyi ekspertnyj doklad 'Ugroza natsionalnoi bezopasnosti'," (Moscow, February 2016), http://russiahousenews.info/images/PDFs/Doklad_Kadirov_Yashin.pdf.

bastion with the prospect of becoming an Anti-Access/Area-Denial zone.[80] For now, the prospect of re-instatement of Ukrainian sovereignty over the peninsula is closer to wishful thinking and populism, rather than a reflection of reality. At the same time, the Donbas has become a "gray zone" and a tool through which Moscow is able to influence strategic decision-making in Kyiv. As the examples of Transnistria and South Caucasus have convincingly demonstrated, regional artificially created "gray zones"(artificially created could become an effective deterrent on the path toward deeper integration with Euro-Atlantic blocs. It appears that Russian success in Crimea and the Donbas coupled with the relatively weak international reaction have served only to inspire Russia to enact more assertive regional policies. This supposition is fully corroborated by the incident in the Kerch Straits (November 25, 2018) and Russia's further actions that are aimed at fostering further division in the area.[81]

On the other hand, from a military-operational prospective, through its unofficial participation in hostilities in the Ukrainian southeast, Russia has been able to test all the main elements—both military (rapid operations with tactical groups electronic, and radio-electronic warfare) and non-military (strategic deception, information-psychological and cyber operations, reflexive control)—that currently comprise the changing essence of contemporary warfare. Indeed, the Donbas experience has demonstrated that a "massive and coordinated use of all non-military measures could be sufficient to frighten and weaken the opponent, thereby reducing the use of armed forces to minimum."[82]

Finally, it needs to be emphasized that the Donbas has become an important testing ground for Russian private military contractors, who had a chance to conduct (para)military operations in conditions of real-time actions against a poorly trained opponent. In many ways, the Donbas may be viewed as a part of the natural selection process for Russian mercenaries before taking up more serious or lucrative tasks.

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80 Sergey Sukhankin, "Russia Pours More Military Hardware Into 'Fortress Crimea,'" *Eurasia Daily Monitor* 14, no 147, November 14, 2017, https://jamestown.org/program/russia-pours-military-hardware-fortress-crimea/.

81 See Alla Hurska, "Russia's Hybrid Strategy in the Sea of Azov: Divide and Antagonize," Parts One and Two, *Eurasia Daily Monitor* 16, no. 11, January 30, 2019, https://jamestown.org/program/russias-hybrid-strategy-in-the-sea-of-azov-divide-and-antagonize-part-one/.

82 Andrei Bezrukov, "Mnogomernaia voina i novaia oboronnaia strategiia," *Rossiia v globalnoi politike*, November 11, 2014, https://globalaffairs.ru/number/Mnogomernaya-voina-i-novaya-oboronnaya-strategiya-17101.

Civil War Settlements and Conflict Resolution in the Donbas

SERHIY KUDELIA

Introduction

The signing of the first Minsk Protocol on September 5, 2014 by the representatives of Ukraine, Russia, two self-proclaimed separatist republics, and the OSCE marked the beginning of a new negotiation phase in resolving the Donbas conflict. Its failure to stop active military operations led to another round of high-level talks between the leaders of Ukraine, Russia, Germany, and France (the Normandy format), which ended with the signing of the second Minsk Accords (Minsk-2) on February 12, 2015. The new agreement produced a sharp drop in the intensity of fighting and resulted in freezing the contact line between government and separatist-controlled territories of Ukraine. However, for the next four years all diplomatic attempts to move conflict resolution beyond the ceasefire stage were unsuccessful. Neither Ukraine, Russia, or the separatist leaders have shown interest in taking tangible steps to fulfill the terms of the second agreement. The stalemate persisted throughout President Petro Poroshenko's term in office. His successor Volodymyr Zelensky was elected on the promise of ending the standstill and swiftly bringing peace to the region. However, the first Normandy summit with his participation in December 2019 exposed the same fundamental disagreements on the sequencing of Minsk-2 that stalled all previous talks.

The path to settling the armed conflict in the Donbas has been traditionally viewed in Kyiv and Western capitals through the prism of altering Russia's behavior in the region. As former US special representative on Ukraine, Kurt Volker, often reiterated, Moscow could quickly resolve the conflict by withdrawing its troops from the Donbas, ending arms supplies to separatists, transferring Ukraine control over its border, and allowing local elections under international control.[1] This explains the link of Western sanctions to Russia's

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1   "U.S. Envoy: Lack of Political Will in Moscow Thwarting Ukraine Peace," *RFE/RL*, January 24, 2018, https://www.rferl.org/a/ukraine-volker-russia-willingness-end-conflict/28994196.html.

implementation of the Minsk Agreements.[2] However, successful reintegration of the Donbas into Ukraine requires more than ending the Russian military presence in the region and restoring Kyiv's sovereign control over the border with Russia. It also rests on designing a new institutional framework that could provide long-term guarantees to civilians and separatist insurgents, and to prevent conflict recurrence. This chapter intends to identify necessary elements of the broader political settlement using insights from cross-national empirical studies of similar conflicts.

The chapter starts with the discussion of the nature of the armed conflict in the Donbas and examines five main incompatibilities behind it. Next, the paper turns to a review of theoretical and cross-country studies of civil war settlements and their relevance for resolving the Donbas conflict. First, it examines the range of power-sharing institutions and their impact on various post-conflict contexts. Second, the paper looks at mechanisms of insurgent disarmament and demobilization and considers the conditions under which rebel conversion into political parties may be an effective peace-building strategy. Third, the paper reviews the effect of amnesty as the transitional justice tool and the logic behind its use. Finally, I examine various effects of post-conflict elections and their timing on sustainability of peace.

What is at Stake in the Donbas Conflict?

The conflict in the Donbas is classified as a non-international armed conflict with significant involvement from Russia.[3] According to the report of the International Criminal Court, by April 30, 2014 the intensity of hostilities brought the conflict to a level that would "trigger the application of the law of armed conflict," while sufficient organization of the LPR and DPR qualified them to be recognized as "parties to a non-international armed conflict."[4] At the same time, as the report notes, direct military engagements between the troops of the Russian Federation and Ukraine point to "the existence of an international armed conflict in eastern Ukraine from July 14, 2014 at the latest, *in parallel* to the non-international armed conflict." The dataset of armed conflicts compiled by Uppsala Conflict Data Program has categorized the con-

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2   "Remarks by High Representative/Vice-President Federica Mogherini at the Joint Press Point with Mr. Petro Poroshenko, President of Ukraine," *European Union External Action*, March 12, 2018, https://eeas.europa.eu/headquarters/headquarters-homepage/41174/remarks-high-representativevice-president-federica-mogherini-joint-press-point-mr-petro_en.

3   See International Criminal Court (ICC), "Report on Preliminary Examination of Activities (2017)," *The Office of the Prosecutor*, December 4, 2017; Rule of Law in Armed Conflicts, Geneva Academy of International Humanitarian Law and Human Rights, http://www.rulac.org/.

4   "Report on Preliminary Examination of Activities (2017)," 22.

flict in Ukraine as an internationalized internal armed conflict that "occurs between the government of a state and one or more internal opposition groups with intervention from other states."[5]

The conflict was preceded by a wave of protest mobilization in many towns of Donetsk and Luhansk oblasts following the ousting of President Viktor Ianukovych in February 2014 and the military annexation of Crimea by the Russian Federation in March 2014. Some local councils in the Donbas adopted resolutions endorsing the demands of protesters and formation of self-defense units, which were composed of local volunteers and later reinforced by mercenaries from Russia. With the seizure of local government buildings and police stations in Donetsk, Luhansk, Sloviansk, and other towns in mid-April, the movement transformed into a secessionist rebellion aimed at turning these two provinces into new sovereign states or joining the Russian Federation. While most secessionist attempts result from the conflict between distinct ethnic groups, the focal point of armed mobilization in the Donbas was a non-ethnic regional identity.[6] The attributes of a regional identity may vary, but they require, at the very least, a sense of attachment to a geographically bounded space arising out of one's origin in that region or residence there.

The empirical research on Donbas conducted before the outbreak of the armed conflict has consistently pointed to the strength of its regional identity. There is a near consensus in earlier studies that Donbas possesses unique identity traits and culture compared to the rest of Ukraine, which influenced its political orientations.[7] Despite its pro-Russian political and cultural orientation, Donbas identity effectively subsumed various ethnic identifications into an "urban melting-pot"[8] and managed to accommodate "everyone who settles there."[9] As a result, according to one study, in political terms Ukrainian-speakers in the Donbas

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5   https://ucdp.uu.se/.

6   Donald L. Horowitz, *Ethnic Groups in Conflict* (Berkeley: University of California Press, 1985); Serhiy Kudelia and Johanna Van Zyl, "In My Name: The Impact of Regional Identity on Civilian Attitudes in the Armed Conflict in Donbas," *Nationalities Papers* 47, no. 5 (2019): 801–21.

7   Neil Melvin, *Russians Beyond Russia: The Politics of National Identity* (London: Pinter, 1995); Hiroaki Kuromiya, *Freedom and Terror in the Donbas: A Ukrainian-Russian Borderland, 1870s–1990s* (Cambridge: Cambridge University Press, 1998); Illia Kononov, "Donbas v etnokulturnykh koordynatakh Ukrainy (sotsiolohichnyi analiz)," (PhD diss., Taras Shevchenko Luhansk National Pedagogical University, 2005); Ararat L. Osipian and Alexandr Osipian, "Why Donbas Votes for Yanukovych: Confronting the Ukrainian Orange Revolution," *Demokratizatsiya: The Journal of Post-Soviet Democratization* 14, no. 4 (2006): 495-517; Kristen Zimmer, "Trapped in the past glory. Self-identification and self-symbolisation in the Donbass," in *Re-Constructing the Post-Soviet Industrial Region: The Donbass in Transition*, ed. by Adam Swain (London, 2007).

8   Andrew Wilson, "Elements of a theory of Ukrainian ethno-national identities," *Nations and Nationalism* 8, no. 1 (2002): 42.

9   Osipian and Osipian, "Why Donbas Votes for Yanukovych," 499.

"look more like Russian speakers in that region than like Ukrainian-speakers elsewhere in the country."[10]

The Party of Regions used regional cleavages to mobilize its voters and establish electoral dominance in the Donbas. It also gained influence on the national level, having the largest faction in the Ukrainian parliament for seven years (2006–2014) and controlling government for eight years (2002–2004; 2006–2007; and 2010–2014). This helped to keep separatist groups, which had emerged in Donetsk already by 2005, on the margins of local politics. However, the violent removal of the Donbas political elite from national offices in February 2014 heightened uncertainty about the policies of the new authorities, which lacked any legitimacy in the region. In addition, Russia's swift annexation of Crimea served as a strong signal of its commitment to intervening militarily in support of pro-Russian separatists in the rest of Ukraine. The expectation of Russian military support lowered the costs of starting a secessionist rebellion for locally mobilized self-defense groups.[11] At the same time, Kyiv's launch of a military operation in the Donbas in April 2014 increased the salience of regional identity among the wider local population. According to a July 2014 survey, 45.5% of respondents there identified themselves using localized identity (region or town residents) and another 13.9% identified themselves as former Soviet citizens, while only 34.2% identified themselves as citizens of Ukraine.[12] An increasingly salient regional identity also acquired an explicitly political content. As early as March 2014 almost a third of respondents in the region (31%) supported its full separation from Ukraine, which far exceeded the share of separatists in previous years.[13]

The conflict in the Donbas has centered on five main incompatibilities. First, the majority in the region consistently favored empowering the regions by adopting a federal system, which official Kyiv adamantly opposed. Already in March 1994, in a local referendum, over two-thirds in Donetsk Oblast voted for transforming Ukraine into a federation. Twenty years later, in March 2014, the Donbas became the only region in Ukraine where a majority of respondents (59%) similarly preferred a federalist institutional design.[14] The support for federalism was primarily a reflection of the region's own longing for autonomy. By July 2014

10 Lowell Barrington and Regina Faranda, "Reexamining Region, Ethnicity, and Language in Ukraine," *Post-Soviet Affairs* 25, no. 3 (2009): 249.

11 For a description of similar dynamics in other post-Soviet conflicts, see David Laitin, "Secessionist Rebellion in the Former Soviet Union," *Comparative Political Studies* 34, no. 8 (2001): 839–61.

12 Institute of Sociology of Ukraine's Academy of Sciences Poll "Social Monitoring" (July 2014).

13 "Stavlennia ukraintsiv do terytorialnoho ustroiu krainy ta statusu Krymu," *Rating Group*, March 14, 2014, http://ratinggroup.ua/research/ukraine/otnoshenie_ukraincev_k_territorialnomu_ustroystvu_strany_i_statusu_kryma.html.

14 Stavlennia ukraintsiv do terytorialnoho ustroiu krainy ta statusu Krymu."

almost half of respondents in the Donbas (44.8%) favored autonomy status for their oblast and only 19.6% were against this.[15] By contrast, on average only 8.2% of respondents in other regions preferred autonomy for their oblasts, while an overwhelming 68.3% rejected this idea.

Second, the region showed significantly higher preference for closer integration with the Russian state than other parts of Ukraine. A year before the conflict, the Donbas was the only region where the majority (57%) said they would prefer to live in Russia if they had a choice of living abroad.[16] In early February 2014, in the final weeks of Euromaidan, Donetsk Oblast had the second largest number of supporters of a unified state with Russia (33.2%), following Crimea (41%) and Luhansk Oblast (24.1%).[17] At the same time, only 12% of Ukrainians on average endorsed this idea. Residents of Donbas showed even greater approval of Russian leadership. Even following Russia's annexation of Crimea, 66% of respondents in the Donbas had a largely positive view of Russian president Vladimir Putin (only 8% on average held similarly positive views in other regions).[18]

The ideological incompatibility was reflected in conflicting interpretations over the meaning of the Soviet legacies and historical memory, particularly about World War Two. In April 2014, the Donbas had the largest share of respondents, compared to other regions, who felt upset about the dissolution of the Soviet Union (61%).[19] Similarly, more respondents in the Donbas refused to recognize the Holodomor as genocide (50%) or to extend official status of "independence fighters" to nationalist organizations such as OUN and UPA (85%).[20] The OUN leader Stepan Bandera has been viewed in negative terms by 79% of Donbas residents and the intensity of their negative attitudes was markedly stronger even than in southeastern regions.[21]

The fourth type of incompatibility was based on the region's stronger preference for remaining part of the Russian cultural space. Donbas had the highest share of Russophones among its population (83%) and almost a quarter (23%) of respondents in 2012 reported difficulties with understanding formal Ukrainian-

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15 Institute of Sociology of Ukraine's Academy of Science Poll "Social Monitoring" (July 2014).

16 "Na rozdorizhzhi abo intehratsiini rebusy," *Rating Group*, April 2013, http://ratinggroup.ua/research/ukraine/na_perepute_ili_integracionnye_rebusy.html.

17 "Dynamika stavlennia naselennia Ukrainy do Rosii ta naselennia Rosii do Ukrainy, iakyh vidnosyn khotily b ukraintsi," survey conducted by the Kyiv International Institute of Sociology in February 8–18, 2014.

18 "Nostalhiia za SRSR ta stavlennia do okremyh postatei," *Rating Group*, May 2014, http://ratinggroup.ua/research/ukraine/nostalgiya_po_sssr_i_otnoshenie_k_otdelnym_lichnostyam.html.

19 Nostalhiia za SRSR."

20 "Dynamika ideolohichnyh markeriv," *Rating Group*, February 2012, http://ratinggroup.ua/research /ukraine/dinamika_ideologicheskih_markerov_fevral_2012.html.

21 "Nostalhiia za SRSR."

language paperwork.[22] There was also a significant perception of threat to the linguistic rights of Russophones among the region's residents. Almost every second respondent (45%) in the Donbas, more than in any other region, indicated the need for protection of the Russian language and only 7% thought that Ukrainian should be protected instead. As a result, over two-thirds of the Donbas residents (70%) supported the adoption of the law on regional languages in 2012, which the new authorities attempted to revoke almost immediately after coming to power. In view of most Donbas respondents at the time (65%), the language law was meant to prevent the suppression of the Russian and other minority languages. Even then, Donbas showed the highest support (85% in July 2012) for recognizing Russian as the second state language.

The fifth incompatibility centered on Ukraine's relationship with the EU and NATO. Although the intensity of opposition to NATO membership (83%) in the Donbas was comparable to the southern oblasts (including Crimea), it was the only region where the majority (51%) opposed Ukraine's integration with the European Union.[23] Moreover, only 18% favored signing the free trade agreement with the EU, which became the trigger of the Euromaidan movement in November 2013 and one of the central promises of the post-revolutionary authorities.[24]

Each of these incompatibilities has sharpened considerably since the conflict began. The Ukrainian authorities linked the idea of federalism in political discourse to the Kremlin's scenario of splitting Ukraine and tantamount to treason.[25] "Decommunization" laws adopted in 2015 led to dismantling the Soviet-era monuments, banned the use of Communist symbols, and criminalized any criticism of nationalist leaders and organizations of the World War Two period. The Constitutional Court ruled that the law on regional languages was unconstitutional, while the new education law restricted teaching all subjects in the Russian language at the primary school level. The government also mandated the use of predominantly Ukrainian language in television and radio broadcasts, restricted the import of books from Russia, and banned major Russian book publishers. The draft of the new language adopted in the first reading in October 2018 severely curtailed the use of Russian language in the public sphere. Finally, Ukraine established a free-trade zone with the EU and identified NATO membership as its foreign policy goal.

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22 http://ratinggroup.ua/research/ukraine/yazykovoy_vopros_rezultaty_poslednih_issledo-vaniy_2012.html, May 25, 2012.

23 "Dynamika ideolohichnyh markeriv," *Rating Group*, December 2012, http://ratinggroup.ua/research/ukraine/dinamika_ideologicheskih_markerov.html.

24 "Na rozdorizhzhi abo intehratsiini rebusy," *Rating Group*, April 2013.

25 "Stsenarii Kremlia shchodo federalizatsii i fragmentatsii Ukrainy ne vidbudetsia, –Klimkin," *Inter-faks-Ukraina*, January 22, 2018, http://ua.interfax.com.ua/news/political/478940.html.

Power-Sharing Provisions

Ukraine's current constitutional design is particularly ill-equipped for resolving the type of armed conflict that has been raging in the Donbas. The President's outsized role in decision-making makes policy outcomes reflective of the majoritarian logic of the zero-sum competition for the presidency. Although the government is formed by the coalition in the parliament, the mixed election system with half the parliamentary seats filled through single-member district races reinforces the majoritarian trend. In addition, the president maintains significant leverage over local government through appointment and dismissal power over governors in each oblast. The government's recent decentralization initiatives were aimed at amalgamating local communities, transferring responsibilities for organizing the provision of primary education and healthcare, and increasing their fiscal powers through new tax allocation rules. However, it does not empower local communities to influence the content of their educational programs or design their own cultural, linguistic, or historical preservation policies.

Any negotiated settlement of the conflict would then require the introduction of some type of power-sharing measures that would guarantee local governments exclusive control over issues of most concern for their communities. Following the end of the Cold War, power-sharing provisions have been included in over two-thirds of the settlements of intrastate conflicts.[26] Hartzell and Hoddie differentiate between political, security, economic, and territorial dimensions of power-sharing.[27] Political power-sharing ensures group representation on the national level through government or legislative quotas, veto powers over certain issue domains, office allocation rules, and a proportional electoral system. Military power-sharing changes the composition of the security forces through the integration of combatants from adversarial groups and equal appointment of officers from respective groups to commanding positions. Economic power-sharing guarantees groups with access to resources or other economic assets located on their territory and control over revenue flows associated with local economic activity. Finally, territorial power-sharing or decentralization offers exclusive powers in certain policy domains to groups based on the area of their settlement or administrative divisions. While in some instances it takes the form of federalism, territorial power-sharing may also be based on asymmetrical provision of territorial autonomy to one or several provinces.

Political and military power-sharing models primarily intend to resolve con-

26 Caroline Hartzell and Matthew Hoddie, "The Art of the Possible: Power-Sharing and Post-Civil War Democracy," *World Politics* 67, no. 1 (2015): 370–71.

27 Caroline Hartzell and Matthew Hoddie, *Crafting Peace: Power-Sharing Institutions and the Negotiated Settlement of Civil Wars* (University Park, PA: Penn State University Press, 2007).

flict over central government control between ethnic groups relatively equal in size and, hence, requiring institutional changes on the national level. Territorial or economic power-sharing, by contrast, may target small secessionist groups and address local incompatibilities without necessitating changes in the composition or decision-making procedures of the central government. This makes them particularly fitting for the type of conflict that Ukraine has experienced since 2014. A series of cross-national studies of power-sharing provisions independently conclude that territorial autonomy has the strongest peace-inducing effects of all models. Based on an analysis of thirty-eight civil wars settled between 1945 and 1999, Hoddie and Hartzell show that territorial power-sharing substantially increases the likelihood of holding timely post-conflict elections and decreases the likelihood of settlement failure in the first five years following the end of the conflict.[28] Similarly, Martin finds that out of all peace accords signed between 1989 and 2008, "eighty percent of agreements with territorial power-sharing last at least 24 months, with two-thirds surviving at least five years."[29] Another study of eighty-three agreements signed between 1989 and 2004 finds that even partial implementation of "territorial pacts" decreases the risks of failure of peace accords.[30]

There are three possible mechanisms which may produce a peace-enhancing effect of territorial power-sharing. First, since the promise of territorial autonomy represents a costly signal on the part of the central government, it enhances the credibility of the government's commitment to the peace process during the initial phase.[31] Second, autonomy guarantees mitigate security concerns of the former separatist combatants and, hence, strengthen their incentive to abide by the agreement.[32] Third, once regional autonomy is implemented it encourages further reconciliation because the government willing to follow through on costly promises is also more likely to stick to the agreement.[33] However, the significance of each of these mechanisms are yet to be tested with reliable data.[34]

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28 Matthew Hoddie and Caroline Hartzell, "Power Sharing in Peace Settlements: Initiating the Transition from Civil War," in *Sustainable Peace: Power and Democracy after Civil Wars*, ed. Philip Roeder and Donald Rothchild (Ithaca: Cornell University Press, 2005): 830–106.

29 Phillip Martin, "Coming Together: Power-Sharing and the Durability of Negotiated Peace Settlements," *Civil Wars* 15, no. 3 (2013): 343.

30 Anna Jarstad and Desiree Nilsson, "From Words to Deeds: The Implementation of Power-sharing Pacts in Peace Accords," *Conflict Management and Peace Studies* 25, no. 3 (2008): 256–94.

31 Hartzell and Hoddie, "The Art of the Possible."

32 Michaela Mattes and Burcu Savun, "Fostering Peace after Civil War: Commitment Problems and Agreement Design," *International Studies Quarterly* 53, no. 3 (2009): 737–59; Martin, "Coming Together."

33 Jarstad and Nilsson, "From Words to Deeds."

34 Caroline Hartzell, "Negotiated Peace: Power Sharing in Peace Agreement," in *What Do We Know About Civil Wars?* ed. David Mason and Sara McLaughlin Mitchell (Lanham: Rowman & Littlefield, 2016), 121–38.

Still, some studies have questioned the long-term sustainability of territorial power-sharing accords.[35] Roeder points to three main reasons for the renewal of the conflict following territorial power-sharing. First, it encourages leaders of other groups to issue their own demands on the central government in hope of receiving similar concession. This results in the "contagion of escalation" among ethnic leaders. Second, it incentivizes political entrepreneurs to frame issues using group-based cleavages, and hence, reinforces group-based identity and prevents reintegration of the group into a larger polity. Third, it concentrates power-sharing institutions in the hands of group leaders turning them into "institutional weapons" that could be used to further challenge the national government.[36]

In his other work, Roeder shows that territorial autonomy often creates "segment-states," which empower local elites, provide them with mobilization tools, and make their renewed secessionist attempts more likely.[37] Based on his calculation, more than 47 percent of all segment-states in the twentieth century became independent by 2000. Another possibility is the emergence of a de facto frozen conflict with a continuous threat of a recurrence of violence if territorial power-sharing is implemented without other integrative measures.[38] Finally, Cederman et al. conclude that regional autonomy alone still has some pacifying effect in post-conflict societies, but its peace-inducing impact is amplified if it is combined with power-sharing on the central government level. Importantly, they find no evidence of conflict-inducing impact of autonomy in post-conflict societies.[39]

These empirical findings offer tentative guidelines for choosing the appropriate power-sharing solution for the armed conflict in the Donbas. Executive power-sharing with government quotas, guaranteed representation, and veto powers for representatives of the region would have an adverse effect on the peace process in Ukraine and its state capacity. It would allow a relatively small region-based group to obstruct national decision-making and turn state institutions into arenas of permanent and inconclusive contestation between competing visions of the Ukrainian state.

Given that the Ukrainian political elite lacked the culture of accommodation even before the armed conflict, it is unlikely to embrace norms of reconcil-

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35 Roeder and Rothchild, eds., *Sustainable Peace.*

36 Philip Roeder, "Power Dividing as an Alternative to Ethnic Power Sharing," in *Sustainable Peace,* 56.

37 Philip Roeder, *Where Nation-States Come From: Institutional Change in the Age of Nationalism* (Princeton: Princeton University Press, 2007).

38 Charles Call, *Why Peace Fails: The Causes and Prevention of Civil War Recurrence* (Washington, DC: Georgetown University Press, 2012).

39 Lars-Erik Cederman, Simon Hug, Andreas Schädel, and Julian Wucherpfennig, "Territorial Autonomy in the Shadow of Conflict: Too Little, Too Late?" *American Political Science Review* 109, no. 2 (2015): 354–70.

iation in its wake. Hence, attempted political power-sharing is likely to strengthen radicals on both sides, sharpen regional cleavages, produce policy paralysis, and increase risks of war recurrence. Similarly, the integration of the former separatist combatants into the Ukrainian armed forces is likely to lead to factionalization of the military, heightened internal tensions, and a weakening of its operational capability. As Lake and Rothchild note, the governance problem in post-conflict societies may lead the group to opt for "secession and complete independence over continuing political instability in larger, more heterogeneous states."[40]

By contrast, territorial autonomy that affords local governments broad powers in certain policy domains will not threaten effective policy-making or institutional capacity on the national level. Rather, it will allow for the resolution of key incompatibilities behind the conflict. It will give the region expanded self-governance powers it has long sought, including the right to design its own educational and cultural policies, choose its historical preservation priorities, and maintain cross-border ties with Russia. While the region will not be able to have an exclusive veto power over Ukraine's foreign policy strategy, economic power-sharing may allow local industry to continue trading with Russia with minimum barriers through a special regional trade zone. The region could also maintain access to Russia's cultural space and engage in various cross-border cooperation and exchange projects. Territorial autonomy coincides with the current preferences of residents of separatist-controlled areas of the Donbas where the majority prefers "special status" either within Russia or Ukraine.[41]

At the same time, the risks associated with territorial power-sharing should be lower in Ukraine's case. Since the conflict is not driven by interethnic confrontation there are fewer opportunities for "ethnification of issues" in political competition that Roeder warns about.[42] Since Ukraine has no other regions with a similarly strong regional identity or non-titular ethnic majority the risk of "contagion" of autonomy demands from other regional leaders is also low. Still, the central government needs to pursue inclusive cultural and linguistic policies to effectively reintegrate local Ukrainians into a broader political community and increase their identification with the Ukrainian state.

The most serious risk associated with autonomous status for Donbas is the prospect of giving local leaders legal "institutional weapons" to strengthen their

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40   David Lake and Donald Rothchild, "Territorial Decentralization and Civil War Settlements," in *Sustaining Peace: Power and Democracy after Civil Wars*, 126.

41   Gwendolyn Sasse, "The Donbas—Two Parts, or Still One? The Experience of War Through the Eye of the Regional Population," *ZOiS Report* no. 2 (May 2017), https://www.zois-berlin.de/publikationen/zois-report/zois-report-22017/.

42   Roeder, "Power Dividing as an Alternative to Ethnic Power Sharing," 56.

political dominance and, potentially, challenge the central government. As Roeder notes, whenever segmental institutions give stronger leverage to segment-state leaders there is constant pressure for further devolution of power leading to a potential nation-state crisis.[43] Although Donbas autonomy would not fit with Roeder's definition of a segment-state since it does not serve as a homeland for "a population that is recognized in law as a distinct people," it can still have some of the negative effects that he describes in his work.[44] Specifically, it may lead to hegemony of regional identity, collective action capacity directed against the central government and consolidation of regional elites embedded in autonomous patronal structures with independent distribution of rewards and punishments.

There are several possible preventive measures for the types of problems associated with segment-states. First, territorial autonomy should be granted to the entire Donetsk and Luhansk oblasts rather than just to the two separatist-controlled enclaves. As one recent poll shows, residents of Ukraine-controlled Donbas are more likely to identify themselves as Ukrainian citizens and speak Ukrainian language in their daily lives.[45] They are also more likely to support Ukraine's pro-Western foreign policy and express distrust in Russian leadership, even though a strong majority in both parts opposes integration with the EU or NATO. The merger of the two parts of the Donbas will thus allow for a natural diversity of views and orientations in the region. This will serve as an important barrier to consolidation of regional identity antagonistic to Ukraine and for the establishment of political monopoly by actors associated with the separatist forces.

Second, Roeder's theoretical insight about power-dividing or multiple-majority strategy of conflict resolution should guide the design of a new institutional makeup of the Donbas. The goal is to divide a majority within a group "among multiple crosscutting majorities and minorities," which would "foster through politics the development of dispersed rather than cumulative cleavages."[46] In effect, this means devolving political power within two territorial autonomies to directly elected mayors and city assemblies that would be setting their own policies in multiple domains in correspondence with the preference of their local majority formed around the cleavages relevant for their locality. This change would allow the conversion of emerging ideational diversity of the Donbas into diverse policy outcomes on town and village levels.

Such a strategy would help preclude the centralization of political control over the region in Donetsk and Luhansk and avoid the imposition of policies

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43 Roeder, *Where Nation-States Come From*, 233.
44 Philip Roeder, "Secessionism, Institutions and Change," *Ethnopolitics* 13, no. 1 (2014): 93.
45 Sasse, "The Donbas—Two parts, or Still One?"
46 Roeder, "Power Dividing as an Alternative," 62.

reflecting the views of a concentrated majority on the entire region. The power of new political leaders originating from the separatist government would be limited to those localities where they could garner majority support. Their institutional weapons would, thus, be effectively localized. This would limit their capacity to coordinate broader anti-government actions or promote a hegemonic framing of the region's history and identity.

Finally, the destabilizing effect of a segment-state often results from the uncertainty regarding the future allocation of powers between the central and regional authorities. The inclusion of territorial power-sharing provision into Ukraine's constitutional framework would raise the amendment threshold and stabilize the new institutional order. It would serve as a reassurance mechanism for regional elites that fluidity of ruling coalitions or executive turnover would not affect the terms of the settlement. Similarly, the costs of changing the agreed institutional design should be high enough to disincentivize regional elites from attempts to renegotiate power distribution. The stability of the post-conflict settlement would be further enhanced if any changes to the terms of the agreement required ratification by the localized majorities across the Donbas. The current law on the special status of separatist-controlled territories should be viewed as a transitional framework set for renegotiation with new regional representatives once local elections are held. However, the territories should keep their special status until they reach an agreement on the permanent institutional settlement.

Rebel Disarmament, Demobilization and Conversion

Reaching an agreement on power-sharing is one precondition for the beginning of the disarmament and demobilization of combatants in civil wars. However, the agreement itself cannot resolve the credible commitment problem that the parties to the conflict face. The government side has a strong incentive to renege on the agreement once separatist combatants disarm. Hence, in the absence of security guarantees for the weaker party, the implementation of the agreement stalls and the conflict remains unresolved. Walter shows that third-party security guarantees can play a crucial role in reassuring combatants and spearheading the implementation of the agreement.[47] The third parties should not only monitor compliance with the agreement, but also offer reliable protection in case the government side violates any of its terms. The capability of the third party to resist any surprise attack would deter a stronger side from exploiting the vulnerability of the former rivals. Hence, the deployment of outside forces with an extensive

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47   Barbara Walter, *Committing to Peace. The Successful Settlement of Civil Wars* (Princeton: Princeton University Press, 2002).

mandate should start before disarmament begins and continue until the first post-election government emerges and the new security forces are formed.

The existing proposals for the deployment of UN peacekeeping force in the Donbas stress the importance of a sizeable contingent (20,000–30,000), robust enforcement mandate, and phased deployment that would ultimately encompass the entire conflict territory.[48] This could potentially create a secure environment for starting political reintegration and holding local elections. However, the composition of the peacekeeping force is one of the key sticking points. The Ukrainian side opposes the participation of peacekeepers from Belarus or Kazakhstan allied with Russia in the Collective Security Treaty Organization offering troops from neutral European states as an alternative. The central government wants to ensure that the peacekeeping operation does not become a formal cover for a hostile occupation force that can influence election outcomes. However, as Walter stresses, the peacekeeping operation should also have the full trust of the locals if it intends to allay concerns about physical safety. Therefore, a mixed composition peacekeeping force with equal representation of countries preferred by two sides may prove to be the only effective compromise.

In addition to security guarantees, the leaders of the combatant factions also expect to maintain access to political power. While Walter suggests that participation in the competitive political process is insufficient for rebel leaders, other studies point to the success of "rebel-to-party transformations" in directing war-related grievances into peaceful institutional channels.[49] The practice of pursuing such transformation through formal or informal agreement between combatants has been almost exclusively a post-Cold War phenomenon. Out of 33 groups that successfully completed their rebel-to-party transformations between 1975 and 201, only two achieved this prior to 1989.[50] Among the preconditions for effective transformation of rebel groups into political parties are cohesive leadership, organizational resources, and the existence of a popular support base.[51] One cross-national study indicates that the presence of a rebel party in

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48 For a summary of various peacekeeping proposals, see Magdalena Grono and Jonathan Brunson, "Peacekeeping in Ukraine's Donbas: Opportunities and Risks," March 6, 2018, https://www.crisisgroup.org/europe-central-asia/eastern-europe/ukraine/donbas-peacekeeping-opportunities-and-risks.

49 Terrence Lyons, "Soft Intervention and the Transformation of Militias into Political Parties," in *Strengthening Peace in Post-Civil War States: Transforming Spoilers into Stakeholders*, ed. Matthew Hoddie and Caroline Hartzell (Chicago: University of Chicago Press, 2010).

50 Mimmi Söderberg Kovacs and Sophia Hatz, "Rebel-to-Party Transformations in Civil War Peace Processes 1975–2011," *Democratization* 23, no. 6 (2016): 990–1008.

51 Mimmi Söderberg Kovacs, "When Rebels Change Their Stripes: Armed Insurgents in Post-War Politics," in *From War to Democracy: Dilemmas of Peacebuilding*, ed. Anna K. Jarstad and Timothy D. Sisk (Cambridge: Cambridge University Press, 2008).

post-war institutions increases short-term and long-term durability of peace.[52] Integration of the party tied to former rebel groups is expected to eliminate potential spoilers, develop stakes of former rebels in the new system, provide them with non-violent means of conflict resolution, make them more accountable to their constituency, and increase the overall legitimacy of the election process and new authority structures. However, as Berti notes, some of the positive effects from rebel conversion depend on prior organizational structure of rebel groups and their political wings.[53] Groups with a highly integrated political and military structure, such as Hezbollah, are the least likely to undergo a successful transformation into an exclusively political force. This dilemma points to major challenges in achieving rebel conversion in the Donbas.

The leaders of the armed groups in the Donbas have already established their own political organizations, which participate in separatist-administered elections, control local councils throughout the conflict region, and engage with the residents. In Berti's terms they have turned into "hybrid politico-military organizations" tightly linking political activities and armed struggle. In both "republics" military and political wings are also subordinated to a single leadership. The DPR's two major political factions represented in the "republican" assembly are "Donetsk Republic" (DR) chaired by the DPR leader Denis Pushylin and "Free Donbass" tied to an early separatist leader Pavel Gubarev and chaired by his wife Iekaterina. The dominant political organization in LPR is "Mir Luganshchine" (ML) chaired by the current LPR leader Leonid Pasechnik. All three forces position themselves as civic organizations aimed at providing social services and welfare assistance to residents of their respective territories. At the same time, they organize party congresses, run youth groups, and participate in the electoral process.

On the one hand, the cohesiveness of the political and military wings of the separatist forces and their integrated leadership can make it easier to achieve their disarmament and conversion into an institutionalized political party. They offer ready-made organizational vehicles for separatist activists with developed clientelistic networks extending from the cities to smaller towns. This gives them "convertible capabilities" that substantially improve their electoral prospects.[54] Some evidence suggests that the provision of services by rebel groups improves electoral performance of their parties.[55] Hence, the leaders of separatist groups

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52 Michael Christopher Marshall and John Ishiyama, "Does Political Inclusion of Rebel Parties Promote Peace after Civil Conflict?" *Democratization* 23, no. 6 (2016): 1009–25.

53 Benedetta Berti, *Armed Political Organizations: From Conflict to Integration* (Baltimore: Johns Hopkins University Press, 2013).

54 Jennifer Raymond Dresden, "From Combatants to Candidates: Electoral Competition and the Legacy of Armed Conflict," *Conflict Management and Peace Studies* 34, no. 3 (2017): 241.

55 John Ishiyama and Michael Widmeier, "Territorial Control, Levels of Violence, and the Electoral Performance of Former Rebel Political Parties After Civil Wars," *Civil Wars* 15, no. 4 (2013): 531–50.

in Donetsk and Luhansk can endorse disarmament and demobilization without fear of being marginalized politically. Their control over mobilization resources and administrative tools would give them a competitive advantage over other Ukrainian parties. Their leadership roles in legalized political groups could also shield them and their allies from possible retribution by the Ukrainian state agencies.

However, an integrated political-military structure also presents three important challenges for their successful transition into political arena. First, in contrast to political wings of rebel forces in other countries, these political organizations emerged as key tools for separatist governance in the DPR and LPR. Their ideological program promotes independence for these regions and would be incompatible with participation in Ukraine's institutional politics. Their reintegration would then require a major revision of their principles and goals with an emphasis on accommodation with the Ukrainian state and acceptance of its jurisdiction over the entire region. Otherwise, their inclusion in the political process risks deepening war cleavages and hampering the reconciliation process. Second, the centrality of the leaders of these groups for organizing an armed struggle against Ukrainian forces and their direct involvement in the fighting delegitimizes them in the view of Ukrainian public opinion and central government. The law on state policy in "temporarily occupied territories of Donetsk and Luhansk oblasts" identifying separatist authorities as Russia's "occupational administration" further complicates their post-conflict acceptance as legitimate regional representatives, especially in leadership positions.[56] Hence, there needs to be leadership turnover in separatist groups to create an opportunity for direct talks with the Ukrainian authorities. Finally, if separatist leaders maintain informal control over the military apparatus they could revive the military component of their organizations if they sense a threat to their power status.

The conversion of rebel groups into recognized political organizations will, thus, become one of the most complex and contested elements of the transition. However, without the inclusion of separatist political groups in the electoral process the prospects of elections will be dim. Furthermore, the pacifying effect of the elections will depend on the extent to which formerly separatist political organizations subsequently have sufficient freedom to maintain their grass-roots operations and engage with their constituency across the region. The inclusion of these groups into the political process cannot be just a temporary measure but

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56 Zakon Ukrainy, "Pro osoblyvosti derzhavnoi polityky iz zabezpechennia derzhavnoho suverenitetu Ukrainy na tymchasovo okupovanyh terytoriah u Donets'kiy ta Luhans'kiy oblastiakh," January 18, 2018, https://zakon.rada.gov.ua/laws/show/2268-19.

needs to be a permanent guarantee. Their initial recognition and subsequent exclusion may be especially counterproductive, undermining trust in the new political system among their constituency and increasing risks of a violent backlash.[57] However, their legal recognition should be conditional on their compliance with the terms of the peace agreement.

Transitional Justice Mechanisms

The successful demobilization and reintegration of former rebels also depends on their post-conflict legal status. If the government reserves the right to prosecute former rebels for any crime committed during the war it creates incentives for spoiling and precludes the possibility for converted rebel groups to compete on equal terms with other political parties. Hence, comprehensive amnesty, or promise to not prosecute or punish conflict-related offenders, has been the most common type of transitional justice tool during and following the civil war. Moreover, in the period between 1970 and 2007, out of 192 amnesties granted during or after civil wars, 78 percent targeted government opponents and another 20 percent were granted both to rebels and state agents.[58] This indicates that amnesty is used as an instrument to achieve demobilization or preempting spoiling on the part of non-state actors. It is also a common bargaining strategy in the cases of stalemated conflicts. Almost half of all conflicts resolved through negotiated agreements between 1946 and 2006 include amnesty provisions.[59] By contrast, trials are most common in conflicts that ended with a one-sided victory. Snyder and Vinjumari develop the logic of consequences underriding the strategy of granting amnesties. They argue that "amnesty should be recognized as a legitimate tool when it serves the broader interest in establishing the rule of law."[60] In those cases when potential targets of prosecutions are strong enough to undermine the new institutional framework and weaken the rule of law, amnesty is preferable to punishment.

A series of recent empirical studies examined the effect of amnesties and other post-conflict justice mechanisms on the sustainability of peace. One study finds that in the period between 1970 and 2006, over half (54%) of peace agreements containing amnesties led to sustainable peace, while over a quarter (27%)

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57   Berti, *Armed Political Organizations*.

58   Tricia Olsen, Leigh Payne, and Andrew Reiter, "Transitional Justice in the World, 1970–2007: Insights from a New Dataset," *Journal of Peace Research* 47, no. 6 (2010): 803–09.

59   Helga Malmin Binningsbø, Cyanne E. Loyle, Scott Gates, and Jon Elster, "Armed Conflict and Post-Conflict Justice, 1946–2006: A Dataset," *Journal of Peace Research* 49, no. 5 (2012): 731–40.

60   Jack Snyder and Leslie Vinjamuri, "Trials and Errors: Principle and Pragmatism in Strategies of International Justice," *International Security* 28, no. 3 (2003): 14.

experienced resumption of violence shortly after the signing.[61] Another study comparing the effect of six mechanisms of post-conflict justice between 1950 and 2006 finds that the likelihood of conflict decreased by 35% if the government granted amnesty.[62] It shows an even lower likelihood of conflict recurrence following the provision of government reparations or comprehensive trials. However, these policies are effective only if they target equally the pro-government and rebel sides. The one-sided prosecution of rebels has no significant association with the lower likelihood of conflict recurrence.

Ultimately, as Snyder and Vinjamuri argue, the effectiveness of amnesties depends on the capacity of the government to enforce its terms.[63] If the promise of amnesty is merely a bargaining ploy that the government does not intend to fulfil, its inclusion in the deal will only accelerate its failure. Similarly, if the government is unwilling to rein in armed radicals on its side vying for revenge, the credibility of its other promises will be compromised. Finally, the ambiguity of the terms of the amnesty may sow doubts about the consistency of its application and weaken its effectiveness. As a result, two-thirds of all post-conflict amnesties granted since 1946 were comprehensive and unconditional and only less than 20 percent were limited to certain categories of combatants.[64]

These findings suggest that a comprehensive amnesty may be the most effective transitional justice tool in the case of the armed conflict in the Donbas. While the Ukrainian authorities have insisted on accountability of separatists responsible for war crimes and human rights violations, this strategy could be achieved only in case of decisive victory of the government side. Any attempts to identify a specific category of rebels who could still be liable for their actions opens the possibility of a widespread crackdown against anyone involved in separatist armed groups. However, the sheer scale of military mobilization on the rebel side, more than 50,000 people in four years of the conflict, makes a thorough investigation of each case an impossible task for Ukrainian law enforcement agencies. Moreover, symmetrical investigations and accountability for human rights abuses committed by the government side would be even less feasible. Any attempts to prosecute former rebels would then make Ukrainian government susceptible to charges of pursuing selective persecutions and individual vendettas. It would destabilize the implementation of the agreement and increase the likelihood of a violent backlash.

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61 Andrew G. Reiter, "Examining the Use of Amnesties and Pardons as a Response to Internal Armed Conflict," *Israel Law Review* 47, no. 1 (2014): 133–47.

62 Cyanne Loyle and Benjamin Appel, "Conflict Recurrence and Postconflict Justice: Addressing Motivations and Opportunities for Sustainable Peace," *International Studies Quarterly* 61, no. 3 (2017): 690–703.

63 Snyder and Vinjamuri, "Trials and Errors."

64 Binningsbø et al., "Armed Conflict and Post-Conflict Justice."

At the same time, some form of accountability can be achieved using other transitional justice mechanisms compatible with the goal of ending the conflict in the Donbas. The most effective is the institution of the truth commission, like the ones created following civil wars in El Salvador and Guatemala. The commission's mandate is to establish a complete record of human rights abuses by both sides and identify individual complicity in specific episodes. The findings of the commission could serve as the basis for achieving a post-conflict reconciliation and establishing a common narrative of the conflict. They could also provide grounds to ban those identified as responsible for war crimes and major human rights violations from holding office or participating in the political process. As Loyle and Appel note, there has been no civil war recurrence in any of the cases where the truth commissions were established.[65]

Election Timing and Participation

Post-conflict elections have become an increasingly common tool of political stabilization following the end of hostilities. Electoral participation provisions have been included in almost half of all peace agreements signed after 1989.[66] Their inclusion is associated with lower likelihood of conflict recurrence compared to other agreements without such provisions.[67] However, the impact of their implementation on preventing conflict recurrence remains a contested issue in the literature. Some suggest that early post-conflict elections tend to favor former rebel parties, which may allow them to fortify their political dominance and marginalize mainstream political forces.[68] In the absence of functioning political institutions, such dominance may result in the creation of authoritarian enclaves, reinforcement of regional alienation, and breakdown of power-sharing agreements. There is also evidence that local elections in conflict regions conducted separately from elections nationwide may produce regional parties, which may further preclude their political integration.[69] Finally, a rush to post-conflict elections in the conditions of unsettled conflict may deepen pre-existing social fissures, and increase internal polarization thus complicating further progress in conflict resolution.[70]

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65   Loyle and Appel, "Conflict Recurrence and Postconflict Justice."
66   Aila M. Matanock, *Electing Peace: From Civil Conflict to Political Participation* (Cambridge: Cambridge University Press, 2017).
67   Matanock, *Electing Peace*, 200.
68   Söderberg Kovacs, "When Rebels Change Their Stripes."
69   Dawn Brancati, *Peace by Design: Managing Intrastate Conflict through Decentralization* (Oxford: Oxford University Press, 2009).
70   Roland Paris, *At War's End: Building Peace After Civil Conflicts* (Cambridge: Cambridge University Press, 2004).

Elections, however, may have drastically different effects depending on their timing, the nature of the country's regime, and international involvement in the conflict. One study shows that elections in established democracies are much more favorable for preventing conflict recurrence and economic reconstruction than in new democracies or autocracies.[71] Moreover, new democracies are likely to experience positive effects of post-conflict election only if they are conducted in the third or following years of transition. The authors explain this finding by the need for crucial democratic institutions to consolidate internally once the conflict is settled. Otherwise, political actors who find themselves on the losing side of the election may resort to force to reverse the results. On the other hand, political winners may similarly try to broaden their power in violation of existing executive checks.

The timing of the election, however, has a strong independent effect on conflict recurrence. One study of post-Cold War peace accords shows that implementation of electoral provisions of peace agreements within ten years of their signing has a strong favorable impact on persistence of peace.[72] However, a cross-national study of elections following civil wars in the period between 1945 and 2008 suggests that national elections need to be delayed by at least five years to reduce the probability of a new civil war.[73] Importantly for Ukraine's case, it finds greater positive effects of post-conflict elections when they are preceded by demobilization, accompanied by decentralization, and held in the presence of the UN peacekeeping mission. At the same time, neither democracy nor income levels have a significant effect on conflict recurrence following elections. However, none of the existing studies examine the effects of subnational elections separately from national ones, which somewhat limits the utility of their findings for the case of the Donbas.

One mechanism through which elections foster peace is the involvement of impartial international observers. The presence of the monitoring missions during the election and post-election phases may help to resolve commitment problems for both sides and ensure compliance with election outcomes. Matanock shows that the presence of international observers during elections and provision of further democracy assistance decrease risk of conflict recurrence in cases where elections are held.[74] She argues that international actors can exercise most leverage when they make financial aid conditional on compliance with the agree-

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71 Thomas Edward Flores and Irfan Nooruddin, "The Effect of Elections on Postconflict Peace and Reconstruction," *The Journal of Politics* 74, no. 2 (2012): 558–70.

72 Matanock, *Electing Peace*, 209.

73 Dawn Brancati and Jack L. Snyder, "Time to Kill: The Impact of Election Timing on Postconflict Stability," *Journal of Conflict Resolution* 57, no. 5 (2012): 822–53.

74 Matanock, *Electing Peace*.

ment and impose sanctions in case of violations. Their credibility, however, rests on the strength of their nonpartisan reputation and their ability to apply pressure equally on both sides. This reinforces the significance of the composition of monitoring mission that needs to be trusted by all parties of the conflict.

The findings on the effects of post-conflict elections strongly suggest the need for a transitional period of two to three years before regional elections are held in the Donbas. The accelerated election schedule will intensify political contestation, particularly between official Ukrainian parties and rebel-related political forces. It will also complicate electoral participation of millions of refugees who fled to Russia or those displaced from Donbas to other parts of Ukraine. Holding elections in a volatile post-conflict environment creates ample opportunities for voter intimidation, electoral fraud, and disinformation campaigns that could build on conflict-related cleavages. The deployment of a peace-keeping contingent in the Donbas would have a tangible effect on improving security in the region only after it replaces rebel units as the main police force. Furthermore, the level playing field for all political forces would require the creation of a transitional political authority with equal representation from former rival sides and, possibly, international organizations. There should also be an independent electoral board consisting of international and regional representatives to oversee the conduct of the campaign and ensure a fair electoral outcome. The importance of establishing a secure environment and achieving procedural fairness dictates a longer preparation phase for elections to have a pacifying effect. Moreover, holding elections cannot become the endpoint of a peace process. Rather, elections are a mechanism of establishing legitimate regional authority, which could then start the process of direct bargaining with Kyiv over the terms of a final peace settlement.

Conclusion

The armed conflict in the Donbas has reached the stage of a stalemate, which requires all sides to consider alternative solutions short of victory. The empirical studies of similar conflicts offer four key insights that could help to increase the likelihood of establishing a durable peace. First, territorial power-sharing that would grant broad autonomy powers to the region has been the most effective institutional mechanism of dividing state power with former rivals. It may be particularly applicable to the Donbas conflict given its territorially bounded and non-ethnic character. At the same time, a variety of risks associated with creating a possible segment-state call for the adoption of a strategy of divided majorities. The goal is to prevent centralization of power within new autonomous provinces and to create cross-cutting cleavages that would weaken regional iden-

tity. This strategy would be particularly effective with the reconstitution of Donetsk and Luhansk oblasts and further devolution of power within them to local city assemblies.

The second insight points to the importance of allowing rebel conversion into legitimate political parties that would pursue their goals through institutionalized non-violent channels. The presence of integrated politico-military organizations in DPR/LPR makes it easier to accomplish such a conversion, but also poses a variety of risks. There needs to be a comprehensive change in the ideology and leadership of these organizations for them to transform into legitimate actors in the Ukrainian political arena.

The third insight calls for a comprehensive and unconditional amnesty granted to all participants of the armed conflict. The granting of such an amnesty has been a frequent feature of transitions following negotiated agreements and improved the chances of stable post-conflict outcomes. At the same time, the mechanism of a truth commission could be used to establish a degree of accountability for crimes committed by both sides during the conflict and to create a shared factual narrative of its causes and dynamics.

Finally, despite the positive effects that elections have in a post-conflict environment, the "rush to the polls" can also reinforce existing divides and raise doubts about the fairness of the process. Hence, a delay in holding elections would enable the formation of an independent electoral commission, ensure a level playing field for all political actors, and allow for the return of millions of refugees and internally displaced people. At the same time, the presence of international monitoring groups and the linkage of financial assistance to political progress in the former conflict zone are important mechanisms of resolving commitment problems and incentivizing compliance with the agreements by all sides.

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THE WAR IN UKRAINE'S DONBAS

The War in Ukraine's Donbas analyzes the ongoing conflict in Ukraine. It goes beyond simplistic media interpretations that limit the analysis solely to Vladimir Putin and Russian aims to annex Ukraine. Instead, the authors identify the deeper roots linked to the autonomy and history of the Donbas as a region. The contributions explore local society and traditions and the alienation from Ukraine caused by the events of Euromaidan, which saw the removal of the Donetsk-based president Viktor Ianukovych. Other chapters address the refugee crisis, the Minsk Accords in 2014, and the impact of the new president Volodymyr Zelensky and his efforts to bring the war to an end by negotiations among Russia, Ukraine, France, and Germany.

The book concludes with four proposals for a durable peace in Donbas: territorial power-sharing; the conversion of rebels into legitimate political parties; amnesty for all participants of the armed conflict; and a transitional period of several years until political institutions are fully re-established.

"*The War in Ukraine's Donbas* is an honest, professional, and convincing attempt to describe and analyze the ongoing conflict in Ukraine. While every chapter discusses a different issue, together they provide a coherent picture of Ukraine and Eastern Europe in the period 2013–2020. The volume gives a voice to different social groups, scholarly communities, and agencies relevant to Ukraine's recent history."

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