UKRAINE: CONFLICT IN THE DONBAS
CIVILIANS HOSTAGE TO ADVERSARIAL GEOPOLITICS

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July 2020

Acknowledgments

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Acronyms

ACTED: Agency for Technical Cooperation and Development
ATO: Anti-Terrorist Operation
CIA: United States Central Intelligence Agency
DDC: Donbass Development Center
DRC: Danish Refugee Council
DPR: Donetsk People's Republic
ECHO: European Civil Protection and Humanitarian Aid Operations
ERW: Explosive remnants of war
EU: European Union
FAO: Food and Agriculture Organization
GCA: Government-controlled areas
GDP: Gross Domestic Product
GoU: Government of Ukraine
IAC: International armed conflict
IASC: Inter Agency Standing Committee
ICJ: International Court of Justice
ICRC: International Committee of the Red Cross
IDP: Internally displaced person
IHL: International humanitarian law
INGO: International non-governmental organization
IOM: International Organization for Migration
IP: Implementing partner
JFO: Joint Forces Operation
LPR: Luhansk People's Republic
MSF: Médecins sans Frontières (Doctors Without Borders)
NATO: North Atlantic Treaty Organization
NFI: Non-food items
NIAC: Non-international armed conflict
NGCA: Non-government-controlled areas
NGO: Non-governmental organization
NRC: Norwegian Refugee Council
NWOW: New Way of Working
OHCHR: Office of the United Nations High Commissioner for Human Rights
OSCE: Organization for Security and Co-operation in Europe
OSCE SMM: Special Monitoring Mission
PIN: People in Need
PU-AMI: Première Urgence - Aide Médicale Internationale
UAF: Ukrainian Armed Forces
UN: United Nations
UNCIMIC: United Nations Civil-Military Coordination
UNGA: United Nations General Assembly
UNHCR: United Nations High Commissioner for Refugees
UNHRMMU: United Nations Human Rights Monitoring Mission in Ukraine
UNICEF: United Nations Children's Fund
UNOCHA: United Nations Office for the Coordination of Humanitarian Affairs
UNSC: United Nations Security Council
USSR: Union of Soviet Socialist Republics
WASH: Water, Sanitation and Hygiene
WFP: World Food Programme
WHO: World Health Organization

KEY MESSAGES

Civilians endure violence and prolonged suffering

Populations living along the contact line dividing Ukraine and the non-government controlled separatist areas in the Donbas are hostage to a protracted conflict in its seventh year, leaving them in lingering humanitarian need and dependence. This is particularly true for displaced populations and those living in poverty. The conflict has provoked human rights violations and widespread impunity, insecurity, and lack of economic prospects in the midst of deteriorating social unity and violent political divisions. Since 2014, the war in the Donbas has inflicted a heavy burden of civilian death, injury, displacement, destruction, and lasting trauma. As the conflict continues, the people of Donbas are more isolated than ever from the rest of the country, subjected to discrimination and stigmatization by both the Ukrainian authorities and separatist leaders.

The conflict in the Donbas accentuates the limits of impartial and independent humanitarian action, access negotiations, and multifaceted operational policies of "localization"

Humanitarian operations in Eastern Ukraine are under significant pressure by the de facto authorities. Agencies struggle to bridge the gap between critical needs and their response capacity, while being forced to rely almost exclusively on local organizations as sub-contractors of humanitarian programming, rather than partners in co-creating the future of aid in Ukraine. In the process of humanitarian negotiations, agencies must guard against the instrumentalization of aid; the blurring of lines between political, military, and relief operations; and an ever-shrinking humanitarian space. INGOs must navigate adverse geopolitical agendas and bureaucratic impediments that authorities place upon organizations; counterterrorism narratives that conflict with humanitarian principles and priorities; and the proliferation and fragmentation of actors that impede humanitarian action. It is in this context that we see the interconnection and interdependence of the humanitarian-development nexus, peace and security approaches, and global-local partnerships that carry the power to either bolster assistance or exacerbate existing fissures in the humanitarian sector, creating further fragility in a country plagued by deep seated divisions.

Geopolitical tensions with the Russian Federation eclipse peace in the Donbas

Ukraine's post-Soviet national identity has made its struggle for independence and self-determination tenuous and vulnerable to Russian socio-economic influence, with lasting implications for civilians. Lack of governance and responsibility undermines Kyiv's capacity to mitigate Russian dominance"—particularly in light of the annexation of Crimea"—to foster national unity, to restore legitimacy in all parts of the country, and to recover its sovereignty over the Donbas. The shaky implementation of the Minsk agreements"—much of which contradict Ukraine's national interests"—have been the lynchpin for continued EU and US political support to Ukraine, mirroring their multiple relations and tensions with the Russian Federation. While the US is not part of the Normandy Format, its influence over Ukraine's political choices and processes, as well as its bilateral diplomacy with Moscow over complex agendas including contexts such as Syria and Libya, or the pressures of an arsenal of sanctions, significantly weaken the will for resolution and peace in the Donbas.

Impunity and weak governance across the country are detrimental to constructive dialogue between the parties to the conflict

On both sides of the frontline, Ukrainians are losing faith in the authority and legitimacy of State institutions. Discriminatory language policies and arbitrary, erratic attempts to curb organized crime and "terrorist" activity in the East have arguably undermined Ukrainian national cohesion. Systemic corruption reveals that state fragility and impunity are extensive—and not limited to separatist zones—further weakening national stability. Unmet development, reconstruction, and justice needs are part of a larger failing of Ukrainian governance that has been the undercurrent of separatist propaganda. These elements contribute to underdevelopment, malfunctioning infrastructure, the absence of governance in DPR and LPR, and a lack of meaningful and impartial engagement by political elites.

Through seven years of armed conflict, fueled and sustained by local and regional political priorities, the Donbas region has suffered persistent killings, violence against civilians, torture, displacement, and lasting economic and social consequences.

Today, a confluence of factors continues to drive conflict in Eastern Ukraine. Triggered by the protests in Kyiv, the rupture between the post-Maidan Ukrainian government and local elites in the Donbas over aspirations of independence and self-determination, highlighted the growing schism between those with Russian-oriented ambitions and those supporting the new Ukrainian regime. As clans, warlords, and oligarchs within Ukraine fight for financial gain and political influence, Russian authorities aim to destabilize the Westward-leaning Ukrainian authorities in Kyiv, reinvigorating the enduring geopolitical rivalry between Russia and the West.

These geopolitical power dynamics have had severe local consequences on the Donbas region. Civilians living on the frontline separating Ukraine from the separatist zones, as well as communities in non-government-controlled (NGCA) areas, have been hostages in a protracted conflict. Particularly vulnerable are the elderly, poor, displaced, and disabled, who live in perpetual humanitarian need and prolonged dependence, facing human rights violations, impunity, insecurity, and immobility driven by deteriorating social unity and violent political divisions. The idea of allegiance on either side runs deep, with significant, sometimes fatal consequences for civilians. There is a sentiment of revenge and retribution on both sides of the contact line, questioning prospects for reconciliation, peace, and reintegration of the Donbas after years of violent conflict that have deepened already fragile economic, social, and political relations between Ukraine and Russia.

What drives this protracted conflict? How have global politics and local priorities contributed to sustaining a "frozen" conflict at the expense of communities, and in the interest of asserting nationalist independence at all costs? How have the hopes of local communities in the Donbas withered over time, as they navigate the dissonance in geopolitical rhetoric and their lived reality? What avenues exist for reconciliation and unity amidst this violent divisiveness?

This report explores these questions and offers reflections based on more than 250 interviews undertaken during two field visits to Ukraine and one visit to Russia between November 2019 and January 2020. It also draws on a desk analysis of relevant literature to complement the findings and analysis of these interviews and consultations. This report is divided into four distinct chapters.

Chapter 1, **"Origins and Drivers of the Conflict in the Donbas"** offers a brief historical overview of the conflict, starting with the Maidan protests that erupted in late 2013 and tracing the evolution of the situation in four phases through the present. It delves into the conflict dynamics, the political interests, and clashing narratives propelling the conflict. **Chapter 2, "The Cost of Conflict for Civilians"**, illustrates and contrasts the numerous human rights and humanitarian consequences of the conflict for civilian populations, both in government-controlled (GCA) and non-government-controlled areas. **Chapter 3, "Humanitarian Negotiation and the Nexus Ambition"**, examines the operational and policy challenges that humanitarian organizations face as they navigate the "contact line," including specific restrictions and dilemmas of negotiating and advocating for humanitarian access, and reliance on local organizations in a context of substantial political, security, and operational restriction. **Chapter 4, "Perspectives on the Fate of the Donbas"**, considers scenarios for integration and prospects for reconciliation and peace as the implementation of the Minsk Agreements and the dialogue of the Normandy Format continue.

The report explores three fundamental domestic, regional, and global dynamics that fuel the ongoing separatist mobilization in the Donbas against the backdrop of Ukraine's conflict with Russia. The first is the crystallization of the Donbas identity. It became quickly apparent that as soon as violence and separatist influence started to swell in the Donbas, Ukrainian authorities became more resolute in their isolationist policies. While containing these "rebel-held" areas brought immediate military advantages to Ukrainian forces, this marginalization and hostility contributed to the growth of local popular support for the separatist regime and against Ukraine"—including any possibilities for peaceful reintegration"—on the long term.

Second, decades of socioeconomic deterioration throughout the Luhansk and Donetsk oblasts have accelerated the conflict. The region has experienced significant social and political transformation since during the course of the conflict.

As local populations flee amidst escalating hostilities, the region has lost much of its intellectual and middle class, as well as communities favorable to a unified Ukraine. In their absence, the influx of populations from nearby industrial cities, as well as internally displaced populations, back to the Donbas, created a social fabric of communities who were poorer, more vulnerable, and more reliant on social and financial benefits provided by the Donbas de facto state" "—backed by Russian financing. As a result, the Donbas has experienced a significant economic decline and lack of financial and socio-political investment from both Russian and Ukrainian sides, particularly since 2014. Ongoing war and insecurity have benefitted warlords and the separatist elite, who have generated income through looting, smuggling, rent-seeking, and exploiting the sanctions and trade blockades of the separatist republics.

On the contact line and especially in separatist zones, civilians have endured shelling, destruction of their homes and cities, economic sanctions, blockades, and villainization by Ukrainian media. Adding to this injury is the sentiment that Russian authorities are no longer invested in protecting Donbas populations through formal integration, as they were in Crimea. Civilians have increasingly realized that the Donbas is being leveraged not for their independence and self-determination, but for larger political gain.

Third, it is important to note that the conflict in the Donbas is rooted in policies from the late 1980s during the dismantling of the USSR and the fracturing of territories into independent republics. Understanding that Russia is "losing territories" is critical to understanding the Kremlin's reflection and strategy for the Donbas. The region represents a "buffer zone", with the ambition to, after some time, make the annexation of Crimea as a "fait accompli" vis-à-vis the West. Interviewees reflected that Ukraine remains historically and forever tied to its Russian roots. As a result, Russian authorities look favorably upon separatist movements as opportunities to control the governments of the former Republics of the USSR, supporting them materially and militarily to varying degrees, including with independent "volunteers" to help in the separatist movement. The conflict in the Donbas and the treatment of the zone and its people by Ukrainian authorities has unintentionally triggered a deepening of pro-Russian sentiment, as well as a consolidation of Russian influence in the region and the strengthening of a Donbas identity within Ukraine.

This context analysis brings to light the realities of the communities in the conflict zones surrounding the "contact line", living in government and separatist controlled areas, exploring the humanitarian consequences, the sweeping, systemic human rights violations, and the absence of justice under the repressive regimes of the Donbas regions. It also offers reflections on organizations' efforts to negotiate access in a highly constrained humanitarian space, with the hopes of enabling humanitarian operations and facilitating (1) the access of humanitarian organizations to civilian populations and (2) the access of communities to the essential services they need in the midst of political, bureaucratic, and security obstacles.

International humanitarian agencies face a restricted, opaque, and unpredictable operational space to assist the populations in Eastern Ukraine. Over time, and under the constant pressure of Kyiv and separatist authorities, ongoing insecurity due to the conflict, and the challenges of negotiating independent and neutral humanitarian aid, international NGO have essentially left the Donbas, leaving behind local NGOs to manage a narrow window of assistance programming. The resulting lack of access, restriction of movement, limitation in terms of proper needs assessments, and sensitivity to data collection and public communication has adversely impacted the quality, delivery, and effectiveness of humanitarian action.

As this report explores, negotiations with the Government of Ukraine on the organizational presence and mobility of humanitarian actors have been fruitful, leading to a noteworthy evolution since the early period of the conflict. However, the authorities have not adopted an enabling posture to ensure civilians' access to services, particularly for populations living in the NGCA, and instead, tightly controls the movement of people in and out of the Donbas. Meanwhile, separatist authorities have been generally distrustful and obstructive of international humanitarian programming in territory under their control, squeezing out most agencies while privileging a limited number of locally-approved NGOs. These dynamics fuel the on-the-ground realities for communities, wherein the polarized politics of the conflict result in the population along the contact line and in NGCA, in particular, being left behind. These access challenges also bring to light the complex operational realities of reliance on and negotiation with local NGOs in situations where humanitarian action has been progressively politicized and operational space has been effectively eliminated.

The shaky implementation of the Minsk agreements"—much of which undermines Ukraine's national interests"—have been the lynchpin for continued European Union (EU) and United States (US) political support to Ukraine, mirroring

their multiple relations and tensions with the Russian Federation. While the US is not part of the Normandy Format, its influence over Ukraine's political choices and processes significantly weaken the will for resolution and peace in the Donbas. US bilateral diplomacy with Moscow over complex agendas including, among others, contexts such as Syria or Libya, and the pressure of sanctions, further limit the willingness to pursue peace.

With falling energy prices, sanctions, and military and economic support for EU and US reforms in Ukraine, the West seeks to consolidate its approach in a region where the political and economic cost is described, above all, as the sole fruit of Russian destabilization. Ukraine's challenge remains to maintain the support of EU and US partners while balancing geopolitical priorities, domestic reforms, and the expectations of diverse, divided, and potentially violent constituents"—with the risk of sacrificing its poorest and most vulnerable communities.

RECOMMENDATIONS TO UPHOLD THE DIGNITY AND PROTECTION OF CIVILIANS IN THE DONBAS

To the Ukrainian authorities

1. Ensure full respect of international humanitarian law and human rights laws, in particular in terms of the conduct of hostilities, treatment of detainees, preservation of public infrastructure, and ending impunity;
2. Lift any economic and social restrictions imposed on all Ukrainian citizens, in particular those living in the separatist zones;
3. Facilitate the movement of populations in the Donbas region between GCA and NGCA, ease the procedures for crossing of checkpoints, and create additional crossing points and restoring railway transportation to the separatist zones;
4. Demilitarize the contact line and continue demining efforts;
5. End any laws toward the Donbas populations (and in particular the Russophone communities) that serve to stigmatize, limit democratic rights or isolate civilians;
6. Prevent attempts of disparate treatment of Donbas population in the media and facilitate freedom of media and objective coverage of events in Donbas.
7. Engage in a series of investments for public infrastructures directly for the Donbas region, in particular in the health, education, energy, environmental protection, conservation of natural resources and transport sectors;
8. Develop research and programming in favor of environmental progress;
9. Design encouraging policies for the support and return of youth to Donbas region (including universities, economic opportunities, and jobs);
10. Engage in bilateral dialogue with the separatist de facto authorities toward resolution of the conflict;
11. Continue to seek constructive dialogue and solutions with the Russian Federation.

To the separatist leadership in DPR and LPR

1. Demonstrate full respect of international humanitarian law and civilian populations, in particular in terms of the conduct of hostilities, treatment of detainees, preservation of public infrastructure, and ending impunity;
2. Facilitate the movement of populations in the Donbas region between GCA and NGCA, ease the procedures for crossing of checkpoints, and create additional crossing points, and contribute to restoration of the railway transportation;
3. Significantly increase the access for independent and impartial humanitarian evaluation, assistance, and reconstruction and development programs in NGCA;
4. Support the expansion of international and local humanitarian assistance and protection and early recovery/development activities in NGCA;
5. Demilitarize the contact line and facilitate demining efforts;
6. Engage in bilateral dialogue with the Ukrainian authorities toward resolution of the conflict.

To the Russian Federation

1. Promote the implementation of investigations in separatist-controlled areas to address human rights violations and demonstrate significant steps toward fighting impunity;
2. Support a process of disarmament in separatist-controlled areas in partnership with both the Ukrainian and separatist authorities;
3. Promote reform of the Minsk agreements in order to preserve the integrity of Ukraine and protect the rights of the Donbas population and review the diplomatic impact of the Normandy Format;
4. Support the adaptation of the OSCE SMM missions and activities to the current and evolving realities of conflict in the Donbas;
5. Focus bilateral discussions with the EU and US toward a peaceful, non-military resolution of resolving the Donbas conflict amidst other geopolitical priorities and agendas.

To the EU and US stakeholders and donor community

1. Ensure the implementation of all investigations of human rights violations and demonstrate significative steps on fight against impunity and a path to justice and reconciliation;
2. Undertake an independent assessment and reflection regarding the impacts and limitations of humanitarian and development initiatives in the Donbas;
3. Undertake an independent assessment of the impact of sanctions on civilian populations and advocate for lifting any sanctions that have direct negative consequences on civilian and vulnerable populations;
4. Develop a process of disarmament in and around the contact line in partnership with the Ukrainian, separatist, and Russian authorities;
5. Directly support local humanitarian and development initiatives in GCA;
6. Support international and local humanitarian action in NGCA through financial and capacity-building activities;
7. Promote reform of the Minsk agreements in order to preserve the integrity of Ukraine, protect the rights of Donbas population and review the diplomatic impact of the Normandy Format;
8. Adapt the OSCE SMM missions and activities to the current and evolving realities of conflict in the Donbas;
9. Focus bilateral discussions with the Russian Federation resolving the Donbas conflict amidst other geopolitical priorities and agendas.

Introduction

This context analysis examines the impact of the protracted conflict in Eastern Ukraine on the country's civilian population. Exposing the challenges faced by communities living in the Donbas, on the frontline of this conflict—in particular, along the nearly 500 kilometer "contact line" separating Ukraine-controlled territories and separatist-controlled regions of Ukraine—this paper discusses the dilemmas and constraints of humanitarian response efforts, human rights violations, insecurity, and the deterioration of state services and infrastructure.

The report situates these issues in the context of the highly divisive and politicized drivers of this conflict: complex domestic and international politics, ongoing development and reform efforts in the country, and the prospects for peace and reconciliation. In doing so, the authors ascertain that Ukraine has become a case study exemplifying the challenges of implementing humanitarian operations in a deadlocked, or "frozen" conflict.[1] Today, violence in Eastern Ukraine has abated, notwithstanding the consistently violated ceasefires[2], little change in territorial control, and minimal advancement on peace accords and diplomatic dialogue. Populations endure this political limbo as the fate of the separatist zones of the Donbas region remains contested.

As this report will analyze, the frozen nature of the conflict stems largely from divisions remaining among key political stakeholders—namely, the Ukrainian and Russian authorities—concerning the future status and control of the eastern regions of the country. Consensus is lacking on who should assume responsibility for these areas, particularly in terms of supporting and implementing processes of governance, political integration, development, and economic investment. In the midst of these debates and negotiations, Ukraine remains an atypical response context for humanitarian organizations. It is a middle-income country, situated in Eastern Europe, and has been pursuing sweeping reforms in multiple sectors, including governance[3], decentralization[4], law enforcement[5], the judiciary[6], and healthcare.[7] Yet, other dimensions of this conflict are emblematic of increasingly typical global trends. The armed conflict has both internal and external dimensions; it is driven by strong separatist motivations, as well as the pull of international forces settling decades-long political disputes; with significant consequences for civilians.

Methodology

This paper is based on 250 semi-structured interviews undertaken during two separate field visits to Ukraine in November and December 2019. Interviews along the government-controlled side of the contact line were conducted in various locations from Novotroitske to Zolote, including villages such as Avdeevka, Optyne, or Marinka. Interviews also took place in separatist-held areas in Donetsk, its suburbs, as well as several villages and cities close to the frontline, including Gorleevka and Horlivka. Additional interviews were conducted in Kyiv, Dnipro, Kharkiv, Zaparoje, Sloviansk, Kramatorsk, Berdiansk, and Mariupol. Research activities also included field interviews in Russia in January 2020, as well as consultations and interviews conducted with a variety of stakeholders in France, Canada, the United States,

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[1] Thomas de Waal and Nikolaus von Twickel, Beyond Frozen Conflict: Scenarios for the Separatist Disputes of Eastern Europe (London: Brussels Rowman & Littlefield International, 2020, https://www.ceps.eu/wp-content/uploads/2020/03/Frozen-Conflicts-_final.pdf.

[2] "Invaders violate ceasefire in Donbas 12 times. Two Ukrainian soldiers wounded," MENAFM, 1 July 2020, https://menafn.com/1100415206/Invaders-violate-ceasefire-in-Donbas-12-times-Two-Ukrainian-soldiers-wounded.

[3] "Democratic Governance newsroom: A series of meetings were held in the framework of the Programme "Decentralisation and local government reform in Ukraine" on 25-28 February 2019 in Kyiv," Council of Europe, 25-28 February 2019, https://www.coe.int/en/web/good-governance/-/a-series-of-meetings-were-held-in-the-framework-of-the-programme-decentralisation-and-local-government-reform-in-ukraine-on-25-28-february-2019-in-kyi.

[4] Volodymyr Udovychenko, Anatolii Melnychuk, Oleksiy Gnatiuk, and Pavlo Ostapenko, "Decentralization Reform in Ukraine: Assessment of the Chosen Transformation Model," European Spatial Research and Policy, 24(1), July 2017, https://www.researchgate.net/publication/319010920_Decentralization_Reform_in_Ukraine_Assessment_of_the_Chosen_Transformation_Model; Valentyna Romanova and Andreas Umland, "Ukraine's Decentralization Reforms Since 2014 Initial Achievements and Future Challenges," Ukraine Forum, Chatham House, September 2019, https://www.chathamhouse.org/sites/default/files/2019-09-24-UkraineDecentralization.pdf.

[5] See Richard Steyne and Karina Priajina Khudaverdyan, "Supporting Ukraine's Security Sector Reform: Mapping Security Sector Assistance Programmes," Geneva Centre for the Democratic Control of Armed Forces (DCAF), 2018: 232-241, https://www.dcaf.ch/sites/default/files/publications/documents/Ukraine_Mapping_2018_FINAL_web.pdf.

[6] Steyne and Khudaverdyan, "Supporting Ukraine's Security Sector Reform"
"The Constitutional Court of Ukraine and the Judicial Reform Process," Democracy Reporting International, 15 May 2020, https://democracy-reporting.org/constitutional-court-ukraine-determine-fundamentals-judicial-reform-process/

[7] Steven Pifer, "The Unending Saga of Ukrainian Reforms," Lawfare Blog, 26 September 2015, https://www.lawfareblog.com/unending-saga-ukrainian-reforms.

Switzerland, and remotely via Skype between February 2019 and March 2020. The research included interviews and personal testimonies of an expansive range of individuals, including civilians living in both government and separatist-controlled areas, journalists, humanitarian and development practitioners, Ukrainian government, separatist regime authorities, and Russian government officials, international security and diplomatic actors, military personnel and veterans, volunteer fighters and local actors, and community leaders, among others. At each interview, the researcher explained to the interviewees the research goals, voluntariness, and process before obtaining her/his consent. Considering the sensitive and political nature of these discussions, interviews were conducted in a manner to ensure that any information that could be used to detect an individual's identity remained confidential. Interviewees spoke with the understanding that any quotations used in the report would remain anonymous. Interview data was recorded by hand and the researchers subsequently conducted an initial thematic review to identify cross-cutting issues and sub-topics. Excerpts from the interviews along relevant themes are quoted in this report, in order to illustrate interviewees' insights and experiences. These quotes have been italicized in order to give voice to those reflections. This research also draws on an extensive desk analysis of relevant literature conducted to complement the findings and observations of these interviews and consultations. Individuals recognized in the acknowledgements have given their permission to be named.

This report is divided into four distinct chapters. **Chapter 1**, **"Origins and Drivers of the Conflict in the Donbas"** offers a brief historical overview of the conflict, starting with the Maidan protests that erupted in late 2013, through four phases up to the present day. It delves into the conflict dynamics, the political motivations, and the clashing narratives propelling the conflict. **Chapter 2, "The Cost of Conflict for Civilians"**, illustrates and contrasts the numerous human rights and humanitarian consequences of the conflict for civilian populations, both in government and separatist-controlled areas. **Chapter 3, "Humanitarian Negotiation and the Nexus Ambition"**, examines the operational and policy challenges that humanitarian organizations face as they navigate the contact line, including the constraints and dilemmas of negotiating humanitarian access and the inevitable reliance on local agencies in a context of substantial political, security, and operational restriction. **Chapter 4, "Perspectives on the Fate of the Donbas"**, considers scenarios for integration and prospects for reconciliation and peace as the implementation of the Minsk Agreements and the dialogue of the Normandy Format continue.

CHAPTER 1. ORIGINS AND DRIVERS OF THE CONFLICT IN THE DONBAS

Root Causes of the Conflict

Ukraine has been facing nearly seven years of conflict, which emerged during political protests in the fall of 2013, escalated into armed conflict over the course of 2014, and has since persisted as a low-intensity protracted armed conflict.[8] This section offers an overview of these formative events, discussing the evolution of today's conflict in four phases.[9] The first is the Maidan phase, during which protests led to a turnover of political power with geopolitical implications, shifting Ukraine from a primarily pro-Russian to a definitively pro-Western political orientation. The second is the eruption of armed conflict the following year, entailing the Russian appropriation of Crimea and the emergence of two Russian-aligned separatist-controlled areas in Donetsk and Luhansk. The third is the crystallization of the conflict in late 2014 that remains deadlocked, along with the establishment of the nearly 500-kilometer contact line dividing not only government-controlled areas (GCA) from non-government-controlled areas (NGCA), but also effectively segregating a segment of the Ukrainian population. The fourth phase, beginning in 2018 and continuing through the present, is a period of increased intractability arising from a confluence of various factors—including domestic, regional, and global dynamics—as this chapter details.

1. The Maidan protests

The inciting incident for the Maidan protests—and hence, the events that followed—occurred on 21 November 2013, when the Government of Ukraine (GoU) announced that it would refuse to sign the highly anticipated, yet decidedly divisive, association agreement between Ukraine and the European Union (EU). Even before this reversal, President Viktor Yanukovich had brought the country in a more Russian-leaning, authoritarian direction,[10] which "strengthened the executive office, manipulated rule of law, and limited free speech".[11] It is important to note here that President Yanukovich had been governor of Donetsk (1997 – 2002), as well as Prime Minister of Ukraine (2002 – 2004) prior to his election. Viktor Yanukovich's presidency was a "juggling act of some minimal reforms to satisfy the EU and start formal negotiations; a strong pivot to authoritarian control of politics which helped the process of enriching his 'family' through enormous corrupt procurement deals; and at the same time assurance to Moscow of close relations".[12]

Popular protests ensued. On the evening of 21 November, thousands of people gathered in Independence Square ("Maidan Nezalezhnosti" in Ukrainian) in the country's capital, Kyiv. Protests spread to other cities across the country and the Euromaidan[13] movement emerged.[14] Interviewees in this research confirmed what other analysts have noted: these protests were about much more than Ukraine joining the Ukraine–EU Association Agreement[15] and President

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[8] For a timeline offering a useful overview of the conflict, see "Ukraine Conflict: Timeline," Euronews, 10 February 2015, https://www.euronews.com/2015/02/10/ukraine-conflict-timeline; see also "Humanitarian Response Plan: January - December 2019," Office for the Coordination of Humanitarian Affairs, December 2018: 11. https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/ukraine_2019_humanitarian_response_plan_en.pdf.

[9] For a scholarly work that situates the current conflict in terms of Ukraine's broader history, and dating back to prehistoric times, see generally Serhi Plokhy, The Gates of Europe: A History of Ukraine, Basic Books, New York, 2017. For a work that focuses more specifically on events in Ukraine since the country's independence from Russia in 1991, see generally Anders Åslund, Ukraine: What Went Wrong and How to Fix It , Peterson Institute for International Economics, Washington DC, 2015.

[10] Olexiy Haran, "President Yanukovych's Growing Authoritarianism: Does Ukraine Still Have European Prospects?" PONARS Eurasia Policy Memo, No. 265, July 2013, http://www.ponarseurasia.org/memo/president-yanukovych%E2%80%99s-growing-authoritarianism-does-ukraine-still-have-european-prospects.

[11] Peter J. Marzalik, "Ukraine Conflict: An Inflection Point of International Security", E-International Relations, May 2015, https://www.e-ir.info/pdf/55832.

[12] Oleh Havrylyshyn, The Political Economy of Independent Ukraine. Slow Starts, False Starts, and a Last Chance? London, Palgrave Macmillan, 2017: 142.

[13] Jim Heintz, "Ukraine's Euromaidan: What's in a name?", Associated Press, 2 December 2013, https://news.yahoo.com/ukraines-euromaidan-whats-name-090717845.html.

[14] For reflections on the Maidan protests and their aftermath, see "Ukraine's revolution: Making sense of a year of chaos," BBC, https://www.bbc.com/news/world-europe-30131108. For a firsthand account of the lead-up to the Maidan protests, as well as a narrative of the protests themselves, see Mychailo Wynnyckyj, Ukraine's Maidan, Russia's War: A Chronicle and Analysis of the Revolution of Dignity. (Ididem Verlag, 2019): 33-162.

[15] "EU Formally Approves Ukraine Association Agreement," Radio Free Europe, July 11, 2017, https://www.rferl.org/a/eu-ukraine-association-agreement-formally-approved/28610083.html.

Yanukovich's broader approach to handling relations with Russia and the EU; at stake for protesters were the fundamental values of democracy and human rights.[16]

These early months revealed three key signals of the armed conflict to come. First, political tensions soon turned violent, as the Ukrainian government resorted to the use of force to manage the unrest. Confrontations between protesters and police began as early as 30 November 2013 and escalated in late February 2014, when several dozen civilians and police died in clashes and from sniper fire over the course of several days.[17] Second, the larger geopolitical implications became immediately apparent. In December 2013, representatives from the United States (US) and EU countries visited protesters in Kyiv,[18] while the Kremlin offered extensive economic assistance—loans amounting to US $5 billion, as well as reduced gas prices—for Ukraine; "with the goal of supporting the budget of Ukraine, the government of the Russian Federation made the decision to issue in bonds from the Ukrainian government part of its own reserves from the national welfare fund in the amount of US $15 billion".[19] Third, a humanitarian response, driven by local associative initiatives, in addition to some international programming, began during the Maidan phase, as ad hoc medical assistance organizations emerged to attend to the protesters' myriad health needs, especially when clashes erupted with police.[20] The Ukrainian Red Cross played a key role in these initial medical response efforts, as an interviewee involved in these efforts highlighted, aiding both sides: protesters and police. Several international humanitarian organizations were already present in the country but their engagement at Maidan, at least at first, was informal, undertaken by individuals operating in their personal capacity. International humanitarian agencies slowly crept toward formal organizational engagement as health needs increased with the escalating violence.[21]

The Maidan phase culminated with the Ukrainian parliament voting to oust President Yanukovich,[22] who subsequently fled the country and is now exiled in Russia.[23] This moment marked a shift in the Ukrainian outlook toward the West. A Western-leaning interim government took power, but polling data and news reports at that time showed mixed reactions from the public.[24] The process that unfolded over the following months was not a unification of the country around the aspirations of the Maidan protests, but rather, geopolitically-driven fragmentation and further polarization.

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[16] See generally Olga Onuch, "The Maidan and Beyond: Who Were the Protesters?" Journal of Democracy 25, no. 3 (2014); Jennifer Carroll, "The Fantastic Normal," YouTube, October 30, 2014, https://www.youtube.com/watch?v=wmLo7M2rJGA; Natalia Otrishchenko, "Beyond the Square: The Real and Symbolic Landscapes of the Euromaidan," in Ukraine's EuroMaidan: Analyses of a Civil Revolution (Columbia University Press, 2015).

[17] "Ukraine Conflict: Timeline, Euronews," 10 February 2015, https://www.euronews.com/2015/02/10/ukraine-conflict-timeline; "Ukraine as It Happened, Kyiv's Bloodiest Day," Euronews, 20 February 2014; Ivan Katchanovski, "The 'Snipers' Massacre' on the Maidan in Ukraine," SSRN Electronic Journal, 2015, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2658245; Wynnyckyj, Ukraine's Maidan, Russia's War. For examples of United Nations and humanitarian actors condemning the violence of February 2014, see "Ukraine Crisis: Pillay Sends Urgent Call for Restraint after Deadly Clashes in Kiev," OHCHR, https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14261&LangID=E; "Ukraine: ICRC Urges Respect for Medical Aid and Humanitarian Work," International Committee of the Red Cross Press Release, 20 February 2014, https://www.icrc.org/en/doc/resources/documents/news-release/2014/02-20-ukraine-kiev-violence-respect-medical-humanitarian-work.htm; "UNICEF Statement on the Impact of the Violence in Ukraine on Children," UNICEF, 20 February 2014, https://www.unicef.org/media/media_72688.html; "Ukraine: Senior UN Official Decry Use of Excessive Force as Protests Intensify," UN News, 20 February 2014, https://news.un.org/en/story/2014/02/462272-ukraine-senior-un-official-decry-use-of-excessive-force-protests-intensify#.UwafB_mSxCg.

[18] Wynnyckyj, Ukraine's Maidan, Russia's War: 89-90.

[19] Marzalik, "Ukraine Conflict"; see also David M. Herszenhorn and Andrew E. Kramer, "Russia Offers Cash Infusion for Ukraine," New York Times, 17 December 2013, https://www.nytimes.com/2013/12/18/world/europe/russia-offers-ukraine-financial-lifeline.html.

[20] See generally Tetiana Stepurko et al. "Medical Care on the Euromaidan: Who Have Saved the Lives of the Protesters?" Social, Health, and Communication Studies Journal 1(1), 2014.

[21] See generally "Kiev Protests Update: 19th February 2014," ReliefWeb, 19 February 2014, https://reliefweb.int/report/ukraine/kiev-protests-update-19th-february-2014 which notes: "Since this morning, MSF has one surgeon working in a non-governmental health facility near Maidan square in Kiev. Since his arrival, there have been six wounded treated at the facility, receiving minor surgery for bullet- and blast wounds as well as fractures."

[22] "Ukrainian MPs vote to oust President Yanukovych" BBC News, 22 February 2014, https://www.bbc.com/news/world-europe-26304842.

[23] See Alexander Baunov, Balázs Jarábik, and Alexander Golubov, "A Year After Maidan: Why Did Viktor Yanukovych Flee After Signing the Agreement with the Opposition?" Carnegie Moscow Centre, 25 February 2015, https://carnegie.ru/commentary/59172.

[24] Fredrick Kunkle, "Ukraine's interim leaders struggle to keep country from splitting apart ahead of vote," The Washington Post, 14 May 2014, https://www.washingtonpost.com/world/europe/ukraines-interim-leaders-struggle-to-keep-country-from-splitting-apart-ahead-of-vote/2014/05/14/5b41db1c-da10-11e3-bda1-9b46b2066796_story.html; David M. Herszenhorn, "In Ukraine, Naming of Interim Government Gets Mixed Response," The New York Times, 26 February 2014, https://www.nytimes.com/2014/02/27/world/europe/ukraine.html.

2. The eruption of armed violence

The rest of 2014 saw the increased intensification and internationalization of both the conflict and the humanitarian response in Ukraine. In late February 2014, Russia began its campaign to seize Crimea,[25] an action that was part of "a long-range strategy of preventing Ukraine from escaping Russia's economic and military orbit".[26] On 16 March 2014, prompted by the Russian takeover, Crimea held a referendum, through which it became apparent that voters strongly supported unification of Crimea and Russia.[27] The vote has been "widely criticized as an affront to Ukraine's territorial integrity and remains unrecognized as legally effective by the vast majority of the countries of the world".[28] Interpretations of these events are highly divisive. Russian President Vladimir Putin declared Crimea to have historically been a part of Russia,[29] whereas the Ukrainian parliament passed a bill declaring that Crimea was "occupied territory".[30] A Russian official interviewed for this research discussed the depth of this fissure, noting that, on the one hand, the "West" and Ukraine talk about the annexation of Crimea, while Russia talks about the reclamation of a territory it had once lost.

Internationally, the Crimean referendum was recognized only by a handful of countries.[31] The United Nations Security Council (UNSC) attempted to adopt a resolution urging countries to refrain from recognizing the referendum; it failed, due to Russia's veto.[32] Shortly thereafter, the United Nations General Assembly (UNGA) adopted a non-binding resolution asserting that the referendum was invalid and reaffirmed Ukraine's territorial integrity, requesting that countries "refrain from any action or dealing that might be interpreted as recognizing any such altered status…including any attempts to modify Ukraine's borders through the threat or use of force or other unlawful means".[33] Both sides—the Kremlin, as well as diplomats representing Western countries—accused the other of using pressure to coerce countries to vote in their favor.[34] One legal analyst explains, "Russia used military force to take control of the peninsula and to force Ukrainian troops not to intervene in the process of secession…In doing so, Russia has violated Ukraine's territorial integrity and this situation is perpetuated by the integration of Crimea into Russia's territory".[35] He concludes that "Crimea has at no point become an independent state: it could not secede from Ukraine since the narrow legal requirements for a right to secession were not fulfilled. Thus, from the perspective of international law, Crimea still belongs to Ukraine, whatever the *de facto* situation may look like".[36] Another scholar elaborates, "Crimea's referendum to leave Ukraine does not meet the procedural requirement of peacefulness due to the presence of Russian military forces and local self-defense squads arresting opponents of the referendum in the run-up to the vote".[37]

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[25] Harriet Salem, Shaun Walker, and Luke Harding, "Conflict fears rise after pro-Russian gunmen seize Crimean parliament" The Guardian, 24 February 2014, https://www.theguardian.com/world/2014/feb/24/ukraine-crimea-russia-secession; and Amanda Macias, "A detailed look at how Russia annexed Crimea," Business Insider France, 24 March 2015, https://www.businessinsider.com/how-russia-took-crimea-2015-3.
[26] Neil MacFarquhar, "Russia Plotting for Ukrainian Influence, Not Invasion, Analysts Say," The New York Times, 9 April 2014, https://www.nytimes.com/2014/04/10/world/europe/russia-plotting-for-ukrainian-influence-not-invasion-analysts-say.html.
[27] The referendum surveyed local communities to determine whether they leaned toward joining Russia or to restore Crimea's political status as a part of Ukraine. See "Crimea declares independence, seeks UN recognition", 17 March 2014, https://www.rt.com/news/crimea-referendum-results-official-250/.
[28] Thomas White, Jr., "Referendum in Crimea: Developing International Law on 'Territorial Realignment' Referendums", Houston Journal of International Law 38 (3), 2016: 843 – 886, http://www.hjil.org/articles/hjil-38-3-white.pdf. See also "Crimea declares independence"; and Chris Morris, "Crimea referendum: Voters 'back Russia unios'" BBC News, 16 March 2014, https://www.bbc.com/news/world-europe-26606097.
[29] Steven Lee Myers and Ellen Barry, "Putin Reclaims Crimea for Russia and Bitterly Denounces the West," The New York Times, 18 March 2014, https://www.nytimes.com/2014/03/19/world/europe/ukraine.html.
[30] Christina Bennet, "The humanitarian implications of the crisis in Ukraine," HPG Briefing Note, Overseas Development Institute, 2014, https://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/8989.pdf.
[31] See Jeremy Bender, "These are the 6 countries on board with Russia's illegal annexation of Crimea," Business Insider, 31 March 2016, https://www.businessinsider.com/six-countries-okay-with-russias-annexation-of-crimea-2016-5, which notes that only the following countries have publicly accepted the legitimacy of the Crimea referendum: Russia, Cuba, Nicaragua, Venezuela, Syria, Afghanistan, and North Korea.
[32] "UN Security Council action on Crimea referendum blocked," UN News, 15 March 2014 https://news.un.org/en/story/2014/03/464002-un-security-council-action-crimea-referendum-blocked.
[33] "Backing Ukraine's territorial integrity, UN Assembly declares Crimea referendum invalid," UN News, 27 March 2014, https://news.un.org/en/story/2014/03/464812-backing-ukraines-territorial-integrity-un-assembly-declares-crimea-referendum#.UzSFIPldVQ1.
[34] "Russia criticizes U.N. resolution condemning Crimea's secession," Reuters, 28 March 2014, https://www.reuters.com/article/us-ukraine-crisis-un-russia-idUSBREA2R0DA20140328.
[35] Christian Marxsen, "The Crimea Crisis: An International Law Perspective," Heidelberg Journal of International Law, 74(2), 2015.
[36] Marxsen. "The Crimea Crisis."
[37] Thomas White, Jr., "Referendum in Crimea."

In the month following the Crimea referendum, anti-Maidan protests erupted in the Donbas region of Eastern Ukraine, leading to separatists seizing control of administrative buildings and declaring independent republics in Donetsk (Donetsk People's Republic, or DPR) and Luhansk (Luhansk People's Republic, or LPR),[38] followed by public referendums (deemed illegal by Kyiv authorities) in April 2014, organized by pro-separatist factions in DPR and LPR.[39] The separatists further envisioned uniting both areas into one confederacy called Novorossiya, though this plan never came to fruition.[40] The factors underlying this separatist sentiment will be described further in this section, and are driven by historical plotlines, as one scholar describes,

> In western Ukraine, the Soviet experience is largely seen as a violent interruption of Ukraine's natural process of developing into a European state…the geopolitical identity of western Ukraine is rooted in the Ukrainian language; a hatred for the 'colonial' past imposed on Ukraine by the Russian Empire and the Soviet Union; memory of the 1932-1933 Holodomor (famine) as genocide of the Ukrainians; and reverence for nationalist guerrillas and 'heroes of the nation'… [while in] the Donbas, the Soviet experience is remembered as the period when Ukraine played a key role in saving the world from German fascism, and when the Donbas played a key role in the Soviet industrial economy. Soviet propaganda returned the favor, lionizing Donbas coal miners as "model workers, shouldering their patriotic duty to provide the country with fuel. Eastern Ukraine was also a center of the Soviet Communist Party: Leonid Brezhnev was born there, and Nikita Khrushchev made his career there.[41]

Unlike in Crimea, Ukrainian Armed Forces (UAF) did not withdraw from DPR and LPR. Instead, the GoU launched an Anti-Terrorist Operation (ATO), which involved the Ukrainian army fighting alongside newly formed Ukrainian volunteer battalions in order to regain control of Donetsk and Luhansk.[42] In summer 2014, in confidential engagements with parties to the conflict, the ICRC determined the situation to be an armed conflict, meaning that international humanitarian law (IHL) applies to the context.[43] In the midst of these events, national elections were held, and despite concerns that Russia would try to sabotage the process or prevent the election from moving forward,[44] Petro Poroshenko[45] won the presidency, and President Putin declared that he would respect the election's outcome.[46]

UN agencies, international non-governmental organizations (INGOs), and the ICRC, alongside local actors, initiated humanitarian response efforts to address the rising needs due to the rapidly escalating conflict in Eastern Ukraine.[47]

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[38] See Steve Rosenberg, "Ukraine crisis: Protesters declare Donetsk 'republic'", BBC News, 7 April 2014, https://www.bbc.com/news/world-europe-26919928 ; "Separatists Declare 'People's Republic' In Ukraine's Luhansk," Radio Free Europe, 28 April 2014, https://www.rferl.org/a/separatists-declare-luhansk-peoples-republic/25364894.html.

[39] "Lugansk and Donetsk Regions Vote for Self-Determination", Russia Today, 11 May 2014, http://rt.com/news/158160-lugansk-donetsk-referendum-vote/.

[40] See Gerard Toal and John O'Loughlin, "What people in southeast Ukraine really think of Novorossiya," The Washington Post, 25 May 2015, https://www.washingtonpost.com/news/monkey-cage/wp/2015/05/25/what-people-in-southeast-ukraine-really-think-of-novorossiya/, which notes that separatists also envisioned uniting both areas into a confederacy called Novorossiya, but the plan never came to fruition.

[41] Robert E. Hamilton, "Five Years of War in the Donbas," Foreign Policy Research Institute, October 2019, https://www.fpri.org/wp-content/uploads/2019/10/five-years-of-war-in-the-donbas.pdf.

[42] See generally Olena Klymenko, "Armed Forces of Ukraine in Donbas at the Beginning of ATO," European Political and Law Discourse, 5(2), 2018. One incident that demonstrates the human toll, as well as the international dimensions of the conflict, is the shooting down of a civilian Malaysian Airlines plane as it flew over Eastern Ukraine in July 2014. See Helen Davidson and Alan Yuhas, "Malaysia Airlines plane MH17 'shot down' in Ukraine - as it happened," The Guardian, 17 July 2014, https://www.theguardian.com/world/2014/jul/17/malaysia-airlines-plane-crashes-ukraine-live.

[43] Tom Miles, "Ukraine war crimes trials a step closer after Red Cross assessment," Reuters, 22 July 2014, https://www.reuters.com/article/us-ukraine-crisis-warcrimes/ukraine-war-crimes-trials-a-step-closer-after-red-cross-assessment-idUSKBN0FR0V920140722.

[44] Fredrick Kunkle, "Ukraine's interim leaders struggle to keep country from splitting apart ahead of vote," The Washington Post, 14 May 2014, https://www.washingtonpost.com/world/europe/ukraines-interim-leaders-struggle-to-keep-country-from-splitting-apart-ahead-of-vote/2014/05/14/5b41db1c-da10-11e3-bda1-9b46b2066796_story.html.

[45] Dubbed the "Chocolate King", Petro Poroshenko is a Ukrainian businessman who was Minister of Foreign Affairs (2009 – 2010) and Minister of Trade and Economic Development (2012) prior to serving as president (2014-2019).

[46] David Stern, "Petro Poroshenko claims Ukraine presidency," BBC News, 25 May 2014, https://www.bbc.com/news/world-europe-27569057.

[47] For various international humanitarian activities taking place during this time period, see, for example, "Ukraine Situation report No.1 as of 3 July 2014," OCHA, 3 July 2014, https://reliefweb.int/sites/reliefweb.int/files/resources/SitRep-Ukraine_20140703%20-%20final_0.pdf; "UNHCR says internal displacement affects some 10,000 people in Ukraine," UNHCR, 20 May 2014, https://www.unhcr.org/news/latest/2014/5/537b24536/unhcr-says-internal-displacement-affects-10000-people-ukraine.html; "WFP Scales Up Food Assistance in Ukraine to People Displaced and Trapped by Fighting," WFP, 19 February 2015, https://reliefweb.int/report/ukraine/wfp-scales-food-assistance-ukraine-people-displaced-and-trapped-fighting; "People 'Don't Know What

Local NGOs sprouted up to address a wide range of issues, including acute humanitarian need and protection for internally displaced persons (IDPs), detainees, and children.[48] Civilian hospitals scaled up their trauma response capacities to treat wounded soldiers and civilians. The Mechnikov Hospital in Dnipropetrovsk, for example, located approximately 275 kilometers from Donetsk, was forced to quickly adapt to the influx of war-wounded patients from the conflict zone beginning in May 2014.[49] Interviewees who worked at Mechnikov attested to the widespread community support in the form of donated medicine, clothes, food, and blood. As a doctor involved in these efforts recalled,

> [T]hey began bringing in more difficult cases—men with torn limbs, heavily damaged internal organs; men in shock, with infected wounds…Then, men started dying…We saw soldiers with sniper wounds that were impossible to treat… no chance of survival…We looked into his eyes and the eyes of his relatives every day and realized that we couldn't do anything. It was very difficult for everyone to understand that this was all happening in Ukraine, right in the center of Europe.[50]

In August 2014, the Russian government began sending convoys across the border into Ukrainian territory—without the permission of the GoU. Russia claimed that the convoy was necessary, given the scale of humanitarian needs in Donetsk and Luhansk that would have otherwise been neglected by Ukrainian authorities. However, the government in Kyiv adopted the position that the convoy constituted a "direct invasion",[51] and the North Atlantic Treaty Organization (NATO) claimed that the convoy was a cover to smuggle military support (Russian artillery, personnel, and goods) to the separatists into the country.[52] Despite being accused of "flagrant violation of the sovereignty of its former Soviet neighbor"[53] and threatened with additional sanctions, Russia continued its deployment of convoys across the border.[54]

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the Next Months Hold,'" MSF, 2 December 2014, https://reliefweb.int/report/ukraine/people-don-t-know-what-next-months-hold; "'When you do not bring medicine to elders, they will not need food anymore': People in Need helps in Donetsk" People in Need, 18 December 2014, https://reliefweb.int/report/ukraine/when-you-do-not-bring-medicine-elders-they-will-not-need-food-anymore-people-need; and "What the ICRC is doing in Ukraine," ICRC, 14 August 2014, https://www.icrc.org/en/doc/resources/documents/fact-figures/08-04-ukraine-activites-response-crises.htm.

[48] Interviewees discussed their work for a variety of such organizations, including Donbas SOS, Crimea SOS, Dnipro Aid CICH, and Future of Ukraine.

[49] "Adapting to the realities of war at Dnipro's Mechnikov Hospital," Euromaidan Press, 29 April 2018, http://euromaidanpress.com/2018/04/29/adapting-to-the-realities-of-war-at-dnipros-mechnikov-hospital.

[50] Euromaidan Press, "Adapting to the realities of war."

[51] Natalia Zinets and Dmitry Madorsky, "U.S. says Russia must pull convoy from Ukraine or face more sanctions," Associated Press, 22 August 2014, https://www.reuters.com/article/us-ukraine-crisis-aid-convoy/u-s-says-russia-must-pull-convoy-from-ukraine-or-face-more-sanctions-idUSKBN0GM0IS20140822.

[52] See "U.S. says Russia must pull convoy from Ukraine or face more sanctions," Reuters, 22 August 2014, https://www.reuters.com/article/us-ukraine-crisis-aid-convoy/u-s-says-russia-must-pull-convoy-from-ukraine-or-face-more-sanctions-idUSKBN0GM0IS20140822; Greg Botelho and Lindsay Isaac, "Russian convoy rolls into Ukraine: 'Humanitarian' aid or 'direct invasion'?" CNN, 22 August 2014, https://www.cnn.com/2014/08/22/world/europe/ukraine-crisis/index.html; and Shaun Walker, "New evidence emerges of Russian role in Ukraine conflict," The Guardian, 18 August 2019, https://www.theguardian.com/world/2019/aug/18/new-video-evidence-of-russian-tanks-in-ukraine-european-court-human-rights.

[53] In the "Joint letter to the EU Heads of State or Government by the President of the European Council, Herman Van Rompuy, and the President of the European Commission, José Manuel Barroso, on restrictive measures against Russia", European Council, Press Statement EUCO 174/14, 5 September 2014, EU ambassadors expanded upon a list of Russian and pro-Russian individuals targeted by sanctions. This was done with the aim to "enhance the EU's restrictive measures in view of Russia's actions destabilizing Eastern Ukraine"…a list of individuals, "including the new leadership in Donbas, the government of Crimea, as well as Russian decision-makers and oligarchs" was also presented, https://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/ec/144670.pdf. It is also important to distinguish here between the sanctions imposed by the US and the sanctions imposed by the EU: the US-imposed sanctions are linked to its invasion of Crimea region and parts of Eastern Ukraine. According to the Congressional Research Services (March 2020), the United States has imposed sanctions on 690 persons. Sanctions have also been imposed due to election interference, cyber activities, human rights abuses, use of chemical weapon, weapons proliferation, illicit trade with North Korea, and support to Syria and Venezuela. EU sanctions are linked Russia's reunification with Crimea and conflict in the Donbas. According to one interviewee, and given the inextricable situation in the Donbas currently, there is not much hope for the lifting of sanctions by the EU at this time.

[54] See "Russian Emergencies Ministry's humanitarian convoy arrives to unloading areas," EMERCOM of Russia, 17 April 2018, https://reliefweb.int/report/ukraine/russian-emergencies-ministry-s-humanitarian-convoy-arrives-unloading-areas, which announces the arrival of "the 75th humanitarian convoy of the Russian Emergencies Ministry" in Donetsk and Luhansk.

3. The stagnant conflict crystalizes

While Ukrainian forces made significant headway against the separatists over the course of summer 2014—in particular in June and July[55]—the situation shifted that August, when separatist forces, with evident Russian backing, were able regain power over territories that they had lost.[56] According to one analyst, "patches of Ukraine's depressed industrial basin in the east—in the throes of a pro-Russian separatist insurgency—have fallen under the control of warlords, who run towns as their personal fiefdoms".[57] The map below illustrates the shift in territorial control of the area once controlled by separatists (called "terrorists" by the GoU) following the launch of the ATO, over the course of two months, prior to the Russian injection of support and subsequent gains by separatists in August 2014.
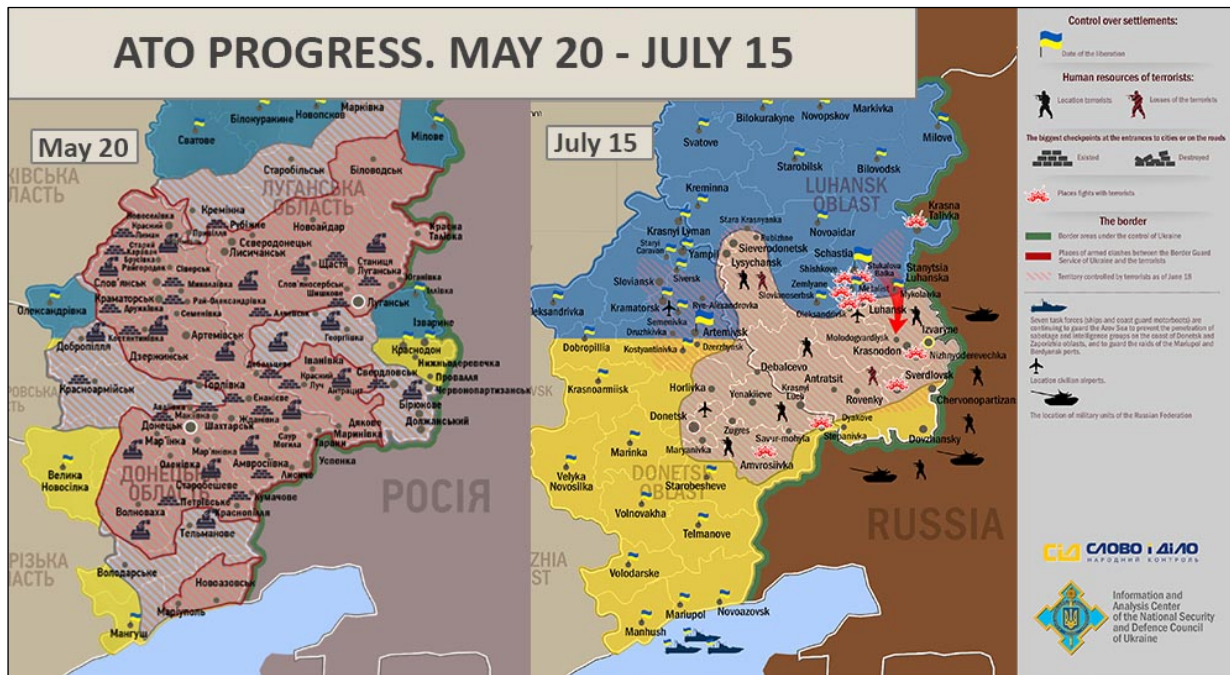
ATO Map: how the situation in Eastern Ukraine changed over two months (Source: Euromaidan Press, July 2014)[58]

Discussions began in June 2014 between the Trilateral Contact Group on Ukraine,[59] composed of representatives from Ukraine, Russia, and the Organization for Security and Co-operation in Europe (OSCE), which had deployed a monitoring mission to Ukraine since March 2014 on the request of the Ukrainian government.[60] These talks, which remain ongoing, are also referred to as the "Normandy Format," since they began on the margins of the 70th anniversary

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[55] "ATO Map: how the situation in Eastern Ukraine changed over two months," Euromaidan Press, 16 July 2014,
http://euromaidanpress.com/2014/07/16/ato-map-how-the-situation-in-eastern-ukraine-changed-over-two-months/.
[56] See Paul Robinson, "Russia's role in the war in Donbas, and the threat to European security" European Politics and Society, Issue 4, 2016.
[57] Nataliya Vasilyeva, "Ukraine rebels: a disunited front run by warlords," AP News, 11 November 2014,
https://apnews.com/e2dcda041fa84a7192093bfe98dea55a; see also https://medium.com/@Hromadske/a-guide-to-warlords-of-the-ukraine-separatist-republics-2be78dfc7a5e; "Mystery surrounds deaths of pro-Russian warlords", Financial Times, 20 October 2016,
 https://www.ft.com/content/50507524-96b0-11e6-a80e-bcd69f323a8b.
[58] "ATO Map," Euromaidan Press.
[59] The Trilateral Contact Group on Ukraine is a group of representatives from Ukraine, the Russian Federation, and the OSCE (Organization for Security and Co-operation in Europe) that was created with the aim to support diplomatic resolution to the Donbas conflict. It was created following the election of President Poroshenko to facilitate dialogue between Ukrainian and Russian authorities, particularly in light of the annexation of Crimea and subsequent conflicts in the eastern and southern regions of Ukraine. See "Press Statement by the Trilateral Contact Group," OSCE, 6 July 2014, https://web.archive.org/web/20140908215233/http://www.osce.org/home/120863; "Poutine et Porochenko appellent à la fin de l'effusion de sang' en Ukraine, » Le Monde, 6 June 2014, https://www.lemonde.fr/europe/article/2014/06/06/poignee-de-main-historique-entre-les-dirigeants-russe-et-ukrainien-en-normandie_4433620_3214.html.
[60] As explained by the OSCE Special Monitoring Mission (SMM), "The [SMM] was deployed on 21 March 2014, following a request to the OSCE by Ukraine's government and a consensus decision by all 57 OSCE participating States. The SMM is an unarmed, civilian mission, present on the ground 24/7 in all regions of Ukraine. Its main tasks are to observe and report in an impartial and objective way on the situation in Ukraine; and to facilitate dialogue among all parties to the crisis." See "OSCE Special Monitoring Mission to Ukraine," OSCE, https://www.osce.org/special-monitoring-mission-to-ukraine.

of D-Day, as informal discussions between Russia, Ukraine, France, and Germany.[61] An agreement came to fruition on 5 September 2014 in Minsk, Belarus. This twelve-point peace plan—named "Minsk-1"—was signed by the members of the Trilateral Contact Group, as well as separatist representatives.[62] The ceasefire called for in Minsk-1 called did not hold, fighting resumed, and the Trilateral Contact Group convened again, adopting a second agreement (Minsk-2") in February 2015, which elaborated upon the terms of Minsk-1.[63]

Yet, Minsk-2 also failed to halt the violence. Separatists launched an offensive on Debaltseve in Donetsk in January 2015, causing thousands of Ukrainian soldiers to retreat.[64] The fall of Debaltseve represented a significant victory for President Putin, who called for Ukrainian authorities to release control of the city.[65] This marked the last significant territorial change in the conflict, and the formation of a nearly 500 kilometer contact line with five designated crossing points that has since divided the government controlled areas (GCA) from the non-government-controlled areas (NGCA). The conflict that has persisted since then has been described as both "frozen"[66] and "hot"[67]— and even "explosive"[68] due to the unpredictable mix of violence and stable territorial control.[69]

It is important to note that there is a widely expressed criticism among the interviewees from international agencies and political actors in particular, regarding the OSCE Special Monitoring Mission to Ukraine (SMM) presence and role. Some interviewees have said, "*they are useless but it is better than nothing*", while others have noted costly programs, ineffective interventions, or disrespectful behaviors that go unaddressed. An OSCE representative interviewed for this report commented, "*this critique is a good sign, as it shows that we are impartial*". What is clear, however, is that there is a lack of information sharing, particularly in communicating and clarifying the role and mandate of the SMM in Ukraine. It must be reminded that the OSCE mandate and presence existed before the beginning of the conflict—deployed on 21 March 2014 following a request by Ukrainian authorities for a civilian mission present in all oblasts of the country— and is not based on the Minsk agreements or other political dialogue processes.

Today, the OSCE has ten teams in ten cities with total personnel of approximately 1,300 staff, of which 755 are monitors in the field, of diverse nationalities, including Ukrainian and Russian. In the eastern region of the country, the OSCE had, at the time of writing, 573 staff present, according to interviews. The SMM represents a total budget of €100 million euros per year. The SMM produces weekly reports that monitor issues such as respect of the ceasefire agreements and the humanitarian and security conditions at checkpoints. However, the OSCE also faces a number of restrictions, particularly on the NGCA side, where their deployment covers only about half of the territory, as well on the GCA side, where several sites which remain inaccessible.

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[61] Simond de Galbert, "The Impact of the Normandy Format on the Conflict in Ukraine: Four Leaders, Three Cease-fires, and Two Summits," Center for Strategic and International Studies, 23 October 2015, https://www.csis.org/analysis/impact-normandy-format-conflict-ukraine-four-leaders-three-cease-fires-and-two-summits.

[62] For the text of the Minsk peace plan, see "Protocol on the outcome of consultations of the Trilateral Contact Group on joint steps aimed at the implementation of the Peace Plan of the President of Ukraine, P. Poroshenko, and the initiatives of the President of the Russian Federation, V. Putin," PeaceMaker, https://peacemaker.un.org/sites/peacemaker.un.org/files/UA_140905_MinskCeasefire_en.pdf.

[63] For the text of Minsk-2, see "Package of measures for the Implementation of the Minsk agreements" https://peacemaker.un.org/sites/peacemaker.un.org/files/UA_150212_MinskAgreement_en.pdf

[64] Alec Luhn and Oksana Grytsenko, "Ukrainian soldiers share horrors of Debaltseve battle after stinging defeat," The Guardian, 18 February 2015, https://www.theguardian.com/world/2015/feb/18/ukrainian-soldiers-share-horrors-of-debaltseve-battle-after-stinging-defeat; Andrew E. Kramer and David M. Herszenhorn, "Ukrainian Soldiers' Retreat From Eastern Town Raises Doubt for Truce," The New York Times, 18 February 2015, .https://www.nytimes.com/2015/02/19/world/europe/ukraine-conflict-debaltseve.html

[65] Alec Luhn and Oksana Grytsenko, "Ukrainian soldiers share horrors of Debaltseve battle after stinging defeat," The Guardian, 18 February 2015, https://www.theguardian.com/world/2015/feb/18/ukrainian-soldiers-share-horrors-of-debaltseve-battle-after-stinging-defeat.

[66] James Brooke, "A frozen conflict may be Ukraine's best option," Atlantic Council, 20 January 2020, https://www.atlanticcouncil.org/blogs/ukrainealert/a-frozen-conflict-may-be-ukraines-best-option/.

[67] Natalia Zinets and Matthias Williams, Russia to blame for 'hot war' in Ukraine: U.S. special envoy," Reuters, 23 July 2017, https://www.reuters.com/article/us-ukraine-crisis-volker-idUSKBN1A80M4.

[68] "Collateral: The Human Cost of Explosive," OCHA, PAX, September 2015, https://www.unocha.org/sites/unocha/files/dms/Documents/collateral-the-human-cost-of-explosive-violence-in-ukraine-web.pdf.

[69] See MA Lepskiy, "Chapter 1: Main ideas, formulation of the purpose and the research testing," in Peace in the conditions of the hybrid war in Ukraine; 2017; See also Roberto Orsi, "The Ukrainian Crisis: A Year On," Euro Crisis in the Press Blog, London School of Economics, 4 March 2015, http://eprints.lse.ac.uk/77906/1/blogs.lse.ac.uk-The%20Ukrainian%20Crisis%20A%20Year%20On.pdf. See also Susan Glasser, "Kurt Volker: The Full Transcript," Politico, 2017, https://www.politico.com/magazine/story/2017/11/27/kurt-volker-the-full-transcript-215868 in which Kurt Volker, the U.S. Special Envoy to Ukraine, states, "The Minsk Agreements were designed to deal only with the conflict in the east, and that is the one also where there is active fighting going on. So, on average, a Ukrainian soldier is killed about every three days now, inside Ukrainian territory, defending the country. So, it's a very hot conflict there."

As with other agencies, the OSCE has internal security restrictions, established since the killing of one of their staff in April 2017 in Luhansk. Some interviewees noted the discernable absence of the OSCE leadership in LPR, considering that it was the site of several disengagement zones. Indeed, many civilians interviewed had little to no direct interaction with the OSCE. The paradox of the SMM presence is related to its distance—if not disconnection —from civilian realities, all while observing the conflict endure. The act of observing, without engaging with populations, seems difficult to apprehend for communities, affecting their perceptions about the role and efficacy of the Mission.

Various analysts have voiced skepticism about the viability of the Minsk agreements, calling resolution through Minsk-2 a "ceasefire illusion" and a "mirage,"[70] as the conflict remains locked in a stalemate.[71] There are critical questions about whether the ongoing diplomatic talks will succeed in achieving peace.[72] As an interviewee noted, "*it is telling that the Minsk agreements do not emphasize the impact of the conflict on the civilian population and, indeed, the texts of both Minsk-1 and Minsk-2 make no mention of the term 'civilian', nor the protection of civilians*". Nevertheless, in Minsk-1, parties agreed to "[a]dopt measures aimed at improving the humanitarian situation in [the Donbas],"[73] and in Minsk-2, they agreed to "[e]nsure safe access, delivery, storage, and distribution of humanitarian assistance to those in need, on the basis of an international mechanism".[74] As with the other provisions of the Minsk agreements, both parties have fallen short on executing these measures and on ensuring a peaceful future for communities in the Donbas.

4. Intensifying intractability

Over the course of 2017 and 2018, the "frozen" conflict became increasingly intractable as tensions heightened. In 2017, a group of veterans of the ATO created a blockade for NGCA, demanding the release of detainees held by separatists.[75] In response, separatist authorities "announced a plan to seize control of the enterprises in areas under their control and cease the coal delivery to Ukraine in case the transport blockade is not withdrawn. The plan started coming into effect on 1 March, when de facto authorities 'nationalized' some 40 Ukrainian enterprises in Donetsk NGCA".[76] President Poroshenko effectively "transformed [the] rogue [ATO prompted blockade] operation into official Ukrainian government policy," and Russia "responded with a decree to recognize personal identity documents issued by the breakaway republics".[77]

Ukraine adapted its approach to the conflict, adopting a law in 2018 that explicitly designated the conflict as a response to "armed aggression of the Russian Federation"[78] and the ATO was re-designated as a Joint Forces Operation (JFO).[79] An interviewee engaged in peacebuilding dialogue explained the effects of this change on the ground. In the ATO era,

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[70] Andrew Foxall, "The Ceasefire Illusion: An Assessment of the Minsk II Agreement Between Ukraine and Russia," Russia Studies Centre Policy Paper No. 8 (2015), http://henryjacksonsociety.org/wp-content/uploads/2015/12/Minsk-II-FINAL-For-Website.pdf; and András Rácz and Sinikukka Saari, "The new Minsk ceasefire: A breakthrough or just a mirage in the Ukrainian conflict settlement?" The Finnish Institute of International Affairs, February 2015, https://www.fiia.fi/wp-content/uploads/2017/01/comment5_2015eng.pdf.

[71] Hrant Kostanyan and Stefan Meister, "Ukraine, Russia and the EU Breaking the deadlock in the Minsk process," CEPS Working Document, No. 423, June 2016, https://biblio.ugent.be/publication/8514008/file/8514009.

[72] Hugo Klijn, "Will the 'Minsk Agreements' on Eastern Ukraine Lead to Peace?" Clingendael, Netherlands Institute for International Affairs, 25 September 2019, https://www.clingendael.org/publication/will-minsk-agreements-eastern-ukraine-lead-peace; Roman Goncharenko, "Ukraine conflict: Can the Minsk-2 peace deal with Russia be salvaged?" Deutsche Welle, 12 February 2020, https://www.dw.com/en/ukraine-conflict-can-the-minsk-2-peace-deal-with-russia-be-salvaged/a-52346015.

[73] For the text of Minsk-1, see "Protocol on the outcome of consultations of the Trilateral Contact Group on joint steps aimed at the implementation of the Peace Plan of the President of Ukraine, P. Poroshenko, and the initiative of the President of the Russian Federation, V. Putin," Peacemaker, S/2015/135, https://peacemaker.un.org/sites/peacemaker.un.org/files/UA_140905_MinskCeasefire_en.pdf.

[74] For the text of Minsk-2, see "Package of measures for the Implementation of the Minsk agreements," Peacemaker, https://peacemaker.un.org/sites/peacemaker.un.org/files/UA_150212_MinskAgreement_en.pdf.

[75] "Humanitarian Bulletin Ukraine – Issue 16" OCHA, 1 January – 28 February 2017, https://reliefweb.int/sites/reliefweb.int/files/resources/ukraine_humanitarian_bulletin_issue_16_jan_feb_2017_en.pdf.

[76] "Humanitarian Bulletin Ukraine – Issue 16" OCHA.

[77] The Conflict in Donbas: Evolution and Consequences, p 88, https://edizionicafoscari.unive.it/media/pdf/books/978-88-6969-383-0/978-88-6969-383-0-ch-05.pdf

[78] Kateryna Pishchikova, "The Conflict in Donbas: Evolution and Consequences," Eurasiatica 14, 2019, https://edizionicafoscari.unive.it/media/pdf/books/978-88-6969-383-0/978-88-6969-383-0-ch-05.pdf.

[79] See By Illia Ponomarenko, "Goodbye, ATO: Ukraine officially changes name of Donbas war," Kyiv Post, 20 February 2018, https://www.kyivpost.com/ukraine-politics/goodbye-ato-hello-taking-measures-ensure-national-security-defense-repulsing-deterring-armed-aggression-russian-federation-donetsk-luhansk-oblasts.html; llia Ponomarenko, "What Does Ukraine's New Military Approach Toward the Donbas Mean?" Atlantic Council, 15 May 2018, https://www.atlanticcouncil.org/blogs/ukrainealert/what-does-ukraine-s-new-military-approach-toward-the-donbas-mean/; and "Old war, new rules: what comes next as ATO ends and a new operation starts in Donbas?" Ukraine Crisis Media Center, May 2018, http://uacrisis.org/66558-joint-forces-operation.

"*there was very loose command and control from Kyiv for government troops on the ground. There was a huge amount of opportunity to engage with local commanders, local military units, to get them into a frame of mind to engage in dialogue with their counterparts on the separatist side*". In contrast, after the shift from the ATO to the JFO, Kyiv began to improve its command and control, and consequently, "*the opportunities for dialogue died very rapidly*". Still, interviewees reflected on the idea that the Ukrainian government continues to adopt a somewhat contradictory stance: publicly naming the hostilities a conflict, but shying away from outright declaring war on the separatists, and by extension, on Russia.

Later in 2018, the Kerch Strait incident[80] brought Ukrainian and Russian troops into direct armed confrontation with one another for the first time since the eruption of the conflict in 2014.[81] The Ukrainian government declared martial law in portions of the country for a period of thirty days.[82] Tensions subsequently subsided, but the Kerch Strait incident demonstrated the risks of escalation and volatility in the relationship between Russia and Ukraine, despite the common perception of the conflict remaining "frozen".

The most recent recommitment to ceasefire came into force on 8 March 2019, with significant decrease in clashes in the following days.[83] Volodymyr Zelensky won the 2019 Ukrainian presidential election, defeating Poroshenko and ushering in new hope, as well as fresh concerns, about the prospects for peace. President Zelensky announced that Ukraine had agreed to implement the Minsk Agreement with the help of the Steinmeier Formula, a plan that prioritizes holding elections in Donetsk and Luhansk under Ukrainian law, with the oversight of the OSCE.[84] If the OSCE deemed the balloting to be fairly implemented, "a special self-governing status for the territories will be initiated and Ukraine will be returned control of its easternmost border".[85] Criticized as state capitulation, protesters across Ukraine rejected the Steinmeier Formula and demanded "to not implement Steinmeier's formula, to not agree to legalize the pro-Russian autonomy of Donbas and amnesty for militants…[and] that the war in Donbas be resolved in this order: a full cessation of military actions, the withdrawal of Russian troops, demilitarization of illegal formations; control of the border to be given to Ukraine or UN peacemakers and OSCE with it being further handed over to Ukraine; Only after this can elections be held in according to Ukrainian law".[86]

One interviewee explained that President Poroshenko "*was all about war*", whereas President Zelensky, "*wants to talk about people, hearts, and minds*". While it became clear that President Zelensky and his administration set out a series of objectives and "red lines"[87] regarding the strategic orientation of the conflict, interviewees expressed mixed views concerning whether President Zelensky would relent in his talks with Vladimir Putin.[88] Some argued that President Zelensky was under tremendous pressure vis-à-vis the Russian Federation and would be forced to back down. Others pointed to spoilers and local influencers who aimed to restrain Ukrainian ambitions. Yet, irrespective of the reasons, there was

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[80] Jonathan Marcus, "Russia-Ukraine tensions rise after Kerch Strait ship capture," BBC News, 26 November 2018, https://www.bbc.com/news/world-europe-46340283; see also "Explaining the naval clash between Russia and Ukraine," The Economist, 1 December 2018, https://www.economist.com/europe/2018/12/01/explaining-the-naval-clash-between-russia-and-ukraine.

[81] On 25 November 2018, the Russian Coast Guard accused Ukrainian Navy boats of illegally crossing into Russian territorial waters. When the Ukrainians refused to stop, citing the 2003 Russo-Ukrainian treaty on freedom of navigation in the area, the Russian Coast Guard fired on and seized the Ukrainian vessels, capturing 23 sailors and wounding six of them.

[82] "Martial laws comes to an end in Ukraine after 30 days," BBC News, 26 December 2018, https://www.bbc.scom/news/world-europe-46684602.

[83] "Special Representative of OSCE Chairperson-in-Office Sajdik welcomes recommitment to ceasefire in Eastern Ukraine in connection with 8 March," OSCE, 8 March 2019, https://www.osce.org/chairmanship/413627.

[84] Oleksiy Sorokin and Illia Ponomarenko, "Ukraine agrees to 'Steinmeier Formula,' green-lights elections in occupied Donbas," Kyiv Post, 1 October 2019, https://www.kyivpost.com/ukraine-politics/ukraine-agrees-to-steinmeier-formula-green-lights-elections-in-occupied-donbas.html.

[85] Christopher Miller, "Explainer: What ts the Steinmeier Formula -- nd Did Zelenskiy Just Capitulate to Moscow?" Radio Free Europe, 2 October 2019, https://www.rferl.org/a/what-is-the-steinmeier-formula-and-did-zelenskiy-just-capitulate-to-moscow-/30195593.html.

[86] Alya Shandra, "'Steinmeier's formula' seen as state capitulation, protested in Ukraine," Euromaidan Press, 21 September 2019, http://euromaidanpress.com/2019/09/21/protest-against-steinmeiers-formula-grows-in-ukraine/.

[87] These include: "The release of all Ukrainian prisoners; A full and genuine ceasefire and withdrawal of all armed groups and weapons before any elections can be held in the east; Participation by candidates from Ukrainian political parties in elections and not just pro-Russian parties; The right of all those who have fled the conflict to return to vote; Restoration of Ukrainian control over the stretch of border with Russia currently controlled by rebels": see "Ukraine conflict: Can peace plan in east finally bring peace?" BBC News, 10 December 2019, https://www.bbc.com/news/world-europe-49986007.

[88] Andrew Kramer, "Zelensky's Opponents Fear He is Ready to Capitulate to Russia," The New York Times, 5 December 2019, https://www.nytimes.com/2019/12/05/world/europe/zelensky-ukraine-russia.html; Nathan Hodge, "Ukrainians fear president will accept peace on Putin's terms, as questions swirl over US support," CNN, 8 December 2019, https://www.cnn.com/2019/12/08/europe/zelensky-putin-meeting-ukraine-russia-intl/index.html.

consensus among interviewees on one point: President Zelensky would fail to stick to his demands. On 1 October 2019, Ukraine, Russia, and the separatist leaders agreed on a special status for separatist-held parts of the Donetsk and Luhansk regions. This special agreement was Moscow's key pre-condition for the Paris summit of the Normandy Format.

At the latest Normandy Format meeting of 9 December 2019, "modest progress was made on calming five and half years of war".[89] While French president Emmanuel Macron and other European leaders expressed their satisfaction with the meeting, President Zelensky faces increased pressure from Ukrainian nationalists who denounce what they see as "capitulating to Russia…[Zelensky's] previous gestures of good will, notably the withdrawal of Ukrainian troops from the front line, have won no reciprocal steps by Russia or the rebels it supports in the regions of Donetsk and Luhansk".[90] At the time of writing, political dialogue has been significantly delayed by the global Covid-19 pandemic; it was announced that the next Normandy Format meeting would take place as soon as possible, and likely following Ukraine's parliamentary polls in July 2020.[91] Sources have projected a visit of Emmanuel Macron to Moscow in August, to discuss a number of issues, including Libya, Iran, cybersecurity, and Ukraine, an "flagrant" example of the difficulties to progress on key issues.[92]

It has also been confirmed that President of the Swiss Confederation has been invited to Kyiv by the President of Ukraine to discuss cooperation between the two countries on a number of international issues, as well as to discuss the humanitarian initiatives undertaken in Ukraine.[93] As one Swiss government official explained, the authorities in Ukraine must do more to support their communities in the separatist-controlled areas. Switzerland has pushed this approach, as well as ensuring that humanitarian aid is able to reach those in need. While it is not part of the Normandy Format, the Swiss government is uniquely placed to advocate on priority issues relating to international law, humanitarian access and mediation, and funding policies and opportunities for humanitarian action in NGCA. According to interviews, the Swiss government is the "*only State working on both sides of the conflict. We hope that other States will join. We try to scale up our support and bring expanded capacity to the region to participate in peace building and contribute to the stabilization of the area*". As discussed with a Swiss representative, international law remains limited if recognized at all and humanitarian negotiations in NGCA are limited due to the lack of trust and limited points of leverage. NGOs and civil societies are seen as partial and dangerous, and must therefore be controlled. Therefore, Switzerland, and in particular the Swiss Agency for Development and Cooperation, has focused on health care, what an interviewee called "*health care transformation,*" particularly perinatal care, maternal and child health, as well as prevention and treatment of non-communicable disease. Such bilateral political meetings will aim to move the needle as much as possible on the broader diplomatic discussions between Ukraine and its key stakeholders.

5. Dynamics of hybrid, shadow warfare

In considering the qualification of the conflict in Ukraine as international armed conflict (IAC), or non-international armed conflict (NIAC), a multitude of actors have provided a multitude of interpretations, due primarily to the dearth of information regarding the conduct of hostilities and the application of international humanitarian law (IHL). It can be challenging to analyze a conflict without consensus on how to accurately frame it—whether as a civil war, an international armed conflict, or an internationalized internal conflict.[94] One scholar has argued that the conflict in Ukraine makes evident the need for a new conceptual category of conflict the he calls "delegated interstate conflict," meaning, "conflicts in which one state engages in armed combat on the territory of another state via irregular militias, which the foreign state controls to such an extent that they effectively act as a state organ".[95] As explained by the Rule of Law in Armed Conflicts (RULAC) project,

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[89] Andrew Higgins, "In First Meeting With Putin, Zelensky Plays to a Draw Despite a Bad Hand" The New York Times, 9 December 2018, https://www.nytimes.com/2019/12/09/world/europe/putin-zelensky-paris-ukraine.html.

[90] Higgins, "In First Meeting with Putin."

[91] "Zelensky seeks to hold Normandy format summit as soon as possible," Russian News Agency, 18 June 2019, https://tass.com/world/1064357.

[92] Piotr Smolar and Benoît Vitkine, "Macron et Poutine tentent de relancer le dialogue strategique," Le Monde, 27 June 2020, https://www.lemonde.fr/international/article/2020/06/27/emmanuel-macron-et-vladimir-poutine-relancent-le-dialogue-strategique_6044386_3210.html.

[93] "President of the Swiss Confederation to make an official visit to Ukraine," Official Website of the President of Ukraine, 13 July 2020, https://www.president.gov.ua/en/news/ukrayinu-z-derzhavnim-vizitom-vidvidaye-prezident-shvejcarsk-62233.

[94] See generally Lyudmyla Pavlyuk, "Terminology in the Media Analysis of War: Naming Conflict, Strategies and Solutions," Visn. Lviv. Univ., Ser. Zhurn. 2018: 44, https://modeli-mi.ucoz.ua/_ld/0/35_Visnyk_44_v1.1.pdf#page=206.

[95] Jakob Hauter, "Delegated Interstate War: Introducing an Addition to Armed Conflict Typologies," Journal of Strategic Security, 12(4) 2019.

Amnesty International stated in September 2014 that the Russian involvement has transformed the conflict into an international armed conflict.[96] In contrast, on 23 July 2014, the International Committee of the Red Cross characterized the conflict as 'non-international'.[97] Similarly, Human Rights Watch qualified the conflict as non-international while highlighting that 'if Russian armed forces became engaged in the hostilities in eastern Ukraine that would create an international armed conflict between Ukraine and Russia.'[98] The September 2014 report of the United Nations High Commissioner for Human Rights does not formally qualify the situation, but refers to the applicability of international humanitarian law.[99] Later reports date the beginning of the armed conflict back to mid-April 2014, but simply refer to the 'armed conflict' without qualifying the situation.[100] In May 2016, the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions, described the situation as an 'armed conflict with strong international dimensions'.[101] Various United Nations treaty bodies describe the situation as a 'conflict' or 'armed conflict'.[102] The Office of the Prosecutor of the International Criminal Court concluded in its November 2016 Report that the required degrees of intensity and organization of the armed groups were reached by 30 April 2014. In addition, the Office 'is also examining the allegations that the Russian Federation has exercised overall control over armed groups in eastern Ukraine', which would transform the conflict into a single international armed conflict.[103]

As the ICRC reminds, the rules and principles of IHL apply to all parties to the conflict in Ukraine, and impose restrictions on the means and methods of warfare they may use.[104] Furthermore, "non-state armed groups are increasingly considered to be bound by international human rights law [IHRL] if they exercise de facto control over some areas. Even if the state has lost effective control over part of its territory, its positive obligations to secure human rights through diplomatic, political, and economic measures continue to apply".[105] In addition to IHL, many argue that IHRL applies during times of armed conflict, and that the State is obliged to prevent and investigate alleged violations, including those committed by non-state actors.[106]

But, as some in military circles have argued, the conflict in Ukraine has surpassed traditional conceptions of civil war. Some have specified that the conflict in the Donbas represents an internationalized non-international armed conflict, in other words, "an original non-international armed conflict, which, through the indirect influence of Russia and the support it is providing to, and control it is exercising over, the pro-Russian separatists, has become an international

[96] "Ukraine: Mounting Evidence of War Crimes and Russian Involvement", Amnesty International, 14 September 2014, https://www.amnesty.org/en/latest/news/2014/09/ukraine-mounting-evidence-war-crimes-and-russian-involvement/.
[97] "Ukraine: ICRC Calls on All Sides to Respect International Humanitarian Law," ICRC Press Release, 23 July 2014, https://www.icrc.org/en/doc/resources/documents/news-release/2014/07-23-ukraine-kiev-call-respect-ihl-repatriate-bodies-malaysian-airlines.htm.
[98] "Eastern Ukraine: Questions and Answers About the Laws of War," Human Rights Watch, 11 September 2014, https://www.hrw.org/news/2014/09/11/eastern-ukraine-questions-and-answers-about-laws-war.
[99] "Report of the United Nations High Commissioner for Human Rights on the Situation of Human Rights in Ukraine", OHCHR, A/HRC/27/25,19 September 2014, § 11.
[100] "Accountability for Killings in Ukraine From January 2014 to May 2016," OHCHR, 25 May 2016, https://www.ohchr.org/Documents/Countries/UA/OHCHRThematicReportUkraineJan2014-May2016_EN.pdf.
[101] "Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions on his Mission to Ukraine," A/HRC/32/39/Add.1, 4 May 2016, §89. In paragraph 22, the Special Rapporteur specifies that "whether the allegations of the involvement of the Russian Federation in support of the armed groups in eastern Ukraine would in fact internationalize the conflict in certain districts... is a discussion that remains outside the scope of the present report."
[102] See "Committee against Torture, Concluding Observations on the Sixth Periodic Report of Ukraine," CAT/C/UKR/CO/6, 12 December 2014, §17; "Committee on the Elimination of Discrimination Against Women, Concluding Observations on the Eighth Periodic Report of Ukraine," CEDAW/C/UKR/ CO/8, 3 March 2017, §9; "Committee on the Rights of Persons with Disabilities, Concluding Observations on the Initial Report of Ukraine," CRPD/C/UKR/CO/1, 2 October 2015, §13.
[103] "Report on Preliminary Examination Activities," International Criminal Court Office of the Prosecutor, November 2016, https://www.icc-cpi.int/iccdocs/otp/161114-otp-rep-PE_ENG.pdf.
[104] "Red Cross officially declares Ukraine civil war," The Local CH, 23 July 2014, https://www.thelocal.ch/20140723/red-cross-declares-civil-war-in-ukraine.
[105] "ECtHR, Ilascu and Others v Moldova and Russia", Judgment, App no 48787/99, 8 July 2004, § 331, referenced in http://www.rulac.org/browse/conflicts/non-international-armed-conflicts-in-ukraine#collapse4accord.
[106] See generally "International Legal Protection of Human Rights in Armed Conflict," OHCHR, 2011, https://www.ohchr.org/Documents/Publications/HR_in_armed_conflict.pdf and "International human rights law," Rule of Law in Armed Conflicts (RULAC), http://www.rulac.org/legal-framework/international-human-rights-law.

armed conflict".[107] To many scholars, the conflict is emblematic of "hybrid" and "shadow" warfare, or a "combination of instruments, some military and some non-military, choreographed to surprise, confuse, and wear down" Ukraine.[108] As Frank Hoffman explains, hybrid warfare is a "tailored mix of conventional weapons, irregular tactics, terrorism, and criminal behavior in the same time and battlespace to obtain [a group's] political objectives".[109] General David Barno has called the conflict in Eastern Ukraine a "shadow war"—fought by irregular, "masked warriors often without apparent state attribution," backed by strong states, employing asymmetrical tactics—in this case, bringing down a passenger plane MH17, killing 298 civilians[110]—and sophisticated weapons.[111] As Robert Heinsch elaborates,

> There are strong signs, as previously set forth, that official Russian military personnel, as well as a number of Russian citizens, have actively supported the pro-Russian forces in Donetsk and Luhansk. The Security Service of Ukraine claimed that it had detained a group of Russian paratroopers on Ukrainian territory. There are also indications that on August 27, 2014, a significant amount of Russian military equipment crossed the border from Russia into southern Donetsk Oblast, territory that was previously under control of the Ukrainian government. On August 28 a NATO commander stated that 'well over 1,000 Russian soldiers were operating in the Donbass conflict zone'. There have been reports that Russia had been shelling Ukrainian units from across the border.[112]

According to interviews, "*such conduct of hostilities would not have been possible without strong support or influence of Russian assets and military expertise. That said, the statement that either Russia is responsible for the war, or that it is only through 'homegrown' separatist activism, is not true. The reality falls somewhere between the two*". It is important here to emphasize that Russian authorities have always publicly stated that there was no presence of Russian military in the Donbas conflict. Indeed, as Heinsch writes, "some reports indicate that Russian soldiers have removed identifying insignia and are fighting on behalf of the pro-Russian rebel groups. They remove insignia apparently in an attempt to show they are participating as individuals, not as members of the Russian armed forces".[113] It is recognized by analysts that more than 30,000 Russian volunteers have joined a paramilitary group engaged in the hostilities in Eastern Ukraine since 2014.[114] The influx of volunteers into the Donbas from Russia, despite the Kremlin's official posture of non-intervention, makes this context exceptional in terms of the conduct of hostilities in hybrid warfare.

According to Russian sources, "volunteering" (*dobrovolchestvo*) and "justice" (*spravedlivost*) have been elevated, namely since 2014, by the political elite to a Russian national principle. As noted by Russian expert Sergey Eledinov, the ideology of "volunteerism" has evolved in Russia into a political tool used by the government as a means to "get rid of 'unwanted' groups within Russian society in order to loosen internal pressure and simultaneously increase domestic patriotism".[115] The number of Russian military casualties remains unknown, although in 2015, a Russian news site reported on leaked official figures that suggest that around 2,000 had been killed and around 3,200 injured fighting in Ukraine.[116]

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[107] Robert Heinsch, "Conflict Classification in Ukraine: The Return of the 'Proxy War'?" International Law Studies, US Naval War College, 91, 323, 2015, https://digital-commons.usnwc.edu/cgi/viewcontent.cgi?article=1264&context=ils.

[108] "From cold war to hot war," The Economist, 12 February 2015, https://www.economist.com/briefing/2015/02/12/from-cold-war-to-hot-war.

[109] Frank Hoffman, "On Not-So-New Warfare: Political Warfare vs Hybrid Threats," War on the Rocks, 28 July 2014, https://warontherocks.com/2014/07/on-not-so-new-warfare-political-warfare-vs-hybrid-threats/.

[110] See for example, "MH17 Ukraine plane crash: What we know," BBC News, 26 February 2020, https://www.bbc.com/news/world-europe-28357880.

[111] David Barno, "Shadow Wars of the 21st Century," War on the Rocks, 23 July 2014, https://warontherocks.com/2014/07/the-shadow-wars-of-the-21st-century/.

[112] Heinsch, "Conflict Classification in Ukraine."

[113] Ibid.

[114] Tatyana Voltskaya and Daisy Sindelar, "Volunteer Now! Russia Makes It Easy To Fight In Ukraine," Radio Free Europe, 4 February 2015, https://www.rferl.org/a/russia-ukraine-volunteers-kremlin-easy-to-fight-/26828559.html; see also, Kacper Rekawek (ed.), Not Only Syria? The Phenomenon of Foreign Fighters in a Comparative Perspective, IOS Press Ebooks, NATO Science for Peace and Security Series - Human and Societal Dynamics, Volume 134, 2017, http://ebooks.iospress.nl/volume/not-only-syria-the-phenomenon-of-foreign-fighters-in-a-comparative-perspective.

[115] Sergey Eledinov, "On the origins and meaning of Russian volunteering (translated from Russian)," RusMonitor, 22 February 2018, https://rusmonitor.com/sergejj-eledinov-ob-istokakh-i-smysle-russkogo-dobrovolchestva.html.

[116] Michael Segalov, "The number of Russian troops killed or injured fighting in Ukraine seems to have been accidentally published," The Independent, 26 August 2015, https://web.archive.org/web/20150826134411/http://www.independent.co.uk/news/world/europe/the-number-of-russian-troops-killed-or-injured-fighting-in-ukraine-seems-to-have-been-accidentally-published-10472603.html; Alexey Eremenko, "Russia's Classified Ukraine Crisis Death Toll Appears to Have Leaked," NBC News, 26 August 2015, http://www.nbcnews.com/storyline/ukraine-crisis/russias-classified-ukraine-crisis-death-toll-appears-have-leaked-n416206.

Interviewees indicated that numerous local groups, particularly in Rostov and in Moscow, have been organized, particularly by mothers who seek to know the fate of their sons and the rights they have in these ambiguous circumstances. Interviewees have also indicated that there are rehabilitation centers in Russia that address the needs of wounded fighters returning from the frontline.

Following the collapse of the USSR in 1991, a burst of military conflicts erupted in numerous republics. As explained in the interviews, the Russian authorities look favorably upon separatist movements across the fractured post-Soviet landscape, seeing an opportunity to maintain remote control over these young republics with the objective to limit the expansion of local nationalism while appearing as a regional "referee", supporting them materially and militarily to varying degrees, including with independent "volunteers" to help in the separatist fight.[117] As one analyst notes, "aside from being an effective means of indirectly participating in regional military conflicts, Russian 'volunteers' constitute one of the key pillars of Russia's version of 'soft power' and, to some extent, even a part of the Russian national idea".[118] Five conflicts in particular illustrate this strategy—Abkhazia, Nagorno-Karabakh, Ossetia, the Donbas, and Transnistria—where Russian volunteer paramilitaries have been sent to implement a strategy of "controlled destabilization". After a period of time and a coordinated support of local movements, Russia enters as a third party "force of peace" and then proceeds to "freeze" the conflict to the point of becoming politically intractable.[119] But as one scholar points out, these "post-Soviet conflicts are often described as 'frozen'. This is a misleading term, which can border on the dangerous. The political context of these disputes is always changing and in some there is a potential for a thaw into violence…It might be more accurate to describe the negotiating processes around these conflicts as frozen, despite the best efforts of the diplomats involved in them…Resources available remain modest, even though in [some cases], they have successfully helped delivered a series of 'small steps' that have improved the lives of ordinary people on the ground".[120]

Some analysts have indicated that given the current "dire state of the Russian economy, domestic political turmoil, and the necessity to uphold a liberal façade to its new Western backers,"[121] Russian forces are not able to be overtly involved in these conflicts, despite being of geopolitical importance. As a result, these conflicts were flooded by Russian "citizen volunteers" who fought unofficially on behalf of the State's interests. According to interviews, Russia had tactical groups present in the Donbas from the army, for practical and technical support, as well as to offer military training. The phenomenon of volunteering had several secondary benefits: fostering a sentiment of patriotism domestically, giving Russia "plausible deniability"[122], and promoting an image of a just and "humanitarian" battle abroad—evidenced by the argument that Russian volunteers had no choice but to defend their Donbas "brothers" against Ukrainian forces.

Aleksandr Kobrin, a lawyer and deputy with St. Petersburg's Legislative Assembly, notes that it is impossible to know how many Russians are in active combat in the Donbas today: "Russia isn't doing anything to stop the flow of volunteers…To the contrary, they're openly promoting the idea of sending them there".[123] It is believed by conflict analysts that some of these volunteers are members of the Russian Armed Forces sent to Ukraine on so-called leave or holidays. While the Kremlin vigorously denies official intervention in the Donbas, it publicly encourages this tradition of volunteerism, praising volunteers' accomplishments and broadcasting their feats on television and over the internet.[124] Many have criticized the Kremlin's stance, stating that Russia should have either reintegrated the region outright or refrained entirely from intervening, and that the Kremlin didn't see out the process they encouraged, promoted, and supported. Local populations and volunteers feel betrayed, manipulated by the hope that their fate would be as

[117] According to the literature, five conflicts exemplify this - Abkhazia, Karabagh, Ossetia, Tajikistan, and Transnistria – conflicts in which Russian "volunteers" and paramilitary groups, were sent clandestinely to implement a strategy of controlled destabilization", supporting and following along local population mobilization. After a period of conflict, Russian authorities offer a peacekeeping force and freeze the conflict, maintaining control of the situation through a quasi-military occupation.

[118] Sergey Sukhankin, "From 'Volunteers' to Quasi-PMCs: Retracing the Footprints of Russian Irregulars in the Yugoslav Wars and Post-Soviet Conflicts," The Jamestown Foundation, June 2019, https://jamestown.org/program/from-volunteers-to-quasi-pmcs-retracing-the-footprints-of-russian-irregulars-in-the-yugoslav-wars-and-post-soviet-conflicts/#_eDPRef5.

[119] Alison Smale, "Latvia's Tensions With Russians at Home Persist in Shadow of Ukraine Conflict," The New York Times, 23 August 2014, https://www.nytimes.com/2014/08/24/world/europe/latvias-tensions-with-russians-at-home-persist-in-shadow-of-ukraine.html.

[120] de Waal and von Twickel, Beyond Frozen Conflict.

[121] Sukhankin, "From 'Volunteers' to Quasi-PMCs."

[122] Joshua Ball, ""Plausible Deniability" In Russia's Hybrid War In Ukraine," Global Security Review, 10 June 2019, https://globalsecurityreview.com/plausible-deniability-russias-hybrid-war-ukraine/.

[123] Voltskaya and Sindelar, "Volunteer Now!"

[124] Ibid.

Crimea's—integration and support. As a former Russian volunteer expressed, "*if the objective of Russian involvement in the Donbas was to support and protect civilians, things would have gone very differently*".

Through seven years of conflict, fueled and sustained by local and regional political priorities, the Donbas region has suffered persistent killings, violence against civilians, displacement, and lasting economic and social consequences. The findings of this analysis show that a confluence of factors continues to drive conflict in Eastern Ukraine. While triggered by the protests in Kyiv, the rupture between the post-Maidan Ukrainian government and local elites in the Donbas over aspirations of independence and self-determination highlight a growing schism between those with Russian-oriented ambitions and those supporting the new Ukrainian regime. As clans and warlords within Ukraine fought for financial gain and political influence, Russian authorities aimed to destabilize the Westward-leaning Ukrainian authorities in Kyiv, reinvigorating the enduring geopolitical rivalry between Russia and the West.

While analysts and academics are generally in agreement that Ukrainian communities had grievances prior to Maidan—whether related to economic prospects, livelihoods, governance, and infrastructure—what remains more ambiguous is whether these problems aggravated existing polarized positions and ambitions for secession, or whether the fomenting and bolstering of conflict in Eastern Ukraine is part of Russia's larger political post-Soviet project. Some analysts have gone further to say that "by far the most controversial aspect of academic research regarding the 2014 events in Ukraine relates to the search for internal domestic causes of the armed conflict, given its portrayal by the Russian government as a 'civil war'".[125] This view is reflected in a June 2014 open letter by critics of the *24-Step Plan to Resolve the Ukraine Crisis*[126] created by Russian and US experts in, "we categorically oppose the non-Ukrainians in this initiative, because it plays to the worst instincts of domination by Russia and perhaps also by America. It turns out that Ukraine is not really an independent country, and Russia may, in agreement with the United States, determine her fate".[127] Diverging geopolitical narratives about the conflict will be discussed in later sections of this report.

In considering avenues to extract Ukraine from this protracted, politicized deadlock, this research has explored the various drivers of the conflict at both the domestic and regional levels. Likewise, while international political forces are at play, it must be acknowledged that the conflict in Ukraine also represents a prevailing manifestation of a larger economic, social, and political confrontation between Russia and the Western world, one of many arenas for this broader geopolitical competition, and one that has escalated the competition and confrontation. To analyze the Ukraine conflict is to recognize the geopolitical positioning of President Putin, who "appears to focus on only two or three major issues at a time (notably Ukraine, Syria, the United States). With regard to other issues, he can be likened to a lighthouse whose beam of bright light lands on an issue…only occasionally, prompting brief but strong bursts of policymaking from the centre".[128]

6. Domestic roots of the conflict

Reducing the drivers of the Ukraine conflict to Russia's central role in, and responsibility for, instigating the Donbas separatist movement obscures locally-motivated factors and limits analysis of the governance and socioeconomic circumstances in Ukraine that may have prompted secessionist reactions at the time of Maidan. Without a local, social, and political atmosphere receptive to secessionist sentiment, external forces may not have had the same persuasive influence as they have in Donetsk and Luhansk.

When considering the popular perceptions of the Euromaidan protests, 70% of residents in Donetsk and 61% in Luhansk in 2014 considered the protests as Western-driven.[129] Against the backdrop President Yanukovich's exile and the internal resistance to President Poroshenko's EU-leaning policies, it could be argued that rejection of the Poroshenko regime created space for opportunistic political actors to incite a popular separatist agenda in the East to

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[125] Vlad Mykhnenko, "Causes and Consequences of the War in Eastern Ukraine: An Economic Geography Perspective," Europe-Asia Studies, 72:3, 2020: https://www.tandfonline.com/doi/pdf/10.1080/09668136.2019.1684447?needAccess=true.

[126] Uri Friedman, "A 24-Step Plan to Resolve the Ukraine Crisis," The Atlantic, 26 August 2014, https://www.theatlantic.com/international/archive/2014/08/a-24-step-plan-to-resolve-the-ukraine-crisis/379121/.

[127] Oleksandr Sushko, "After the Ukraine-Russia War: Is There a Sustainable Solution?," PonarsEuarasia - Policy Memos, September 15, 2014, https://www.ponarseurasia.org/memo/after-ukraine-russia-war-there-sustainable-solution.

[128] de Waal and von Twickel, Beyond Frozen Conflict.

[129] 5 KMIS poll, April 8 – 16, 2014: http://zn.ua/UKRAINE/mneniya-i-vzglyady-zhiteley-yugo-vostokaukrainy-aprel-2014-143598_.html link seems to be broken, can we access it somehow ?

delegitimize Kyiv. Ukrainian authorities subsequently lost more legitimacy as the state continued to fragment regionally, as low-level violence by law enforcement and protest participants spread beyond Kyiv.

The literature and interviews point to four key domestic roots of the conflict. The first is the crystallization of the Donbas identity. It became quickly apparent that as soon as violence and separatist influence started to swell in the Donbas, Ukrainian authorities became more resolute in their isolationist policies. Once Kyiv determined that they aimed to combat separatist mobilization through the ATO, the conflict escalated significantly.[130] While containing these "rebel-held" areas brought immediate military advantages to Ukrainian armed forces, this marginalization and hostility contributed to the growth of popular support for the separatist regime.

Second, decades of socioeconomic deterioration, and not only of LPR and DPR, but in all oblasts in the separatist-controlled areas, have inflamed this conflict. The region experienced significant social and political transformation as the conflict continued. As local populations fled the region amidst escalating hostilities, the region lost much of its intellectual and middle class, including professionals, public servants, journalists, intellectuals, and entrepreneurs, as well as communities who supported the regime in Kyiv. In their absence, the influx of people from nearby industrial cities, as well as pro-separatist populations, back to the Donbas created a social fabric of communities who were poorer, more vulnerable, and more reliant on social and financial benefits provided by the Donbas de facto state. Although Russia backed the new Donbas authorities financially, the Donbas experienced reduction of investment from both Russian and Ukrainian sides and subsequent economic decline. The industrial productivity that once sustained the rest of Ukraine came to a halt, leaving populations to suffer from unemployment, poverty, and a lack of educational and livelihood opportunities, driving young men to join the separatist movement. This socioeconomic insecurity has primarily benefitted warlords and the separatist elite, who have generated income through looting, smuggling, rent-seeking, and exploiting the sanctions and trade blockades of DPR and LPR.

Third, the concepts of patriotism and nationalism have been conflated and distorted. According to an interviewee, Ukrainians who identify as nationalists are, for the most part, simply patriotic, relatively supportive of the government, and do not identify with the extreme right rhetoric echoing in the East. Among the populist movements, there are members, even militias, who emerged from the Pravyi Sektor[131], the far-right Ukrainian political party and paramilitary group rejecting Ukraine's alignment with the EU. As one article quotes, "joining with Europe would be the death of Ukraine. Europe means the death of the nation state and the death of Christianity. We want a Ukraine for Ukrainians, run by Ukrainians, and not serving the interests of others".[132] Within the framework of Ukrainian nationalism there are also voluntary organizations that gather aid donations and bring them to Donbas, including to soldiers on the frontline. However, there are suggestions that some of these groups may be radicalizing, as the political climate intensifies and further polarizes. Interviewees noted that some of these donations are used to buy weapons and send them to the frontline.

Fourth, as the conflict continues, Donbas civilians have borne the burden of violence, isolation within Ukraine, and continued discrimination and stigmatization from Ukrainian authorities. Civilians have endured shelling, destruction of their homes and cities, economic sanctions, blockades, and vilification by Ukrainian media simply due to their residence in the East. As one analyst has written, "the isolation of Donbas contributes to the entrenchment of the DPR and LPR as self-managed entities and the growth of local public support toward them. While the conflict potential in Donbas has been solidifying, the consolidation of the status quo raises costs for reintegration in the future".[133] Adding to these injuries is the sentiment that Russian authorities are not fully committed to protecting Donbas populations through formal integration, as they were in Crimea. Civilians have increasingly realized that the Donbas is being leveraged not for their self-determination, but sacrificed for larger political gain. In short, communities feel abandoned by both sides.

[130] Cynthia Buckley, Ralph Clem, Eand rik Herron, "Attacks on Healthcare Infrastructure in the Donbas: Implications for Ukrainian State Legitimacy, PONARS Eurasia Policy Memo No. 562, January 2019, http://www.ponarseurasia.org/sites/default/files/policy-memos-pdf/Pepm562_Herron-Clem-Buckley_Jan2019_0.pdf.

[131] Shaun Walker, "Ukrainian far-right group claims to be co-ordinating violence in Kiev," The Guardian, 23 January 2014, https://www.theguardian.com/world/2014/jan/23/ukrainian-far-right-groups-violence-kiev-pravy-sektor.

[132] Walker, "Ukrainian far-right group."

[133] Tetyana Malyarenko, "Evolving Dynamics and Conflict Potential in Eastern Ukraine," PONARS Eurasia, Policy Memo 569, January 2019, http://www.ponarseurasia.org/memo/evolving-dynamics-and-conflict-potential-eastern-ukraine.

These factors have instilled a greater sense of unity within the Donbas region and reinvigorated the historic political and social identity of the Donbas people, synonymous with anti-Kyiv, anti-EU, and anti-US refrains. Some have argued that this has become a self-fulfilling prophecy: through Kyiv's disparaging perceptions of the Donbas region and its people, its ensuing "policy of isolation,"[134] Ukrainian authorities have ultimately contributed to fomenting separatist sentiment and consequently strengthening Russia's influence in the region.

7. Regional and international roots of the conflict

The conflict in the Donbas is also rooted in the dismantling of the USSR and the fracturing of territories into independent republics during the late 1980s. According to one interviewee, "*Putin and his administration are deeply traumatized by the collapse of the USSR, which was lived as a defeat against the West*". Others have noted that "Putin and the majority of Russian people viewed the integration of Crimea into Russia as correcting a historical injustice".[135] Understanding that Russia has "lost territories" is critical to understanding the Kremlin's strategy in the Donbas. According to a Russian conflict analyst interviewed, "*the Donbas is only one part of the geopolitical tensions between Russia and Occidental countries. For Russian authorities, the Donbas is a bargaining chip, a way to overshadow the Crimea issue. The Donbas represents a buffer zone with Crimea, and Russia has the ambition to make the annexation of Crimea a fait accompli*". According to another interviewee, "*Ukraine remains historically and forever linked to Russia. In the enterprise of Novorossiya[136], Ukraine is not excluded*".[137] According to a Russian veteran interviewed, "*we will never accept the breakup of the Soviet Union that has been made by the Nomenklatura[138] and not granted officially, politically, and economically. As with millions of Russians, we have roots in Ukrainian territory*".

To understand the evolution of the conflict dynamics in the region today, the historical narrative and legacy of Russian influence must be discussed. In the decades leading up to the conflict, the Donbas already faced a widening gap between rich and poor, and a perceptible absence of a working, middle class. Analysts have noted that the Donbas was abandoned by Ukraine during the economic decline of the 1970s, leaving people in fragile development and economic conditions. This was particularly evident in the rise and fall of the mining industry. The stereotypical image of the Donbas, as illustrated by Yaroslav Polishchyk, is related to a deep-seated image of Soviet civilization, in this case, the myth of the miners' heroic work benefitting the rest of the Republic. However, after the collapse of the USSR, these enclaves maintained their distinct Soviet identities, of which the Donbass is perhaps the most emblematic. When Donbas oligarchs initiated the independent organization steel and coal exportation, local inhabitants regained a degree of economic stability, despite "sharp social stratification and inequality".[139] Donbas elites enriched themselves through simultaneous coal subsidies from the state, which made exportation more profitable. Yet despite this economic support from Kyiv, elites promoted a narrative in opposition to Kyiv, scaring communities about the prospects of forced Ukrainization.[140]

As Polishchyk writes, the "millstones of Russification, which were set during the Soviet times, continued circling in the age of Ukrainian Independence".[141] The war reveals an underlying urgency of unresolved issues over a number of years that the Ukrainian authorities in some way silenced or denied. The Donbas conflict has become the most pronounced manifestation of the identity crisis that post-communist Ukraine is experiencing. In the context of the 2001 census,

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[134] Malyarenko, "Evolving Dynamics."
[135] Marzalik, "Ukraine Conflict."
[136] For additional information about Novorossiya, see Mat Babiak, "Welcome to New Russia," Ukrainian Policy, 23 May 2014, http://ukrainianpolicy.com/welcome-to-new-russia/; "Malrossiya - Little Russia," GlobalSecurity.org, https://www.globalsecurity.org/military/world/para/novorossiya.htm; Andrei Kolesnikov, "Why the Kremlin Is Shutting Down the Novorossiya Project," 29 May 2015, https://carnegieendowment.org/2015/05/29/why-kremlin-is-shutting-down-novorossiya-project/i96u.
[137] Novorussia, or New Russia, refers in today's context as the Union of People's Republics, which is the proposed confederation of DPR and LPR. The creation of Novorussia is a political concept coined by President Putin in an April 2014 speech. See Bohdan Ben, "The rise and decline of Donbas: how the region became "the heart of Soviet Union" and why it fell to Russian hybrid war," Euromaidan Press, January 2019, http://euromaidanpress.com/2019/01/18/the-rise-and-decline-of-donbas-how-the-region-became-the-heart-of-soviet-union-and-why-it-fell-to-russian-hybrid-war.
[138] The Nomenklatura represents the "new" ruling elite of the former USSR, who control public and private power and institutions. See generally Ernest Mandel, Why The Soviet Bureaucracy is not a New Ruling Class," Ernest Mandel Internet Archive, 1979, https://www.ernestmandel.org/en/works/txt/1979/soviet_bureaucracy.htm.
[139] Bohdan Ben, "The rise and decline of Donbas: how the region became 'the heart of Soviet Union' and why it fell to Russian hybrid war," Euromaidan Press, January 2019, http://euromaidanpress.com/2019/01/18/the-rise-and-decline-of-donbas-how-the-region-became-the-heart-of-soviet-union-and-why-it-fell-to-russian-hybrid-war/.
[140] Ben, "The rise and decline of Donbas."
[141] Ibid.

"many inhabitants of the region didn't want to choose their nationality between Ukrainians (who were portrayed at Soviet times as inferior peasants) or Russians (who dominated and showed intolerance to others) and preferred to identify themselves as Soviet, though it wasn't one of the many possible answers in the poll".[142] In most schools across the region, Russian remained the official language and local elites discouraged the use of Ukrainian. At the time, "for example, Luhansk had only three schools with Ukrainian as the language of instruction, in a city with 407,000 inhabitants".[143]

This sentiment of segregation lingers today in the region; interviewees stated that *"Ukraine doesn't care about us"* —this history of perceived discrimination has accelerated the estrangement between Donbas and the rest of the country, preparing the ground for the current conflict. As Writer Lyubov Yakymchuk wrote, "contemporary Donbas is similar to the decomposing human body. People become disillusioned from their hope…the war separates and destroys it".[144]

Opposing Narratives

This section elaborates on the divergent narratives that stakeholders in this context have adopted and articulated. While it does not have the purpose to evaluate the merits of these claims, it incorporates insights from various scholars who have devised different ways to conceptualize and understand the various narratives at play, complemented by the findings from the interviews conducted for this report.[145] This section addresses, first, Ukrainian government and Western perspectives; and second, separatist and pro-Russian perspectives. Discussing key trends evident in these conflicting narratives lays a foundation for understanding the persistent tensions and grievances driving the conflict, as well as the possibilities for resolution, which will be the subject of a subsequent section.

1. Pro-Government and pro-Western perspectives

For Ukrainians adopting a generally pro-Kyiv and/or pro-Western posture, the interviews revealed three key themes. First, there is a widespread sense that the conflict has been engineered and initiated by Russia. This sentiment is reflected in a statement to the International Court of Justice (ICJ), where Ukrainian authorities claimed that the conflict in the Donbas is a destabilization technique by Russia, a proxy war, with the aim to occupy the Donbas as one of many "Russian occupied? administrations".[146]

Interviewees of this orientation attested to the perception that the conflict would not have been possible without Russian support, influence, assets, and military expertise. Many do not consider the conflict to be an internal conflict at all, but rather an international conflict resulting from Russian aggression and Russian presence in Ukraine. In the words of one interviewee holding this view, *"Russia has invaded Ukraine. Russia has tanks and control a land mass of Crimea and Donbas. On a daily and hourly basis, they commit acts of violence. They also control the air over Donbas and have a cyber campaign across the entire country of Ukraine"*. The current conflict is considered to be one more manifestation of a longstanding relationship between Ukraine and Russia that is rooted in historical repression and subjugation.[147] As one interviewee explained, *"there should be a recognition of the historical repression of Russia both past and present in the republics, and that Russian acts of war have been glorified in Russia. Russia has consistently contested its role and actions, denying the presence of Russian combatants, and those who have returned or died, while also claiming that this is a Ukrainian civil war. This hypocrisy does not contribute to engaging in constructive dialogue towards a resolution to the conflict"*.

Much of the rhetoric in the West more broadly—specifically, EU countries and the United States—has been directed against President Putin himself, demonizing him, and claiming that, "many Westerners believe that the Russian people

[142] Ibid.
[143] Ibid.
[144] Olga Betz, "Interview: Yakimchuk: Now the Donbass is decomposing like a human body," February 2015,
http://archive.chytomo.com/interview/yakimchuk-zaraz-donbas-rozkladayetsya-yak-lyudske-tilo.
[145] For examples of existing scholarly work on this topic, see generally Andrew Wilson, "The Donbas between Ukraine and Russia: The Use of History in Political Disputes," Journal of Contemporary History, Vol. 30, No. 2, April 1995; Stephen Shulman, "National Identity and Public Support for Political and Economic Reform in Ukraine," Slavic Review 64/1, 2005; James Wertsch, "The Narrative Organization of Collective Memory," Ethos 36/1, 2008; Andrew Wilson, The Ukrainians: Unexpected Nation, 3rd ed. New Haven: Yale University Press, 2009; and Karina V. Korostelina, "Conflict of National Narratives of Ukraine: Euromaidan and Beyond," Die Ukraine-Krise, Vol. 89, No. 1/2, 2014.
[146] http://search.ligazakon.ua/l_doc2.nsf/link1/T182268.html
[147] See generally Anne Applebaum, Red Famine: Stalin's War on Ukraine, Doubleday, 2017, which offers a narrative of the Holodomor, the famine in Soviet Ukraine (1932-1933) that led to deaths of over 3.9 million Ukrainians.

are brainwashed by the massive nationalist propaganda machine administered by the state. Putin is judged to be a brilliant, ruthless tactician with total control over his country".[148] The Western narrative tends to be that, in the post-Cold War era, democracy has been victorious in the ideological battle against communism and Russia's meddling in Ukraine is tantamount to sabotaging Ukrainians' efforts to exercise self-determination and to shape their country's future.[149]

Second, there is an emphasis on the role of Russian disinformation[150] and propaganda used by the separatists to build and retain political support in DPR and LPR. Interviewees discussed that Russian authorities sought to use disinformation to control the narrative about Maidan and to portray the events that transpired in Crimea and Donbas as stemming from purely homegrown grievances. To be sure, propaganda and disinformation from Russia have been defining characteristics of this "hybrid warfare" approach.[151] As Mykola Ryabchuk states, through the realities of hybrid warfare, it became "generally characteristic of Ukraine to be presented as a passive object, not a subject of history—such a pawn on the world chessboard, a shameless sacrifice of global players".[152]

However, there is a sense of denial that local actors who support the separatists or who favor integration of Crimea and/or the Donbas into Russia lack any agency or autonomy at all. Rather, according to this view, separatist supporters have been "*brainwashed by propaganda*", as an interviewee explained, and are merely "Russia's puppets", as a policy paper on the topic notes.[153] In reference to DPR, one interviewee stated, "*it's a quasi-state with terrorist rules and terrorist methods. Ordinary people are living in fear…it is an absolutely controlled society*". Another mentioned that there have been numerous disappearances of ministers upon their arrival to Moscow, counting six over the past two years.[154] The pro-Kyiv perspective at times focuses on the fact that separatists have been influenced by Russian propaganda, effectively overlooking their agency in their mission. The inherent question remains, therefore, how do these narratives shape the conflict and the propositions for reconciliation?

Third, the interviews reveal that the pro-government, pro-Western mindset is also complex, nuanced, holds seemingly contradictory views of the Ukrainian government, and highlights the role that Western countries have played in the conflict. On the one hand, perceptions of the Ukrainian government are characterized by a great sense of national pride, for example in the mobilization around Maidan or in the great number of volunteers who have supported the conflict by fighting themselves, offering donations to assist wounded soldiers and civilians, or creating NGOs to assist and advocate for people affected by it. On the other hand, there remains widespread cynicism regarding ineffective government institutions and the perception that the country is still plagued by corrupt, ineffective governance subject to oligarch control. In one interviewee's words, "*There is a cultural sense that people are passive, a power dynamic in relation to the state or even an oligarch. This tends to mute entrepreneurship. There is not a sense of taking ownership. It is more like, they sit and wait to hope for an oligarch to give money for something*". Another interviewee stated adamantly, "*Poor governance is the cancer of Ukraine*," and in specific reference to the challenge of producing impactful policy analysis, "*You could be the greatest analyst in the world. If you don't have a connection with oligarchs, you are nothing*". Interviewees also expressed disappointment in the lack of

[148] Marzalik, "Ukraine Conflict."

[149] Ibid; Sushko, "After the Ukraine-Russia War."

[150] See Sam Sokol, "Russian Disinformation Distorted Reality in Ukraine. Americans Should Take Note," Foreign Policy, 2 August 2019, https://foreignpolicy.com/2019/08/02/russian-disinformation-distorted-reality-in-ukraine-americans-should-take-note-putin-mueller-elections-antisemitism/.

[151] See generally "Analysis of Russia's Information Campaign against Ukraine," NATO StratCom Centre of Excellence, 2014, https://www.stratcomcoe.org/analysis-russias-information-campaign-against-ukraine; Andrew Wilson, "The High Stakes of the Ukraine Crisis," Current History, 1 October 2014, http://www.currenthistory.com/Wilson_Current_History.pdf; Anatoliy Gruzd and Ksenia Tsyganova, "Information Wars and Online Activism During the 2013/2014 Crisis in Ukraine: Examining the Social Structures of Pro- and Anti-Maidan Groups," Policy and Internet, 2015; Maxim Bulyk and Irina Gridina, "Shades of Gray in the War in Eastern Ukraine: 'Neither War nor Peace' Existence Zones, 'Neither Truth nor Lie' Silence Zones," Baltic Journal of European Studies, Vol. 9, No. 3 (28); and Cynthia Buckley, Ralph Clem, and Erik Herron, "Attacks on Healthcare Infrastructure in the Donbas Implications for Ukrainian State Legitimacy," PONARS Eurasia, Policy Memo No. 562, January 2019, http://www.ponarseurasia.org/sites/default/files/policy-memos-pdf/Pepm562_Herron-Clem-Buckley_Jan2019_0.pdf.

[152] Mykola Ryabchuk, "Trial of War," Zbruč, August 2016.

[153] Sabine Fischer, "The Donbas Conflict: Opposing Interests and Narratives, Difficult Peace Process," German Institute for International and Security Affairs, SWP Research Paper 5, April 2019, https://www.swp-berlin.org/fileadmin/contents/products/research_papers/2019RP05_fhs.pdf.

[154] Benoît Vitkine, "Alexandre Zakhartchenko, le principal chef séparatiste ukrainien, tué à Donetsk," Le Monde, 31 August 2018, https://www.lemonde.fr/europe/article/2018/08/31/alexandre-zakhartchenko-le-principal-chef-separatiste-ukrainien-tue-a-donetsk_5348729_3214.html; "Mystery surrounds deaths", Financial Times; Jack Losh, "Is Russia Killing Off Eastern Ukraine's Warlords?" Foreign Policy, 25 October 2016, https://foreignpolicy.com/2016/10/25/who-is-killing-eastern-ukraines-warlords-motorola-russia-putin/.

effective response by European countries and the United States to counter Russia's interference in Ukraine. Nevertheless, interviewees expressed a certain degree of cautious optimism in the wake of President Zelensky's election, especially in light of the fact that he ran on a platform that emphasized widespread reform efforts.[155] In the words of one interviewee, who did not initially support or vote for President Zelensky but since came around to supporting his aims, "*Either the old, corrupt governors win or the president wins*".

Through its narrative, the West holds to a post-Cold War world order in which the USSR remains a thing of the past, and that democracy has won the ideological battle. Western countries see themselves as upholding nations' right to self-determination, a right that aligns with democratic, transparent, institution-building; fair governance; and integration into the EU. Ukraine's election of Petro Poroshenko is held up as evidence of this kind of progress. As such, Western perspectives believe that Russia is intervening in Ukraine's advancement, undermining its capacity to evolve.

2. Separatist, pro-Russian, and volunteer perspectives

Testimonies from young separatists attest to the spontaneity, even disorganization, of the movement since the early days of the conflict—the impulse to join separatist paramilitary groups and engage as volunteers in the Donbas, their sporadic training, and the humanitarian and logistical aid from Russia. As one separatist interviewee noted, when describing the early days of the Donbas conflict, "*we were living peacefully among patriots before the Ukrainian intervention…rapidly, the conflict evolved and we were embarked in a geopolitical confrontation between Russian and Western influence in the region*".

Interviewees adopting a separatist and/or pro-Russian posture articulated three key themes, painting a very different portrait of events in Ukraine than those oriented toward a more pro-government and/or pro-Western perspective. First, these interviewees endowed separatists and separatist supporters with a much greater degree of agency and autonomy. Interviews with young Ukrainian separatists attest to the spontaneity of the separatist movement. In one interviewee's words, in spring 2014, "*There were very few Russian volunteers among a large majority of local militias, all people ready and willing to give their lives for this cause*". Another interviewee highlighted the local origins of the conflict, stating, "*the civilian and local militias' objective was to join paramilitary groups and to raise the voice of Russian identity in the Donbas and to protect it*". Interviewees also noted the extensive involvement of Russian volunteers. One Russian official interviewed for this report stated that over 30,000 Russia volunteers have participated in the conflict.[156] There are no official figures or data on Russian volunteers who have been killed in the Donbas conflict, but interviews with analysts and veterans indicate that the number is at least a few thousand. An interviewee specified, "*The protest and military demonstrations that occurred in 2014 in Donbas were first supported by local pro-Russian activists with no strategy or direct control from Russian forces. They were joined by Russian volunteers with the hope of a similar outcome as Crimea*".[157] While Russian authorities explain that there are no official armed forces present in Ukraine, there is no denial of informal volunteer support—despite military support and dispatch of armaments and soldiers to advise the separatist groups on operations, conduct of hostilities, and chain of command. Many of the Russian interviewees' reflections were consistent with the notion that, as one interviewee articulated, "*it was more of a personal initiative on the part of the volunteers to join the fight than a push from Putin and the Russian authorities*".

Second, there is an emphasis on placing blame on the Ukrainian government itself for the events that have transpired. Whereas pro-government interviewees acknowledge enduring corruption in the country, while still retaining some sense

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[155] See Ben Hall, Roman Olearchyk and Max Seddon, "Ukraine: Why Volodymyr Zelensky is pursuing a disruptive agenda," Financial Times, 22 October 2019, https://www.ft.com/content/a99bceb2-ef59-11e9-bfa4-b25f11f42901.

[156] For information about the role of Russian "volunteers" in this context, as well information about the history and concept of Russian "volunteers," see generally Voltskaya and Sindelar, "Volunteer Now!"; Sergey Sukhankin, "Unleashing the PMCs and Irregulars in Ukraine: Crimea and Donbas," The Jamestown Foundation, 3 September 2019, https://jamestown.org/program/unleashing-the-pmcs-and-irregulars-in-ukraine-crimea-and-donbas/#_edn95; and !"; Sergey Sukhankin, "From 'Volunteers' to Quasi-PMCs: Retracing the Footprints of Russian Irregulars in the Yugoslav Wars and Post-Soviet Conflicts," The Jamestown Foundation, 25 June 2019, https://jamestown.org/program/from-volunteers-to-quasi-pmcs-retracing-the-footprints-of-russian-irregulars-in-the-yugoslav-wars-and-post-soviet-conflicts/; see also Natalia Yudinaa and Alexander Verkhovskyb, "Russian Nationalist Veterans of the Donbas War," Cambridge University Press, Volume 47, Special Issue 5 (Special Issue on the Donbas Conflict), September 2019, https://www.cambridge.org/core/journals/nationalities-papers/article/russian-nationalist-veterans-of-the-donbas-war/CC4C7483F854B59A249EEBF0804EADBA.

[157] These comments are consistent with the analysis of a report published by the International Crisis Group stating, "The conflict in Eastern Ukraine started as a grassroots movement, albeit one that Moscow inspired and then aggressively exploited." See "Rebels without a Cause: Russia's Proxies in Eastern Ukraine, International Crisis Group, Europe Report N°254, 16 July 2019, https://d2071andvip0wj.cloudfront.net/254-rebels-without-a-cause%20(1).pdf.

of national pride and cautious optimism for the future, in contrast, in the words of one pro-separatist interviewee, "*Ukraine is a territory of a group of oligarchs, self-reliant, and extremely corrupted. US support to develop an 'independent' Ukraine will never succeed*". Interviewees also spoke about atrocities committed by Ukrainian armed forces in the conflict. In particular, interviewees mentioned the clashes that occurred in Odessa in May 2014, which led to the deaths of numerous pro-Russian activists.[158] An interviewee stated, "*one of the most important events that pushed our engagement as Russian volunteers was the killing of civilians in Odessa by the Ukrainian army… We had to react*". Overall, there is a strong belief that the conflict is the fault of the Ukrainian authorities

In a complete mirror image of the pro-government, pro-Western mindset, pro-Russian volunteers are convinced that this conflict has been engineered from abroad in the West and that the Maidan events were fueled by Western countries bent on opposing Russia. The Maidan protests "*occurred under the support and funding of the US, Ukrainian oligarchs, and businessmen,*" said one interviewee. Other theories claim that the Maidan revolution was orchestrated by the US Central Intelligence Agency (CIA) in order to facilitate an illegal coup d'état that would push Ukraine toward a Western-leaning president and regime.[159]

Third, pro-Russian and separatist-leaning interviewees emphasized the historical connection between Russia and Ukraine, and they too linked the Donbas crisis to post-Soviet tensions. The interviews point toward the confluence of this cultural connection and the long-standing geopolitical tensions between Russia and the West.[160] From the Russian perspective, the events of Maidan were another manifestation of injustices on the international stage for which Western countries have been responsible. According to this perspective, President Putin saw the new Ukrainian government as a junta of pro-Ukrainian and pro-Western nationalists, threatening the lives and culture of pro-Russian communities and prompting intervention under the pretext of self-defense. According to this perspective, there was no alternative than to protect pro-Russian communities against radical, nationalist, right-wing Ukrainian organizations. President Putin continues to advocate and support, whether through "humanitarian" convoys, acceptance of Donbas refugees, promoting the Russian passport to Ukrainians who wish to flee, and appearing as an "honest broker" in negotiating peace.[161]

This being said, interviewees also discussed various tensions within the pro-separatist, pro-Russian camp. In particular, interviewees specified that Donetsk and Luhansk are very distinct areas, each with different leaders, who do not always cooperate, but rather compete with one another. There are also tensions inherent in the relationship with Russia. One Russian volunteer interviewed for this paper stated, "*Russian authorities have betrayed us, as they encouraged us to go there, and even President Putin committed Crimea in 2014 to protect Russians in the Donbas. We believed in his word, but later realized that he was abandoning us. Many volunteers have been killed for political purposes while they were believing it was the right cause. Our military capacity has not been supported by Moscow and today Ukraine has a real army*". As these words indicate, just as pro-government, pro-Western Ukrainians have expressed great disappointment and frustration with how the EU and the US have fallen short in their response to this conflict, similar frustrations with Russia are evident on the pro-separatist side.

Some have analyzed "with falling energy prices, biting sanctions, and potential US arming of Ukraine, the West hopefully expects higher costs for continued destabilization of Ukraine to unhinge the Russian economy, eroding domestic

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[158] See Roman Goncharenko, "The Odessa file: What happened on May 2, 2014?" Deutsche Welle, 2 May 2015, https://www.dw.com/en/the-odessa-file-what-happened-on-may-2-2014/a-18425200; Howard Amos, "'There was heroism and cruelty on both sides': the truth behind one of Ukraine's deadliest days," The Guardian, 30 April 2015, https://www.theguardian.com/world/2015/apr/30/there-was-heroism-and-cruelty-on-both-sides-the-truth-behind-one-of-ukraines-deadliest-days ; and Roy Gutman, "As Ukrainians vote, legacy of Odessa fire that killed 48 has port city on edge," McClatchy, 24 May 2014,
http://www.mcclatchydc.com/news/nation-world/world/article24768088.html.
[159] Eric Zuesse, "Head of Stratfor, 'Private CIA', Says Overthrow of Yanukovych Was 'The Most Blatant Coup in History'," Centre for Research on Globalization, 21 December 2014, https://www.globalresearch.ca/head-of-stratfor-private-cia-says-overthrow-of-yanukovych-was-the-most-blatant-coup-in-history/5420978; Michael B Kelley, "Putin: What Happened in Kiev was an Unconstitutional Overthrow and yanukovych is Still President," Business Insider, 4 March 2014, https://www.businessinsider.com/putin-what-happened-in-kiev-was-an-unconstitutional-overthrow-and-yanukovych-is-still-president-2014-3.
[160] For examples of President Putin's criticisms of the West, see Thom Shanker and Mark Landler, "Putin Says U.S. Is Undermining Global Stability," The New York Times, 11 February 2007, https://www.nytimes.com/2007/02/11/world/europe/11munich.html; and "Transcript: Putin's Prepared Remarks at 43rd Munich Conference on Security Policy," Munich Conference on Security Policy, 12 February 2007, The Washington Post, https://www.washingtonpost.com/wp-dyn/content/article/2007/02/12/AR2007021200555.html.
[161] Marzalik, "Ukraine Conflict."

support and pressuring [the Putin regime]".[162] On the other hand, Russian analysts fear that Russia will be seen abroad as a "global spoiler" to the US and EU. As some say, "*patriotism or support to states [that are currently] in confrontation with the Occidental front cannot be [Russia's] only instrument of foreign policy*". Current foreign engagements cannot be driven through Syria, Libya, or Venezuela, because they are considered to oppose US and EU agendas.

As one analyst explains, "as soon as the border between the self-declared republics and Ukrainian-controlled territories stabilized, residents of these different entities found themselves under the influence of forces with clearly divergent agendas and were consequently exposed to conflicting information and ideology-promotion policies, leading to a significant degree of alienation and fragmentation of society in Donbas. The resulting vacuum created space for the 'construction' of new identities that were significantly shaped by the war-time experiences on both sides of the front line".[163] The conflict in the Donbas and the treatment of the region and its people by Ukrainian authorities has unintentionally triggered a deepening of pro-Russian sentiment, as well as a consolidation of Russian influence in the region and the strengthening of a Donbas identity within Ukraine.

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[162] Marzalik, Ukraine Conflict." The protests were initiated after claims that the 2011 Russian election process was fraudulent. See "Russian election: Biggest protests since fall of USSR," BBC News, 10 December 2011, https://www.bbc.com/news/world-europe-16122524.
[163] Malyarenko, "Evolving Dynamics."

CHAPTER 2: THE COST OF CONFLICT FOR CIVILIANS

The conflict in Ukraine has resulted in a wide range of acute humanitarian needs and systemic human rights abuses.[164] As one analyst writes:

> [T]he Donbass and its residents have been the war's greatest losers. Thousands have died and injured in the fighting; houses and infrastructure have been destroyed, communities have been abandoned by authorities. The region's economy, once an integral part of Ukraine's, went into a tailspin, unemployment went through the roof, inflation soared—and the new regime and its thugs took advantage to enrich themselves. The separatist governments of LPR and DPR helped promote the decay by dismantling viable factories and selling them to Russia. Small wonder that, for many Donbas residents, the best source of employment is the separatist armed forces.[165]

Eastern Ukraine is "*full of tears*", as an interviewee described. At the time of this paper's publication, the conflict in Ukraine has subsided in terms of active conduct of hostilities and acute, emergency humanitarian programming. It now represents more of a crisis of protracted need, insecurity, development, governance, impunity, and human rights violations, driven by deteriorating social unity, constrained access for international agencies, and violent political divisions. The idea of allegiance on either side runs deep—with significant, fatal consequences—and according to interviewees, there is a sentiment of retaliation and retribution on both sides, making prospects slim for eventual peaceful reintegration of the Donbas region into Ukraine. This section aims to bring to light the daily realities of communities in the conflict zones surrounding the GCA contact line and in different NGCA separatist areas on the frontlines of the conflict, discussing the humanitarian consequences, the pervasive human rights violations, and the absence of justice under the repressive Donbas regimes.

1. Acute aid in protracted conflict

The humanitarian consequences of the Donbas crisis have created a deeper separation between Ukrainians and the populations caught in the conflict affected areas, namely in and around the contact line. Spanning seven years of conflict, it has been estimated that the Donbas war has impacted over five million people in DPR and LPR, with 3.4 million in acute need of humanitarian aid across sectors, including water and sanitation, health, shelter, food security and livelihoods, education, and protection.[166] Food insecurity has grown significantly in the region, as a dramatic result of the ongoing sanctions imposed on DPR and LPR regions. According to OCHA, the proportion of the population in DPR and LPR without access to adequate nutrition increased from 40% in 2016 to 86% in 2017. In the areas along the contact line, that proportion is about 55%".[167]

Illustrating this reality, the United Nations Humanitarian Response Plan (HRP) for 2020 articulates three strategic objectives:

> (1) "Provide life-saving assistance for people living in areas closest to the contact line in GCA and in NGCA (0-5 kilometer GCA and NGCA);
> (2) Improve living standards for people in areas further away from the contact line in GCA (5-20 kilometer GCA); and
> (3) Address pockets of humanitarian needs for people living in areas beyond the contact line in GCA (20+ kilometer GCA), particularly IDPs [internally displaced persons]".[168]

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[164] For an overview of the humanitarian consequences at stake in the earlier years of the conflict, see generally "2015 Humanitarian Needs Overview," OCHA, December 2014, https://reliefweb.int/sites/reliefweb.int/files/resources/2015_HNO_Ukraine_20141205_0.pdf.

[165] Alexander Motyl, "It's Time for Ukraine to Let the Donbass Go," Foreign Policy, 6 December 2019, https://foreignpolicy.com/2019/12/06/ukraine-better-without-donbass-costly-reconstruction-pro-russia-west/.

[166] "Ukraine - Complex Emergency Fact Sheet #2, Fiscal Year (FY) 2020," USAID, 30 April 2020, https://reliefweb.int/sites/reliefweb.int/files/resources/04.30.20%20%20USG%20Ukraine%20Complex%20Emergency%20Fact%20Sheet%20%232.pdf.

[167] "2020 Humanitarian Needs Overview," OCHA, January 2020, https://reliefweb.int/sites/reliefweb.int/files/resources/Ukraine%20Humanitarian%20Needs%20Overview%202020%20%28Issued%20January%202020%29.pdf.

[168] "2020 Humanitarian Response Plan," OCHA, January 2020, https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/ukraine_2020_humanitarian_response_plan_en.pdf.

The United Nations response plan targets 2 million of the 3.4 million people in need, the majority of which are women, children, and people living with disabilities.[169] There has also been "a rise in the prevalence of typical symptoms of structural poverty such as drug abuse, alcoholism and prostitution, and to limited access to healthcare and school education".[170] Violence, insecurity, landmines, and other consequences of conflict are aggravated by Ukraine's harsh winters, which impose restrictions on humanitarian access and limited livelihood opportunities, such as agriculture and livestock, for those affected by the crisis.

Despite support from the US and the EU, the Ukrainian government remains unable, or in the case of the Donbas, unwilling, to address these humanitarian concerns, as evidenced by their actions which actively exacerbate vulnerabilities through tight control of the contact line, linking pensions to IDP status, and denying the legitimacy of civil documents in NGCA. Analysts have noted that this is for several reasons, including strained state institutions, pre-dating the conflict[171] and ambivalence of the political elites in Kyiv who regard the Donbas as an "unnecessary economic burden and its population as politically untrustworthy"[172], making them less willing to engage, invest, and alleviate the humanitarian burden in the East.[173] Indeed, according to the vast majority of people met, following Maidan, Kyiv authorities turned their attention to their supporters in the Central and Western areas of the country, leaving those from the East with little to no political influence or representation.

The humanitarian situation of populations in the Donbas has not changed considerably since the start of the conflict in 2014; many of the communities' grievances and needs pre-date the hostilities. Civilians have always been confronted with issues of access to basic goods and services (for example, groceries, medicine, clothes, blankets, and clean water). Field research indicated, however, that what has exacerbated existing vulnerabilities is the cessation of goods and services once provided regularly by charities and churches, as well as private businesses, political parties, and local associations. Donations, particularly those from elsewhere in Ukraine and from abroad have also been reduced and are now increasingly difficult to distribute to LPR and DPR due to political and logistical constraints. Locally run charities in DPR and LPR have also experienced diminishing financial support from philanthropists and other private actors, as the conflict in the Donbas has emphasized political divisions and perceptions. As an interviewee stated, "*People think that aid only comes from authorities now, establishing a very paternalistic relationship and a 'behavior of poverty'—rather, it is essential to cultivate empowered, positive behaviors as a beneficiary*".

According to a politician interviewed in the Donbas, "*The economic situation has collapsed. Donetsk city size was 1 million inhabitants in 2013, today it is no more than 800,000 and probably for both republics it represents no more than 2 million people (based on the bread consumption and garbage collection). 50% of the population has left (more than 300,000 people from Donetsk are living Moscow today) but 30% came from other places in DPR*". In 2019, the GDP of DPR was estimated by analysts at €915 million euros (a little over $1 billion USD). In comparison, just for 2013, the budget of Donetsk city was more than $ 2 billion USD and resident taxes represented more than $275 million USD.

Since the eruption of the conflict, the economy of the region "went into a tailspin, unemployment went through the roof, inflation soared—and the new regime and its thugs took advantage to enrich themselves. The separatist government helped promote the decay by dismantling viable factories and selling them to Russia. Small wonder that, for many Donbas residents, the best source of employment is the separatist armed forces".[174] LPR in particular, remains particularly underdeveloped, with limited infrastructure and roads. Many facilities have closed due to the conflict, with teachers leaving and being replaced by local schoolteachers. Teachers interviewed noted that the average teacher salary in the region is €220 euros per month.

The issue of education has become particularly emblematic in the republics, particularly in LPR, around creating new structures of segregated schooling. As local authorities claim, boys must be taught to be patriotic, while girls must be

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[169] "2020 Humanitarian Response Plan," OCHA.

[170] Fischer, "The Donbas Conflict." For an in-depth examination of drug abuse in Ukraine, see generally Jennifer J. Carroll, Narkomania: Drugs, HIV, and Citizenship in Ukraine, Cornell University Press, Ithaca, NY, 2019.

[171] Veronique Barbelet, "Humanitarian Access and Local Organisations in Ukraine," HPG Working Paper, Humanitarian Policy Group [HPG], September 2017, https://www.odi.org/sites/odi.org.uk/files/resource-documents/11746.pdf.

[172] Fischer, "The Donbas Conflict."

[173] "Nobody Wants Us: The Alienated Civilians of Eastern Ukraine," International Crisis Group, Report 252, 1 October 2018, https://www.crisisgroup.org/europe-central-asia/eastern-europe/ukraine/252-nobody-wants-us-alienated-civilians-eastern-ukraine.

[174] Motyl, "It's Time."

taught to run households and have children, referencing the Stalinistic rhetoric of the 1940s. According to proponents of segregated education, mixed schools results in boys becoming feminine and women becoming masculine. This propaganda is to push new policies in structuring schooling in a way that will instill nationalism and repressive social values in the region.[175] While the authorities tend to minimize the exodus of students since the establishment of the de facto republics, the fact is that universities have been split in two, in order to maintain Ukrainian certifications. Students living in NGCA must travel to GCA for the validation of their diplomas, which restricts their continued education. According to interviews, the Institute of Foreign Languages in Horlivka (which was relocated to Bakhmut / Artyomovsk the location where students could pay to receive their diplomas. It was estimated that 10% of its students remain today, as most left to study elsewhere in Ukraine or abroad. Students who remain in the Donbas are issued both a DPR diplomas and a Russian diploma. It is important to highlight that the Russian Federation has offered passports for students in order to facilitate their registration, and also pays salaries to teachers of the Institute. The perspectives of students interviewed was that they have had to turn to Russia, as access to Ukraine has become too complicated and job prospects in DPR are slim. As many stated, "*we stay for our parents while our parents encourage us to leave*".

2. From cities to cyber-attacks: the targeting of public infrastructure

Scholars who have undertaken in depth analysis of the impact of the conflict on civilian infrastructure have written, "the fighting has damaged not just healthcare services, but other civilian infrastructure such as housing, schools, and election facilities—while killing, terrifying, and displacing civilians. The war has undermined the legitimacy of the state and made it harder to reach a reconciliation if and when the conflict ends".[176] According to UN OCHA, "Huge stretches of populated areas in Eastern Ukraine are littered with deadly landmines and explosive ordnance posing a lethal threat to over two million people, particularly those living near the contact line and [the only] five checkpoints where an average of one million civilian crossings occur each month.[177]

In an interview with Borys Filatov, former deputy governor of Dnipropetrovsk, one journalist writes that, civilians have been caught in the middle of the conflict, that the Ukrainian Armed Forces continues to shell its own people: "the situation is horrible, but we have nothing to apologize for, we didn't start it".[178] Horlivka, significant to the Donbas for its coal mining and chemical industry, was shelled extensively in residential areas for years by Ukrainian forces. Interviewees recalled that hundreds of homes were destroyed and more than 60% of the population fled. While some have since been returning, it has been difficult to do so, as the security environment remains precarious, jobs remain scarce and salaries low in the face of a failing economy. "Do they think we will forgive Poroshenko? Who is Poroshenko, if he does not see people's tears? They have bombed us since 2014. Their bombs hit kindergarten and school. The buildings were reconstructed, windows were replaced and then they were damaged again…We are not allowed to fire due to 'Minsk Agreements.' So why do they fire? 'Minsk' is not for them? You, the world community, don't you see what is happening here?"[179]

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[175] Andriy Aliokhin, Anton Korynevych, Mariia Krona, et al., "War without Rules: Gender-Based Violence in the Context of the Armed Conflict in Eastern Ukraine," Eastern-Ukrainian Centre for Civic Initiatives, K.TsP "KOMPRINT", 2017, https://jfp.org.ua/system/reports/files/110/en/gon_eng_220818_web.pdf.

[176] Cynthia Buckley, Ralph Clem, Jarod Fox, and Erik Herron, "The war in Ukraine is more devastating than you know," Washington Post, 9 April 2018, https://www.washingtonpost.com/news/monkey-cage/wp/2018/04/09/the-war-in-ukraine-is-more-devastating-than-you-know/. See also "Situation report 01 August 2016," World Health Organization, August 2016, https://www.who.int/hac/crises/ukr/sitreps/ukraine_sitrep_1august2016.pdf?ua=1; "Ukraine Humanitarian Situation: Health Cluster," World Health Organization, December 2016, http://www.who.int/hac/crises/ukr/sitreps/ukraine-health-cluster-situation-report-december2016.pdf?ua=1; "Operating under Fire: The Effects of Explosive Weapons on Health Care in the East of Ukraine," Harvard Law School International Human Rights Clinic and PAX, May 2017, https://reliefweb.int/sites/reliefweb.int/files/resources/operating-under-fire-2017-pax-full-report-c.pdf; and Denys Denysenko, Valerii Novykov, Anton Korynevych, "Forbidden Target: healthcare facilities under shelling," Luhansk Oblast Human Rights Center "Alternative", 2017, https://reliefweb.int/sites/reliefweb.int/files/resources/forbidden_target_-_healthcare_facilities_under_shelling_alternative_web.pdf.

[177] "2019 Humanitarian Response Plan," OCHA, December 2018, https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/ukraine_2019_humanitarian_response_plan_en.pdf.

[178] Sarah Topol, "Letter from Ukraine - Fugue State: The struggle for national identity in wartime Ukraine," Harpers Magazine, July 2015, https://harpers.org/archive/2015/07/fugue-state/.

[179] "Gorlovka residents: Will that idiot Poroshenko quench his thirst of blood?" EurAsia Daily, 21 May 2018, https://eadaily.com/en/news/2018/05/21/gorlovka-residents-will-that-idiot-poroshenko-quench-his-thirst-of-blood.

Since the beginning of the conflict, figures[180] indicate that possibly up to 13,200 people have been killed, including combatants and civilians.[181] However, interviewees in DPR, as well as in Kyiv and Moscow, indicated that that number is closer to 27,000.[182] At the beginning of June 2015, the Donetsk region's prosecutors reported that of the 1,592 civilians who had gone missing in government-controlled areas, only 208 were located. Nearly two million people have been displaced or risk violence and retaliation on the basis of their identity, if they remain in their homes.[183]
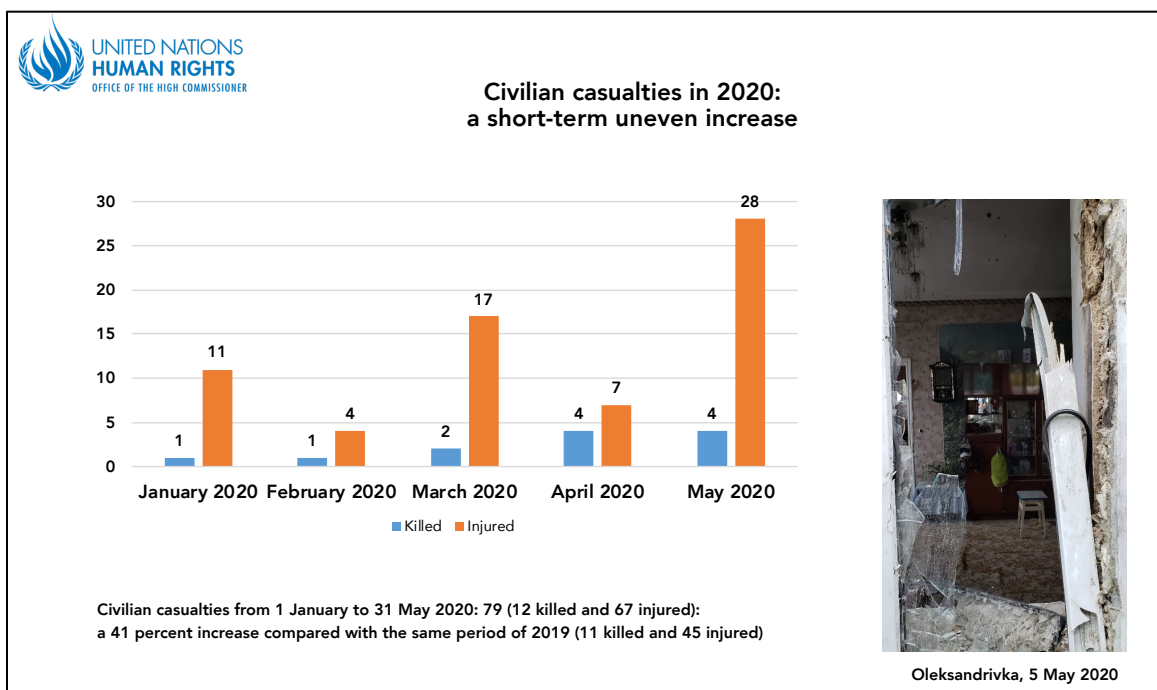
Conflict-related civilian casualties in Ukraine (UN Human Rights Monitoring Mission in Ukraine 10 June 2020, included with permission)

Today, the hostilities, while uninterrupted, are relatively low-grade. They continue to impact communities living on and around the frontline, whether on the GCA contact line side, or in the separatist areas. Despite multiple ceasefire attempts, there continue to be countless violations and occasional attacks against civilians by both sides, across the frontline. As one journalist explains, "the civilians in the east viewed the west as their enemy—and it was, of course, their own military that was shelling them while they slept".[184] One example is the settlement of Zaitsevo, which has changed control throughout the war. In 2017, at the time of the heaviest fighting, where much of the residential area was shelled, this city was split administratively in two. In order to access the other side of the city, one needed to request official permission. Today, a bus travels across the line several times per week, but the majority of civilians are too afraid to cross.

Another example is the district of Oktyabrsky, where many households have been destroyed by shelling (more than 5,000 people have been affected), particularly in 2015 and 2016. When more than 30% of a house is damaged, or if it is the second time a house has been shelled, residents usually do not receive support to repair or rehabilitate their homes from the authorities or from humanitarians and they have to be relocated.[185] According to an interviewee, "*We have faced*

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[180] "Office of the United Nations High Commissioner for Human Rights Report on the human rights situation in Ukraine 16 November 2019 to 15 February 2020," OHCHR, 12 March 2020, https://www.ohchr.org/Documents/Countries/UA/29thReportUkraine_EN.pdf.

[181] "Report on the human rights situation in Ukraine: 16 November 2019 to 15 February 2020," OHCHR, 2020, https://www.ohchr.org/Documents/Countries/UA/29thReportUkraine_EN.pdf; See also "Donbas war death toll rises up to nearly 13,000," UNIAN, January 2019, https://www.unian.info/war/10416549-donbas-war-death-toll-rises-up-to-nearly-13-000-un.html.

[182] For additional sources discussing fatality statistics, see generally Buckley, Clem, Fox, and Herron, "The war in Ukraine" and "Donbas war death toll," UNIAN.

[183] Buckley, Clem, Fox, and Herron, "The war in Ukraine."

[184] Topol, "Fugue State."

[185] For more information on damage to housing, see "Pursuing compensation for properties damaged or destroyed as a result of hostilities in the armed conflict in Eastern Ukraine: Gaps and opportunities," Norwegian Refugee Council, October 2018, https://www.nrc.no/globalassets/pdf/reports/0.2-pursuing-compensation-for-properties-damaged-or-destroyed-as-a-result-of-hostilities-in-the-armed-conflict-in-eastern-ukraine-gaps-and-opportunities/nrc-study_pursuing-compensation-for-damaged-or-destroyed-property_eng.pdf; See also Nataliia Melnyk, Alina Pavlyuk, Maksim Petrov, and Oksana Glushko, "Armed conflict in the East of Ukraine: the damage caused to

2 shelling events in our house in 2014 and in 2015, where there were six of us living. Our father has been killed and the house was destroyed so we have no option than to move". One location to which people have been relocated is the dormitory of Donetsk National Medical University, where more than 300 people live today. Housing in the dormitory is free of charge (authorities provide the electricity and gas). The shelling of urban areas and civilian infrastructure means that 60% of the people living along the contact line are affected by shelling regularly and almost 40% were affected every day during the peak intensity of conflict.[186] The main types of damage have occurred as a result of heavy artillery shelling and fire with multiple rocket launchers. These weapons are indiscriminate and cause disproportionate collateral damage.[187] Indeed, numerous reports have detailed both sides' use of indiscriminate "area effects" weapons that have caused a great deal of collateral damage,[188] reducing many Donbas cities and villages to rubble.[189]

Whether one lives close to the contact line or a bit further away, civilians consider that they have been abandoned by the authorities and the humanitarian actors. "*We have been forgotten*" is repeatedly stated by civilians living in the GCA zones, as well as those who are living under separatist control. In many ways, the contact line itself has created most humanitarian needs as it has trapped populations in an insecure limbo driven by political priorities. In one interviewee's words, "*We stay here because we are afraid to go back to our homes and we do not want to be a burden for our children*". The contact line that divides what was once Ukraine's thriving urban and industrial heartland, has also devastated service provision, markets, and social and economic networks. It has led to difficulties obtaining civil documentation, such as death and birth certificates. Paralyzed economic activity forces people to resort to stark and impossible choices between eating, accessing healthcare, buying coal, or sending their children to school.[190] One interviewee from an international humanitarian organization spoke about pervasive implementation of "quick fix actions", which have the reverse effect of keeping populations in insecure zones by providing humanitarian services and goods that are inadequate but sufficient for very short-term relief.

Donetsk city and its suburbs have been heavily shelled since 2015. Many households have been partly or entirely destroyed, and families have not received adequate support for rebuilding. As an illustration, in Trudovskaya, situated just 800 meters from the frontline, was damaged in 2016, with the deliberate targeting of civilian populations, structures, and homes. More than 50 people there were killed in the hostilities. According to interviewees, the local orthodox church distributed some materials to support rebuilding efforts, the local administration has provided bread, and the ICRC delivered rehabilitation and grocery products in a distribution center. De facto authorities who wanted to control distribution required international actors to disclose a list of beneficiaries to be vetted and approved. Many affected populations who were interviewed had applied through a bureaucratic process established by the authorities in order to receive ICRC support. It took one year to finally receive approval and the items; "*it was what we needed*," said an interviewee. Since then, only the ICRC has been able to provide food, water, electricity, and gas, particularly by maintaining and repairing infrastructure regularly, regardless of conflict. Most recently, Trudovskaya was again victim to another series of attacks, causing damage to civilian infrastructure including residential areas, a mine, and power lines.[191]

Another location visited for this research was a bomb shelter in the Donetsk district where more than 600 people were living between 2015 and 2017. Following the shelling and destruction of their villages, this group now lives completely

the housing of the civilian population," Kharkiv: LLB "Human Rights Publisher", 2019, https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/report_on_damage_to_housing_of_the _civilian_population_in_the_eastern_ukraine_eng.pdf.

[186] "Ukraine 2018 Humanitarian Needs Overview," OCHA, 30 November 2017, https://www.humanitarianresponse.info/en/operations/ukraine/document/ukraine-2018-humanitarian-needs-overview-hno

[187] Cynthia Buckley, Ralph Clem, Erik Herron, "Attacks on Healthcare Infrastructure in the Donbas: Implications for Ukrainian State Legitimacy," PONARS Eurasia, Policy Memo No. 562, January 2019, http://www.ponarseurasia.org/sites/default/files/policy-memos-pdf/Pepm562_Herron-Clem-Buckley_Jan2019_0.pdf.

[188] See "Ukraine: Rising Civilian Toll in Luhansk At least 300 Civilians Killed Since May, Many in Indiscriminate Bombings," Human Rights Watch, 1 September 2014, https://www.hrw.org/news/2014/09/01/ukraine-rising-civilian-toll-luhansk#; and Buckley, Clem, and Herron, "Attacks on Healthcare."

[189] See "Ukraine conflict: Jet bombs rebel-held town of Snizhne," BBC News, 15 July 2014, https://www.bbc.com/news/world-europe-28309034, https://www.youtube.com/watch?v=uns9dEutVD8, https://www.theatlantic.com/photo/2015/02/a-year-of-war-completely-destroyed-the-donetsk-airport/386204/; "Interview: Ukrainian 'Cyborg' Describes Nine Days Defending Donetsk Airport," Radio Free Europe, 15 November 2014, https://www.rferl.org/a/donetsk-fighters-ukraine/26693593.html.

[190] "2019 Humanitarian Response Plan," OCHA.

[191] See "The AFU attacked residential areas on the Donetsk and Gorlovka fronts, damage reported — DPR PMD," Donetsk People's Republic Official Site, 30 June 2020, https://dnronline.su/en/2020/06/30/063006/.

underground, disconnected from their lives. The only assistance they receive is aid kits from the ICRC every three months. However, it was explained that, for public relations reasons, the local authorities present these kits as coming from their own initiatives. They do not cross the contact line to receive a pension from the Government of Ukraine, but they do receive 4,000 rubles ($148 USD dollars) per month from the DPR authorities. They have been offered relocation to a dormitory, but the majority of the people prefer to remain close to their land and homes, even if they are destroyed, fearing that their remaining possessions will be stolen.

Interviewees described two types of places that have been at full capacity since the beginning of the conflict: hospitals and cemeteries. The hospitals that remain are overstretched due to the fact that there are fewer wards and fewer qualified staff in many small facilities, with only 30% of specialists remaining, particularly a lack of gynecologists, pediatricians, and psychiatrists, forcing civilians to travel elsewhere to access specialized care. The consequences of healthcare damage on the civilian population are significant and "risks to Ukrainian citizens are primarily an indirect consequence of war: collateral damage, damaged infrastructure—including to housing and medical facilities—and lack of medicines, especially for those suffering from terminal illnesses such as tuberculosis and cancer."[192] In many cases, the facilities that have been compromised provided the only accessible healthcare to local communities. Moreover, the death rate has increased due to many factors—such as stress, hypertension, heart attacks, cancers, lack of adequate and consistent access to treatments and medications—but close to the contact line, many cemeteries are no longer accessible due to the conflict. People from the area can no longer be buried there.

The deliberate targeting of hospital facilities

One of the most emblematic attacks on civilians in the Donbas has been the deliberate destruction of hospitals. Nearly one third of all medical facilities in Eastern Ukraine have been damaged between 2014 and 2017.[193] These attacks have severely negatively impacted the security and quality of life of populations in the conflict zones, as well as undermined the legitimacy of the Ukrainian state. As researchers have explained, "destruction of humanitarian infrastructure goes against international agreements concerning armed engagements, and it diminishes the provision of public goods in the short term and creates long-term challenges for rebuilding state legitimacy in the long term, which is critical for geopolitical stability".[194] The WHO has also reported on hospital attacks, estimating in August 2016 that 145 hospitals had been shelled[195], and in a later report, that 150 of 342 healthcare facilities within the conflict zone itself were attacked since the beginning of the conflict.[196] The burden of war on the health system in Eastern Ukraine has been significant. As reported in the Lancet:

> Fighting between Ukrainian Government forces and pro-Russian separatists has led to the almost complete breakdown of essential services, including health care, in many areas. Communities face a number of physical and mental health epidemics, including depression, alcoholism, hyper tension, declining birth rate, and other negative health indicators. Medical supplies have been severely interrupted or cut off entirely, hospitals have been destroyed or are facing crippling staff shortages as health professionals—up to an estimated 70% in some parts of the region, according to WHO—flee the fighting, and entire areas have been left without water, power, or waste disposal.[197]

The health sector suffers significantly from the departure of health workers fleeing the conflict, and particularly from the loss of specialists, in education, secondary, and maternal care. According to an interviewee, "*While we can access health facilities and while primary health services are functional, we note a decrease of medical specialists in the zone, particularly those for services relating to neurology, rheumatology, or oncology, being replaced by family doctors. Lab analysis is more expensive, access to drugs challenging, including antibiotics. Moreover, medicines come from Russia and there are issues of quality*".

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[192] Christine Mehta, "What Does 2016 Hold for Ukraine?" Physicians for Human Rights, 16 February 2016, https://phr.org/our-work/resources/what-does-2016-hold-for-ukraine/.
[193] Buckley, Clem, Fox, and Herron, "The war in Ukraine."
[194] Buckley, Clem, and Herron, "Attacks on Healthcare."
[195] "Situation report 01 August 2016," World Health Organization.
[196] Ibid.
[197] Ed Holt, "Health care collapsing amid fighting in east Ukraine," The Lancet, 7 February 2015, https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(15)60186-6/fulltext.

Qualified and essential medical professionals in the Donbas received incentives from Russia to leave the region, with easy access to Russian passports accelerating emigration. "Doctors in major cities in east Ukraine said the biggest immediate fear was for people with acute and chronic disorders who need life-saving drugs. Two doctors warned that some patients were effectively facing a 'death sentence' as medicines run out, and that health-care workers were often taking desperate risks to ensure people received proper care".[198] The main problem has been the material support and equipment of health facilities. Most hospitals require repairs, particularly those that have been affected by shelling. The need for capital expenditures at the moment is 390 million rubles. The ambulance system is functional today on the contact line and several hospitals are also active, even if many qualified medical staff have left.

Along the contact line on the GCA side, civilians who have remained also feel the solitude and uncertainty about their futures. As an interviewee explained, "*we cannot count on key national and international stakeholders to bring peace and justice*". Those living in the GCA near the contact line face risks from shelling, mines, and numerous social consequences of the war, such as access to their pensions, which requires them to undertake long and precarious trips to receive their payments. The population living in the immediate vicinity of the GCA contact line—in particular, within 5 kilometers—faces myriad issues including access to health and legal services, freedom of movement, and access to pensions, among other social services.[199] Youth are particularly vulnerable. Interviewees in Zolote (GCA) listed more than 15 incidents of school shelling in 2019. They shared that teachers have to explain to children the concept of peace, while the children express their longing to leave their families and their country, in hopes of finding better educational and professional opportunities outside of Ukraine. Interviewees also stressed that children are very sensitive to the shelling nearby, able to identify the types of shelling that are happening around them. Access to education remains a daily challenge with limited transportation. As one interviewee explained, the closest high school is in Pokorske (60 kilometers away) and public transportation is limited. The population has seen long years of economic decline due to the closure of coal mines, limiting their prospects for work due to forced isolation from Ukraine and sanctions preventing other profitable opportunities.

Across the Donbas region, the majority of the facilities remain inaccessible and shops and pharmacies are closed; food, hygiene products, clothes, and winter items are difficult to find, and the baseline costs of goods have risen considerably. As described by ICRC President Peter Maurer during his 2017 visit to Avdiivka, "we are still very much absorbed with providing basic services—only this week, for example, our teams have been bringing in emergency supplies of water to people in Avdiivka after the water supply was cut".[200] The security situation in this zone remains precarious and unpredictable. Even though the intensity of the conflict is limited, the presence of militaries and the proximity to the border increase the safety risks and challenges. Both sides have used civilian infrastructure and facilities, including hospitals and schools, in their military operations.[201]

Other humanitarian actors working along the contact line have also experienced the unintended negative consequences of their programs for civilians. In Nevelskoye, for example, one international humanitarian agency focused on displaced populations invested in the rebuilding of 24 homes after heavy shelling, hoping to motivate the return of displaced civilians to their village. However, the former residents still perceived the village to be too dangerous to return, leaving the homes vacant and eventually occupied by Ukrainian armed forces. Another NGO interviewee noted that, in 2017, following the visit[202] of the ICRC President to a village on the contact line, the organization made the commitment to rebuild several houses that had been extensively damaged by shelling. While all of the homes were reconstructed, the

[198] Holt, "Health care collapsing."
[199] For previous research that addresses these issues, see for example, "Legal Assistance Needs Assessment: People Living Along the Line of Contact Donetsk Oblast GCA, Ukraine," Danish Refugee Council, 2017, https://reliefweb.int/sites/reliefweb.int/files/resources/drc_legal_needs_assessment_2017_2_0%20%281%29.pdf; "A line of conflict dividing families in Ukraine," ECHO, 3 October 2017, https://reliefweb.int/report/ukraine/line-conflict-dividing-families-ukraine; and "Protection Concerns of People Living Along the Contact Line," Protection Cluster Ukraine, February 2020, https://reliefweb.int/sites/reliefweb.int/files/resources/01_2020_protection_considerations_for_people_living_along_the_contact_line_eng.pdf
[200] "Diary – ICRC President Peter Maurer in Ukraine," ICRC, 10 March 2017, https://www.icrc.org/en/document/diary-icrc-president-peter-maurer-ukraine.
[201] For example, see generally "Studying Under Fire: Attacks on Schools, Military Use of Schools During the Armed Conflict in Eastern Ukraine," Human Rights Watch, 11 February 2016, https://www.hrw.org/report/2016/02/11/studying-under-fire-attacks-schools-military-use-schools-during-armed-conflict.
[202] "ICRC President Peter Maurer visiting Ukraine, 6-10 March 2017," ICRC, 6 March 2017, http://ua.icrc.org/2017/03/06/icrc-president-peter-maurer-visiting-ukraine-6-10-march-2017/.

area also remained too unsafe for populations to return. Theoretically, criteria have been established to provide assistance and compensation for structural damages to homes often on the basis of the percentage of the home that has been destroyed. For example, if more than 30% of a home is destroyed, it is considered "category 1", as explained by a homeowner. "According to approximate estimates[203], more than 20,300 homes have been damaged or demolished in the Kyiv-controlled parts of the Luhansk and Donetsk regions alone since the start of the war. Responding to an information request, the Ministry of Justice informed that there are currently 158 applications for compensation in Ukrainian courts at various levels. Some cases have already gone to the Supreme Court and been sent back round again. And not a single family has received any compensation from the state".[204]

The village of Opytne has also seen significant destruction as a result of the conflict.[205] Once populated by more than 750 people, today, only 38 remain, enduring harsh conditions: no electricity or gas, no running water, no facilities, damaged roads, and no ambulance services. As one resident explained, "*deciding to stay is to fight to survive…it is sad that foreigners come here to show how bad the situation is to the government in Kyiv*". The most intensive shelling ended here in 2017, but the village remained abandoned by the authorities. It is thanks to the advocacy and communication of organizations such as People in Need (PIN), or Proliska[206], in particular that local authorities have provided some support for reconstruction. As one resident said, "*the authorities don't want us to stay here*".

It became clear through the field mission that in 2019, the majority of the 13 villages in GCA did not have access due to insecurity. In Opytne, the ICRC distributed cash and non-food items between 2017-2019, based on a beneficiary list provided by PIN. The agency has also brought water into the village on a monthly basis, in addition to local foundations and churches distributing food parcels. The field research in Pisky confirmed that 8 people remained in the village of Pisky, where "the cellars of houses in this formerly prosperous suburb became shelters not only for the local population, but also Ukrainian troops and volunteer battalion members. And they were also, of course, targets for the other side. Over a few months [Pisky], which was located near Donetsk Airport, a very intense area of fighting, was almost razed to the ground, and its population plummeted from around 2,500 to eight…Our house burned down 'just at the right moment', when the airport had lost its strategic significance. Then, the main aim was simply not to lose [Pisky] to the separatists".[207] Another place, Vodiane, a closed village divided in two with a zone only accessible with Ukrainian Armed Forces permission, is home to 105 remaining inhabitants, and continues to lack access to basic services and infrastructure including gas and water.

Contamination of the ground by militaries

Landmines laid during the conflict have had a particularly deadly impact on civilians, and risks persist from land mines, as well as other explosive remnants of war (ERW).[208] The United Nations has estimated that two million people are affected by landmines and ERW contamination in GCA.[209] The pervasiveness of landmines in NGCA remains difficult to determine due to the lack of access needed conduct technical assessments, but according to the State Emergency Service of Ukraine, even by the end of 2015, the Ukrainian government had cleared more than 44,000 mines in the Donbas.[210] Since 2014, over 1,000 civilians have been killed or injured by either landmines or explosive remnants of war—165 of whom have been children—and the number of unexploded mines remains unknown.[211] A fact that

[203] "How to estimate the damage to people, whose housing is destroyed in Eastern Ukraine," Donbvass SOS, 18 April 2019, http://www.donbasssos.org/zbitki/.

[204] Yulia Abibok, "The war in eastern Ukraine left these people without homes. The state is yet to compensate them," Open Democracy, 23 May 2019, https://www.opendemocracy.net/en/odr/voina-ostavila-ikh-bez-doma-en/.

[205] See "'We Don't Have Anything': A Ukrainian Village On The Front Line," Radio Free Europe, 28 August 2018l, https://www.rferl.org/a/a-ukraine-village-on-the-front-line/29458082.html.

[206] Proliska is a local NGO founded by volunteers in 2014 in Kharkov. Its mission is to provide humanitarian assistance to civilians affected by the conflict in Eastern Ukraine. https://proliska.org.

[207] Abibok, "The war in eastern Ukraine."

[208] For example, Jonathan Brown, "Ukraine: The lasting impact of landmines on civilians," Al Jazeera, 5 December 2016, https://www.aljazeera.com/indepth/features/2016/11/ukraine-lasting-impact-landmines-civilians-161117114427487.html; and "Ukraine: 20 years since Ottawa, much remains to be done," ICRC, 12 April 2017, http://ua.icrc.org/2017/12/04/20-years-since-ottawa-eng/.

[209] "Humanitarian Response Plan 2019," OCHA.

[210] Sergei Volskiy, "Three killed as passenger bus hits mine in east Ukraine," Yahoo!, 10 February 2016, https://news.yahoo.com/four-killed-passenger-bus-hits-mine-east-ukraine-003355845.html.

[211] "Humanitarian Response Plan 2020," OCHA. For information on humanitarian demining activities in Ukraine, see Jack Losh, "Ukraine's desperate attempt to defuse landmines – as more are planted," The Guardian, 4 April 2016, https://www.theguardian.com/global-

illustrates the severity of this problem in Ukraine is that, for several years during the conflict, the country has had a greater number of anti-vehicle mine incidents than any other country.[212] According to the protection cluster in Ukraine, landmine-related incidents and mishandling of ERW, 65% of casualties were documented in NGCA.[213]

<u>Cyber warfare</u>

A hallmark of Russian destabilization in its methods of hybrid warfare described earlier in the paper, has also been through cyber tactics. According to an analyst, the Kremlin

> has spent the last three years terrorizing Ukraine. Aside from its two blackout attacks, the group has since 2015 rampaged through practically every sector of Ukrainian society, destroying hundreds of computers at media companies, deleting or permanently encrypting terabytes of data held by its government agencies, and paralyzing infrastructure including its railway ticketing system',[214] making Ukraine a testing ground for virtual weapons.[215] Between 2015 and 2016 in particular, Russian hackers…broke into countless Ukrainian governmental organizations, media, creating widespread power outages…On a national scale, [hacking] was eating Ukraine's computers alive. It would hit at least four hospitals in Kiev alone, six power companies, two airports, more than 22 Ukrainian banks, ATMs and card payment systems in retailers and transport, and practically every federal agency.[216]

While Ukraine has succeeded in mitigating any lasting destruction, such attacks "have eroded confidence in Ukrainian President Poroshenko's administration as it tries to build democratic institutions in the midst of an ongoing conflict".[217] In light of Russia's hybrid war in Ukraine, in territory considered in the shadows of European concern, "*the Kremlin is able to test its cyber capacities with little to no retaliation*", as an interviewee explained. Further, Russia is "feeling out the edges of what the international community will tolerate. The Kremlin meddled in the Ukrainian election and faced no real repercussions; Russian hackers turned off the power in Ukraine with impunity—they're testing out red lines, what they can get away with. You push and see if you're pushed back. If not, you try the next step".[218] As one source quotes, Ukraine is "a front line in active hybrid war, and we are always concerned that anything tested here might be used elsewhere".[219]

development/2016/apr/04/ukraine-attempt-defuse-landmines-as-more-are-planted; Karen Kisakeni Sørensen, "Innovating in an ongoing armed conflict: the Mine Action applications (MApps) project in Ukraine,"Humanitarian Practice Network, April 2016, https://odihpn.org/magazine/innovating-in-an-ongoing-armed-conflict-the-mine-action-applications-mapps-project-in-ukraine/; "Mine Action in Ukraine," Protection Cluster, March 2019, https://reliefweb.int/sites/reliefweb.int/files/resources/2019_03_advocacy_note_on_mine_action_eng.pdf; "Ukraine: Protection Assessment of Isolated Settlements in Government-Controlled Areas Along the Contact Line," REACH, February 2019, https://reliefweb.int/sites/reliefweb.int/files/resources/reach_ukr_report_protection_assessment_february_2019.pdf; Toby Robinson, and Rosanna O'Keeffe, "The Challenges of Humanitarian Mine Clearance in Ukraine," Journal of Conventional Weapons Destruction: Vol. 23 : Issue 1, Article 8, 2019, https://commons.lib.jmu.edu/cisr-journal/vol23/iss1/8.
Mine Victim Assistance Needs, Danish Refugee Council-Danish Demining Group, 2 October 2019, https://reliefweb.int/report/ukraine/mine-victim-assistance-needs-enuk.
[212] "Humanitarian Response Plan 2019," OCHA.
[213] "Ukraine: Protection Cluster Factsheet - December - January 2019," UNHCR Protection Cluster, 22 February 2019, https://reliefweb.int/report/ukraine/ukraine-protection-cluster-factsheet-december-january-2019-enruuk.
[214] Andy Greenberg, "Your Guide to Russia's Infrastructure Hacking Teams," Wired, 12 July 2017, https://www.wired.com/story/russian-hacking-teams-infrastructure/.
[215] Greenberg, "Your Guide."
[216] Andy Greenberg, "The Untold Story of NotPetya, the Most Devastating Cyberattack in History," Wired, 22 August 2018, https://www.wired.com/story/notpetya-cyberattack-ukraine-russia-code-crashed-the-world/.
[217] Aaron F. Brantly, Nerea M. Cal, Devlin Winkelstein, "Don't Ignore Ukraine: Lessons From the Borderland of the Internet," Lawfare Blog, 7 July 2017, https://www.lawfareblog.com/dont-ignore-ukraine-lessons-borderland-internet.
[218] Andy Greenberg, "How an Entire Nation Became Russia's Test Lab for Cyberwar," Wired, 20 June 2017,
 https://www.wired.com/story/russian-hackers-attack-ukraine/.
[219] David Gilbert, "Inside the massive cyber war between Russia and Ukraine," Vice News, 29 March 2019, https://www.vice.com/en_us/article/bjqe8m/inside-the-massive-cyber-war-between-russia-and-ukraine.

3. Enduring environmental impacts

The indiscriminate nature of the conflict has also had definitive adverse environmental impacts, as shelling has damaged water and sanitation facilities and has elevated the risk of a chemical disaster in Eastern Ukraine.[220] In 2018 alone, more than 85 incidents, including shelling and landmines, affected water and sanitation systems. Access to water has been a vital issue for populations living on both sides of the contact line. Any interruption of the water supply can stop interdependent heating systems, with severe humanitarian consequences. There is a great disillusionment among civilians vis-à-vis the authorities and the international community. "*Political actors are playing a chess game where civilians have been completed forgotten and neglected*", an interviewee said.

A critical example of the politicization of resources is the case of Voda Donbassa. As one interviewee stated, "*access to water is a humanitarian, development, political, and mediation issue. The Government of Ukraine focuses on security issues, strengthening their institutions and decentralizing their actions*", while potable water in Eastern Ukraine remains dependent on a network that crisscrosses the contact line four times, caught in the cross-fire. Voda Donbassa, the Ukrainian national water company, owns the entire system managing water treatment, transportation, and "supplying water to 3.9 million people. Most secondary water providers in the region then buy water from Voda Donbassa to supply it to cities and small towns and treat sewage for consumers".[221] Over recent years, it became clear that the water system was central to political negotiations. One example is linked to the destruction of the water system in the industrial zone between Avdiivka and Yasinovata in 2017, creating significant leakage on the NGCA side. Authorities of DPR and employees of Voda Donbassa called for a cessation of hostilities in order to repair the damage, which Kyiv refused for months. An estimated 5,000 cubic meters (5 million liters) of water were lost per hour for over two years, according local engineers. It was only when, in July 2019, France signed an agreement with Ukrainian authorities, for the modernization and the opportunity to build a water independence of the water supply in Mariupol (estimated at €64 million euros for a four-year project)[222], that plans were made to repair the broken pipes. It is important to note that the choice of Mariupol for this project is not random. Rather, it demonstrates the political and strategic objective to make this region more independent from the Siverskyi Donetsk canal that crosses the contact line three times. The Mariupol project, initiated to ensure the production and distribution of clean and potable water for approximately 400,000 people has been criticized by the humanitarian community in particular, concerned that it may create a precedent, and risks depriving affected populations living in the Donbas of accessible water on the long term.

The water system has endured significant damage due to the ongoing conflict, which has also affected the capacity to treat and distribute water to communities in need. Over the course of the conflict, nine Voda Donbassa employees have been killed, and another 26 have been seriously injured, while dozens more risk their lives—without arms or protective equipment, to install, maintain, and repair water systems in the conflict zone.[223] According to UNICEF, ceasefire violations in 2017 blocked access to drinking water for 3.7 million people in Donetsk and Luhansk and cut services for 3 million people.[224] As the water intake areas are located on the GCA side, communities in NGCA remain entirely dependent on Ukraine for their water. The "political charge contained in water supply issues is present in both GCA and NGCA, prompting local actors to identify 'political instrumentalization' as a major problem in resolving the problem with drinking water. While [Voda Donbassa] and its international donors carry the costs of water supply operations, an important part of the revenue is generated in NGCA and inaccessible".[225] As one interviewee said, "*the quality of the water is a major issue for us in the Donbas, with an absence of official tests or official results being shared with local populations*". According to several engineers interviewed in the region, the quality of the water has deteriorated substantially since the start of the conflict.

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[220] See "Ukraine: UN experts warn of chemical disaster and water safety risk as conflict escalates in East," OHCHR, 10 November 2017, https://reliefweb.int/report/ukraine/ukraine-un-experts-warn-chemical-disaster-and-water-safety-risk-conflict-escalates; Nickolai Denisov and Dmytro Averin, "Environmental Assessment and Recovery Priorities for Eastern Ukraine," OSCE, 2017, https://reliefweb.int/sites/reliefweb.int/files/resources/362566.pdf; Radina Gigova, "Fighting in Ukraine threatens water supply for 3.2 million," CNN, 4 July 2019, https://www.cnn.com/2019/07/03/world/eastern-ukraine-unicef-water-report/index.html.
[221] "Water, sanitation and hygiene (WASH)," UNICEF, https://www.unicef.org/ukraine/en/water-sanitation-and-hygiene-wash.
[222] "UkrInform: France to invest 64 million in water supply project in Mariupol," UkrInform, 29 January 2019, https://www.kyivpost.com/ukraine-politics/ukrinform-france-to-invest-64-million-in-water-supply-project-in-mariupol.html
[223] Niels Ackermann, "Voda Donbassa, la guerre au fil de l'eau," Liberation, 12 April 2019, https://www.liberation.fr/planete/2019/04/12/voda-donbassa-la-guerre-au-fil-de-l-eau_1720804.
[224] "Water, sanitation," UNICEF.
[225] Sophie Lambroschini, "Water in Conflict: Five years after the Minsk ceasefire agreements, the unresolved issue of clean water supply to civilians in Donbas. Adaptation, limitations and outlines of cooperation", Centre Marc Bloch, Berlin, 2018.

Furthermore, protracted warfare in industrialized areas like the Donbas has the added potential for serious environmental damage[226], otherwise known as "conflict pollution", which cause deleterious effects on human health. According to analysts, the Donbas region was "already one of the most polluted areas in both Ukraine and the former Soviet Union, thanks to a 200-year history of coal mining and heavy engineering. Astonishingly, it was estimated in 2002 that the Donbas was home to 10 [billion] tons of industrial waste, equating to some 320,000 tons per square kilometer".[227] For example, addressing what some call "toxic remnants of war"[228], including, according to the ICRC, repairing damaged plants and installations or cleaning up polluted soil and rubble". In 2018, the ICRC completed a water pump project, supplying water to more than 300,000 people in Donetsk. According to the ICRC, the project included:

> complete restoration of the pumping station, which had been abandoned for years, construction of new 2.8-kilometer power lines to the pumping station and the dam of the water reservoir, and the rehabilitation of the weir feeding the station…For a couple of years now, we have been supporting the idea of establishing protected zones around critical civilian objects. If all sides are able to agree to these zones, we are ready to act as a neutral intermediary in helping to implement the plan.[229]

One example has been the city of Avdiivka, which is best known in the Donbas for the Avdiivka Coke and Chemical Plant, the largest coke producer in Ukraine. Interviewees in Avdiivka expressed that the quality of water has diminished due to the conflict, and communities are unable to reliably access potable water. While the population appreciates the factory's presence, as it provides jobs and, throughout the war, has provided coal for free, the pollution emitted from the factory remains a point of concern for communities, while there is little information shared with the population about the risks they face.

Other interviewees have expressed concerns about their proximity to coal mines that have been flooded, or closed. As one explained, "There are major environmental risks going on in the Donbas that have not been addressed by anyone so far, including by national or international stakeholders". The list of ongoing environmental concerns to address is exhaustive. The Donbas has been affected by forest and wildfires, conflict-induced damage to hazardous industrial sites, such as chemical installations and coal mines[230], water and soil contamination, improper waste management, all affected by the inability of the Kyiv and Donbas separatist authorities to manage effective environmental interventions. Interviewees emphasized that the environmental risks are not being correctly investigated and that preventative measures have not been put in place to protect them from the potential dangers that have been exacerbated due to the hostilities. In 2015, an EU-UN-World Bank assessment called for $30 million USD to support urgent environmental cleanup as a result of the conflict.[231]

4. The aging in conflict

The elderly makes up approximately 30% of the people targeted for humanitarian assistance in Eastern Ukraine. The elderly population in the Donbas was high even before the war, due to economic outward migration, and as the United Nations has reported, "this is the largest percentage of elderly persons affected by conflict in a single country, and reflects the unique demographics of the crisis".[232] Other vulnerable groups—such as drug addicts and those suffering

[226] Nickolai Denisov, Otto Simonett, Doug Weir, and Dmytro Averin, "Ukraine war leaves a long shadow of pollution, ill-health and ravaged industries," Ecologist, 24 May 2015, https://theecologist.org/2015/may/24/ukraine-war-leaves-long-shadow-pollution-ill-health-and-ravaged-industries.
[227] Doug Weir, "Ukraine conflict – 24 months of urgent environmental recovery will cost $30m," Toxic Remnants of War blog, 16 July 2015, http://www.toxicremnantsofwar.info/ukraine-conflict-24-months-of-urgent-environmental-recovery-will-cost-30m/.
[228] Doug Weir, The ICRC and recent developments in the protection of the environment during conflict," Toxic Remnants of War blog, 14 June 2012, http://www.toxicremnantsofwar.info/the-icrc-and-recent-developments-in-the-protection-of-the-environment-during-conflict/.
[229] "ICRC's largest Ukraine project secures water for 300,000," ICRC, 26 June 2018, http://ua.icrc.org/2018/06/26/karlivska-pumping-station-eng/.
[230] Alex Kirby, "Coalland: Faces of Donetsk," Zoï Environment Network and UNEP/GRID-Arendal, 2011, http://archive.zoinet.org/web/sites/default/files/publications/coalland_screen.pdf.
[231] "Ukraine Recovery and Peacebuilding Assessment: Analysis of Crisis Impacts and Needs in Eastern Ukraine Volume II: Full Component Reports," European Union (EU), the United Nations (UN), and the World Bank Group (WBG), March 31, 2015, http://www.un.org.ua/images/stories/RPA_V2_Eng_4Web_lowres.pdf.
[232] "Ukraine 2018 Humanitarian Needs Overview," OCHA.

from psychological disorders—have been marginalized by the conflict and abandoned by their families and the authorities.

One unique feature of the social needs of people in this conflict is the issue of pensions, which are delivered by Ukrainian authorities. As a result of the deep political divide permeating every aspect of civilian life, pensioners in the Donbas territories face overwhelming obstructions to accessing their payments, if they receive them at all.[233] Due to the conflict, Kyiv stopped government services, including pensions, in separatist areas.[234] According to the Norwegian Refugee Council (NRC), in a 2017 report, it was estimated that as many as 600,000 Ukrainian citizens have lost or had their pensions suspended since the beginning of the conflict, most of whom are the elderly living in NGCA areas.[235] Despite the fact that courts have consistently judged in favor of pensioners, they have nevertheless become increasingly restricted. As one journalist describes, "the elderly couple had worked their whole lives for their pension, only to be treated like scam artists when they tried to collect it. Weren't they still citizens of Ukraine, even if the Russians had invaded their city? And if they wanted to return home after collecting their checks, could you really blame them?"[236] Those from the Donbas who wish to still access their pensions must register as IDPs in order to cross into central Ukraine to receive their payments. As the Country Director for NRC in Ukraine stated:

> The Ukrainian authorities should make every effort to de-link pensions from IDP status and residency in government-controlled territory. In parallel, a strategy should be developed to ensure pension payments to those who are immobile and cannot travel to government-controlled areas. No civilian should be punished for their place of residence.[237]

As analysts and activists have argued, Kyiv policies are discriminatory[238] and prevent over 450,000 of the 1.2 million pensioners living in the Donbas from receiving their pensions. That said, the pensioners interviewed expressed that they preferred to receive pensions from the DPR authorities, and the majority do not try to cross the border to access Ukrainian pensions, often fearing a repeat of past negative experiences (for example, harassment or arrest) trying to cross the contact line.

5. Dilemma of displacement

The conflict has caused widespread internal displacement in Ukraine, although even an approximate figure of the number of IDPs is difficult to discern. In December 2017, the Ukrainian Ministry of Social Policy reported approximately 1.4 million registered IDPs in GCA.[239] The UN, in parallel, estimated the number of IDPs from the Donbas in GCA to be approximately 760,000 in 2017.[240] It should be noted that reliable IDP figures are not readily available for NGCA, and three complicating factors may explain why the reported number of IDPs is unreliable. First, it is believed that a large percentage of IDPs did not register as such, meaning that many have been uncounted in the totals reported. Second, it was also reported that others have registered as IDPs, but were not actually displaced. Third, as noted previously, the Government of Ukraine has ceased paying pensions to people in NGCA and has linked the IDP status to the ability of Donbas residents to claim pensions and access to social services. Hence, many who reside in NGCA have an incentive to register as IDPs so that they can access these services.

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[233] "Ukraine: People with Limited Mobility Can't Access Pensions," Human Rights Watch, 17 January 2020, https://www.hrw.org/news/2020/01/24/ukraine-people-limited-mobility-cant-access-pensions.

[234] "Ukraine Situation," UNHCR Operational Update, 31 December 2014, https://reliefweb.int/sites/reliefweb.int/files/resources/UNHCR%20External%20Update%20Ukraine%20Situation%20%23%207.pdf.

[235] "Nearly 600,000 civilians cut off from their pensions in Ukraine," Norwegian Refugee Council, 8 September 2017, https://www.nrc.no/news/2017/september/nearly-600000-civilians-cut-off-from-their-pensions-in-ukraine/; See also "Right to pension in the context of armed conflict," Norwegian Refugee Council, 12 December 2017, https://www.nrc.no/resources/reports/right-to-pension-in-the-context-of-armed-conflict/.

[236] Topol, "Fugue State."

[237] "Nearly 600,000 civilians," Norwegian Refugee Council.

[238] "Report on the human rights situation in Ukraine 16 August to 15 November 2019," OHCHR, https://www.ohchr.org/Documents/Countries/UA/28thReportUkraine_EN.pdf

[239] "Social Policy Ministry: About 1.4 mln IDPs registered in Ukraine," UkrinForm, https://www.ukrinform.net/rubric-society/2767582-social-policy-ministry-about-14-mln-idps-registered-in-ukraine.html.

[240] Inna Volosevych and Tetiana Kostiuchenko, "Desk Research of the Surveys of IDPs," UNHCR, December 2017, https://reliefweb.int/sites/reliefweb.int/files/resources/gfk_unhcr_desk_report_final.pdf .

The number of IDPs who intend to stay in areas of displacement appears to be rising. Indeed, according to IOM, the proportion of IDPs intending to return to their place of origin after the conflict amounted to 28%, while 38% expressed their intention not to return at all, despite the end of hostilities.[241] IDPs are less resilient and face more uncertainty in securing stable employment and accessing services including housing, as compared to non-displaced populations.[242] As interviewees explained, displacement has also caused friction between IDPs and host communities, undermining social cohesion. Host communities have experienced an increase in rental and food prices, as well as greater pressure on wages and employment opportunities. While many have left the East for different parts of Ukraine, others—both from GCA and NGCA—have departed the country altogether, seeking asylum in Poland, Germany, the Balkans, and other surrounding countries. According to the UN, no country received more applications for asylum and refugee status than Russia in 2014 and about 90% of applications were approved in that year.[243]

Today, the integration of IDPs is a divisive issue among Ukrainian authorities, which also makes associated initiatives poorly funded. At the national level, Ukrainians remain ambivalent due to the historic tensions between the Donbas and the Ukrainian populations. Communities in NGCA do not consider that the Ukrainian authorities will help people who wish to stay, or to resettle elsewhere. As one interviewee noted, "*fundamental issues of the region are not addressed by the authorities, leaving communities to feel that they are unable to solve the problems of their own populations*". There is also a great deal of hostility and skepticism directed toward IDPs. One component of advocacy efforts by groups such as Donbas SOS and Crimea SOS has been to "humanize" and legitimize the IDP experience through information campaigns targeting the broad public in the country. In an effort to promote IDP inclusion in local communities, and finding sustainable solutions, the Government of Ukraine adopted the "State Strategy on Integration of Internally Displaced Persons and Implementation of Long-Term Solutions to Internal Displacement until 2020" in November 2017 and its Action Plan in late 2018. These aimed at ensuring and protecting the rights, freedoms, and interest of IDPs, establishing effective cooperation between IDPs and local self-government bodies, as well as eliminating discrimination and promoting social cohesion.[244] While some progress has been made in terms of strategic planning, long-term and sustainable solutions for IDPs remain to be fully implemented, particularly with the aim of integrating displaced populations.[245]

The Implementation Plan of the IDP Integration Strategy provides program measures in three strategic directions:[246]
1. Improvement of mechanisms of overcoming barriers in implementation of rights of internally displaced persons;
2. Simplification of the procedure for protection and realization of property rights of internally displaced persons;
3. Support of host territorial communities in the process of integration of internally displaced persons.

It should not be assumed that because people have decided to stay in the separatist areas, that they fundamentally support the local authorities and their policies. Interviewees in LPR and DPR have indicated that, on the contrary, they do not trust the separatist authorities and feel that their rights, freedom, and individual opportunities have been severely limited since the conflict. Despite the presence of local and charitable organizations offering aid across the region, civilian needs remain significant and require more than the limited and basic humanitarian distribution response. Populations see these needs as part of a larger systemic failing of the Ukrainian government, linked to restrictions under sanctions, underdevelopment and malfunctioning of infrastructures. They also note an absence of independent and local governance in DPR and LPR and a lack of meaningful engagement by political elites in favor of Donbas communities, which was the undercurrent of separatist propaganda.

The vast majority of civilians interviewed in the Donbas region were not activists or propagandist for one side or another. Many expressed that they did not understand why and how they were faced with such a tragic situation, nor how to resolve it. Those who have left for other areas in Ukraine have faced widespread discrimination, suspicion, and

[241] "National Monitoring System Report," IOM, 30 June 2018, http://iom.org.ua/en/idps-average-income-one-third-lower-ukraines-national-subsistence-level.
[242] "Humanitarian Response Plan, 2019," OCHA.
[243] Fischer, "The Donbas Conflict."
[244] See "State Strategy on Integration of Internally Displaced Persons and Implementation of Long Term Solutions to Internal Displacement until 2020," https://mtot.gov.ua/en/government-adopted-implementation-plan-of-idp-integration-strategy.
[245] "Humanitarian Response Plan, 2019," OCHA.
[246] See "UNHCR update on displacement-related legislation," UNHCR, January 2020, https://reliefweb.int/sites/reliefweb.int/files/resources/2020_01_legislative_update_eng.pdf; "UNHCR flash legislative update on response to Covid-19 outbreak in Ukraine and its impact on UNCHR's operation in Ukraine," UNHCR, 21 April 2020, https://reliefweb.int/sites/reliefweb.int/files/resources/2020_04_unhcr_legislative_update_on_covid-19.pdf

contempt: "the Soviets simply repopulated the [Donbas] with the dregs of their own society…all former criminals from the whole territory of the USSR were moved to live. That is why Donbas is a criminal enclave within Ukraine".[247] Military actors have also expressed a desire for peace and an end to the conflict. While the majority of those interviewed are bilingual, they expressed a fear about remining in Ukraine, preferring to be integrated by Russia, even if they do not believe it will ultimately happen. Generally speaking, however, they do not believe in their respective authorities to manage and create a functional and peaceful environment. They describe the regimes in LPR and DPR more as a *"shadow government controlled by Russia",* rather than a functional governance system.

Despite this state of affairs, families in these areas do not have the means to relocate and have only limited capacities to cope. As one interviewee said, "*It is like a double sentence for the populations that have decided to stay; reasons are multiple but definitely first because they do not have any alternatives and financial capacities to leave. When Ukrainian authorities state that 'people should leave,' we can only explain that 'we are not birds.' It is not as easy as they think*". Interviewees have mentioned that despite being Ukrainian, authorities have not made life easy for populations still living in the Donbas. Administrative and seemingly arbitrary measures, relating to obtaining birth certificates, pensions, as well as simply crossing back into GCA, have all been challenging for communities.[248] Of all the interviewees who were civilians living within 20 kilometers of the contact line and who had experienced the killing of a member of a family member or the destruction of their house, none were given offers for compensation by the authorities. As several local actors involved in assisting affected populations explained, local officials in contact line areas were not pushing for delivery of assistance and for the rebuilding of programs, particularly in the 0-5 kilometer line and in the grey zones. Rather, they promoted displacement to safer and larger urbanized areas, "*the tradeoff is that either you stay and get limited support, or you leave and receive more support elsewhere as an IDP*". Another interviewee explained, "*if they stay, it is because they do not have any options or any other means. But they should get something better from the authorities, the charity organizations, and the volunteer groups*".

Further from the contact line—between 5-20 kilometers—many people remain or have relocated there. In this zone, the needs are more related to recovery aspects and protection realities, such as functional roads, transportation, facilities, as well as protection issues related to human rights and access to justice. However, accredited local NGOs are prohibited to operate any programs related to the protection of civilians, child protection, or human rights. The main NGO activities are distributions of goods, specific support for the basic maintenance or functioning of the three pillars (gas, water, and electricity) that the authorities consider to be the priority. Today, electricity to DPR and LPR is provided by the Russia Federation and water systems continue to be provided by Ukraine.

6. Repression and impunity in the de facto regimes

Throughout the crisis, the documentation and reporting of human rights violations has been subject to disputed narratives. As discussed by an analyst:

> [T]he creation of LPR and DPR territories with repressive political regimes led to numerous gross and systemic violations of human rights in different spheres on the territory of [the] Donetsk and Luhansk regions. Establishment of a network of illegal detention places by these regimes led to violations of fundamental human rights, including the right to life, the right to be free from torture and cruel treatment, the right to liberty and personal security, and the right to fair trial.[249]

One report in particular discusses the damaging legal power vacuum that was left in Eastern Ukraine during the conflict rife with mismanagement and poor governance, resulting in the politics and policies of the region being formed by the priorities and agendas of the elite, the oligarchs, and the field commanders in charge (particularly well connected to Moscow). These principles were based largely on discriminatory, patriarchal views relating to gender relations, education, and other foundational issues in the republics.[250] The leadership of DPR and LPR effectively have little capacity to adequately govern these territories, let alone in a time of war. Power has been contested and shared across separatist armed actors, making these republics effectively military dictatorships bolstered by Russia. In 2014, new governance

[247] Topol, "Fugue State."
[248] Oksana Mikheieva, "The Impact of the Non-Recognition by Ukraine of Civil Documents in the Donbas Uncontrolled Territories,"
DANYLIW Research Seminar on Contemporary Ukraine, 2019, https://www.danyliwseminar.com/oksana-mikheieva.
[249] IL Bielousov, AO Korynevych, OA Martynenko, et al., "Surviving Hell : Testimonies of Victims on Places of Illegal Detention in Donbas,"
Helsinki Foundation for Human Rights, TsP Komprint Ltd, 2015, https://www.osce.org/odihr/185431.
[250] Aliokhin, Korynevych, Krona, et al., "War without Rules."

structures were set in place, with military, economic, ideological, political, and dubiously democratic electoral systems in parallel to Ukraine's central authority. As one report states, "in the separatist-controlled territories, legal chaos and the law of power reigned…serving as a precondition for an atmosphere of impunity and gross violations of human rights".[251] Human rights analysts have extensively documented the repressive and violent implications of the Donbas conflict on civilian populations. Specifically, violations include:

> …intentional deprivations of life of civilians and service personnel in non-military situations, enforced disappearances of civilians and the disappearances of service personnel at their duty stations, rape, illegal deprivation of liberty and abduction on the temporarily occupied territory of Donbas…[as well as] deaths and injuries of civilians during artillery shelling of the government-controlled territories and cases of destruction and damage to residential buildings on both sides of the contact line.[252]

In its most recent report, the United Nations Human Rights Monitoring Mission in Ukraine (HRMMU) states:

> OHCHR remains gravely concerned by continued arbitrary detention, torture and ill treatment of conflict-related detainees, both in Government-controlled territory and in territory controlled by the self-proclaimed…predominantly perpetrated by members of the 'ministries of state security' of the self-proclaimed 'republics…[as well as] by the Security Service of Ukraine (SBU).[253]

Since the beginning of the war, the United Nations, United States[254]—as well as other institutions, such as Human Rights Watch, and local organizations, such as the Eastern-Ukrainian Centre for Civic Initiatives[255]—began documenting targeted killings, torture, gender-based violence, and abduction, primarily carried out by the forces in DPR,[256] as well as threats against, attacks on, and abductions of journalists and international observers, and beatings of and attacks on supporters of the Ukrainian authorities.[257] Furthermore, the ICRC had been systematically prevented from carrying it out its mission to visit detention centers in the NGCA territories. At the outbreak of Covid-19, the ICRC was able to "provide personal protective equipment (PPE) in detention centers and distributed 7,400 hygiene parcels and cleaning products to 28 pre-trial detention centres in the government-controlled territory…Meanwhile, on 16 April 2020, the ICRC participated in the simultaneous release of 38 detainees between the Ukrainian government and representatives of the non-government-controlled areas of Donbas, in its role as a neutral intermediary".[258]

Interviewees mentioned that while there are cases brought to the European Court of Human Rights from citizens of the Donbas, there is minimal follow up, if any. Local human rights actors also expressed that they limit the number of reports publications they publish, as they do not see responsive outcomes, particularly due to the limited international presence and push for accountability, "*the production of reports is great, but when international justice mechanisms do not work, ECHR files will not stop the human rights challenges in Donbas*". Another stated, "*In NGCA, it is not possible to address human rights issues, and it is even more dangerous to try*". Russian authorities have dismissed assertions of human rights violations as "politically motivated" and "politically biased".[259] In the early months of the conflict, there were also reports of atrocities by pro-government armed groups. Reports emerged about beatings, abductions, and possible executions—even beheadings—of civilians by volunteer battalions in LPR.[260] Additionally, at the beginning of June 2015, the Donetsk

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[251] Ibid.

[252] Oleksandr Odehov and Nataliia Hrytsenko, "Crimes without Punishment: Human Rights Violations in the Context of the Armed Conflict in Eastern Ukraine," NGO Eastern-Ukrainian Centre for Civic Initiatives, 2018, https://jfp.org.ua/system/reports/files/123/en/CRIMES_WITHOUT_PUNISHMENT_engl_compressed.pdf.

[253] "Report on the human rights situation," OHCHR.

[254] "Russia 2019 Human Rights Report," Country Reports on Human Rights Practices for 2019, United States Department of State, Bureau of Democracy, Human Rights, and Labor, 2019, https://www.state.gov/wp-content/uploads/2020/03/RUSSIA-2019-HUMAN-RIGHTS-REPORT.pdf.

[255] See Aliokhin, Korynevych, Krona, et al., "War without Rules."; Odehov and Hrytsenko, "Crimes without Punishment."

[256] "Ukraine crisis: UN sounds alarm on human rights in east," BBC News, 16 May 2014, https://www.bbc.com/news/world-europe-27438422.

[257] "Report on the human rights situation," OHCHR; and "Ukraine: Anti-Kiev Forces Running Amok," Human Rights Watch, 23 May 2014, https://www.hrw.org/news/2014/05/23/ukraine-anti-kiev-forces-running-amok.

[258] "Ukraine: Civilians and health structures face rise in hostilities and threat of Covid-19 at same time," ICRC, 17 April 2020,https://www.icrc.org/en/document/ukraine-civilians-and-health-structures-face-rise-hostilities-and-threat-covid-19-same-time.

[259] "Russia's MFA: UN report on human rights in Ukraine "politically motivated", 112 Ukraine, https://112.international/ukraine-top-news/russias-mfa-un-report-on-human-rights-in-ukraine-politically-motivated-17829.html.

[260] For example, see "Ukraine: Abuses and war crimes by the Aidar Volunteer Battalion in the north Luhansk region," Amnesty International, 8 September 2014, https://www.amnesty.org/download/Documents/8000/eur500402014en.pdf.

region's prosecutors reported that 1,592 civilians had gone missing in government-controlled areas, and only 208 had been located.[261] Violations of human rights and IHL by all sides has been a trend throughout the conflict, "*the main issue is the impunity. Despite documentation of kidnapping, torture, arbitrary arrests, and the lack of proper investigations and judicial processes, there is little accountability*". Most of the human rights recommendations that the United Nations has offered throughout the conflict remain unheeded.[262]

Communities also expressed concern about their limited freedom of movement. Many believe that the whole Donbas region is falling apart, economically (as it has been for years) and politically (in recent years since the conflict began). The main economic workforce, made up primarily of minors, represented a prosperous future for the Donbas industrial sector before the war. Today, these youths are disillusioned and resigned to the fall of their economic prospects, driven partly by political divisiveness. Central authorities in Ukraine have not proposed plans to restore productivity in the Donbas, or to alleviate the socio-economic impact and coping strategies resulting from sanctions and blockades on communities.

Mining has been an emblematic example of the confluence of the political, social, and economic factors that have exacerbated vulnerability and has exposed "multilevel corruption…economic losses of a large number of enterprises—and, as a result, poverty in local communities - violations of labor and social rights—including the use of child labor and restricted opportunities for self-fulfillment of women in the region—social discontent of the population, and deterioration of environment in the region".[263] In "Young Miners of the Donbass," János Chialá quotes a local miner, "here in Ukraine, if you want something, you have to pay someone…In a country where the salary of a doctor can be as low as €90 euros a month, Sasha had to bribe a lot of people to get any medical treatment, just like he had to pay his boss to get the job in the first place. The same goes for everything else, in a perverse pyramid of corruption where everybody has to pay those above, and takes as much as possible from those below. Oligarchs are on top, and workers…are at the bottom, practically under the ground…Without money, you are simply nothing".[264] Separatist political elite are keen to reopen some mines and to reinvigorate local industry, but the investment required to make this work safe and functional are prohibitive, creating a hazardous work environment, particularly for youth.[265]

After six years of conflict, living conditions remain harsh. The situation for the local population is continually deteriorating.[266] Interviewees explained that local authorities do not want to assist people in DPR for years on end, and consider that if they stay and survive, they must also contribute economically to the regime. De facto authorities have started to push families to contribute to the electricity costs, or to leave, without specific offers of long-term relocation. While the situation remains dire, people do not really want to leave their homes and do not understand whether integration will be best, or whether they should remain as part of Ukraine, describing a sense abandonment: "nobody needs us". Interviewees described that food, medicines, and life in general are becoming increasingly more expensive, and people who are displaced in particular do not have large revenues. An interviewee noted that the cost of living—particularly for food, vegetables, and clothing—has increased considerably: 50% over two years. Only electricity, gas, and water remain at relatively the same price. The conflict has exacerbated the lack of development and the quality of public services, while making more fragile the life of civilians who were already poor. People appear trapped, marginalized, left aside, and deeply affected in terms of their basic rights and dignity. Humanitarian actors acknowledge that civilians are trapped in the present and uncertain about their future. Remaining in NGCA areas has meant that communities are cage in an open-air prison, oppressed by sanctions, unable to move safely, or be welcomed in their own country, and facing unending security hazards.

[261] Valery Sharifulin, "Over 1,500 people gone missing in Kiev-controlled area of Donbas in 2015 — report," TASS - Russian News Agency, 17 June 2015, http://tass.ru/en/world/801210.

[262] "UN: Five years on, most human rights recommendations remain valid," OCHA, 12 March 2019, https://reliefweb.int/report/ukraine/un-five-years-most-human-rights-recommendations-remain-valid.

[263] Kazanskyi, D., Nekrasova, A., Pavlov, I., Savytskyi, O., Smirnov, A., Tarabanova, S., Yanova, H. (2017). "The Real Price of Coal in the Wartime In Donbas: A Human Rights Perspective," Eastern-Ukrainian Center For Civic Initiatives, 2017, https://pl.boell.org/pl/2017/04/05/real-price-coal-wartime-donbas-human-rights-perspective.

[264] "János Chialá and Tali Mayer, "Young Miners of the Donbass," Post Photography, 2014, http://www.postphotography.eu/longform/young-miners-donbass.

[265] János Chialá and Tali Mayer, "The young miners of Donbass," Al Jazeera, 23 December 2015, https://www.aljazeera.com/indepth/features/2015/12/young-miners-donbass-151217084415702.html.

[266] "Socioeconomic impact and needs assessment Donetsk and Lugansk regions – Ukraine," Food and Agriculture Organization of the United Nations (FAO), 2017, https://reliefweb.int/sites/reliefweb.int/files/resources/a-i8171e.pdf.

CHAPTER 3: HUMANITARIAN NEGOTIATION AND THE NEXUS[267] AMBITION

This section turns toward the numerous operational and policy challenges of navigating the contact line and the political, bureaucratic, and obstacles surrounding humanitarian access in Eastern Ukraine. It discusses organizations' efforts to negotiate with governmental and separatist authorities on issues of enabling humanitarian operations, focusing on two key dimensions, which create the foundational norm of access: (1) access of humanitarian organizations to civilian populations and (2) access of communities to the essential services they need.[268] As this section explains, negotiations with the government on the first dimension of access (organizational mobility) have been fruitful, leading to a dramatic evolution since the early months of the conflict. However, the government has not adopted an enabling posture on the second dimension of access (people's access to services), and instead, tightly controls the movement of people in and out of the NGCA. Meanwhile, separatist authorities have been generally suspicious and obstructive of international humanitarian programming in territory under their control. These dynamics fuel the on-the-ground realities that the previous section described, wherein the persistently polarized politics of the conflict result in the population along the contact line and in NGCA, in particular, to be left behind. This chapter addresses, first, current access challenges and engagements in GCA; second, ongoing access obstacles in NGCA and engagements with separatist authorities; and third, the implications for interactions between international and local response organizations. The second part of this section discusses the intersection of humanitarian, development, and security operations amidst an intractable and protracted armed conflict with little end in view.

Pervasive Access Challenges

Humanitarian operations in Eastern Ukraine remain under significant pressure. Practitioners struggle to bridge the growing gap between meeting critical needs and their response capacity while preserving humanitarian principles in this highly politicized environment. In the process, they must guard against the instrumentalization of humanitarian assistance; the blurring of lines between political, military, and relief operations; and an ever-shrinking humanitarian space both in GCA and NGCA. As one report notes, "shrinking humanitarian access in [NGCA has] further degraded the lives of millions trapped in an increasingly isolated economic zone, compounded by political factors, such as the railway blockade by veterans and the 'nationalisation' of Ukrainian companies in NGCA by the de facto authorities. Funding for life-saving activities remains critically low, impacting the abilities of partners to deliver the much needed assistance, and ultimately, the lives of millions affected by this protracted yet active conflict".[269] Furthermore, practitioners must increasingly navigate adverse geopolitical agendas and bureaucratic impediments that authorities place upon aid organizations; counterterrorism narratives that conflict with humanitarian principles and priorities; and the proliferation and fragmentation of different types of actors[270], including dynamic and fractured non-state armed groups[271], state-sponsored militias[272], charity and faith-based organizations[273], and private-sector actors[274].

The capacity to access populations in need and to mitigate the impact of conflict on communities remain intractable hurdles. In order to ensure a secure an essential humanitarian space, organizations must be prepared to engage with a range of stakeholders, particularly those controlling critical regions—along the contact line and whether on the GCA

[267] For information on the "Nexus" or "The New Way of Working," see Agenda for Humanity, https://www.agendaforhumanity.org/initiatives/5358.
[268] See "Humanitarian Access in Eastern Ukraine: An Overview," Right to Protection - Provision of Multi-Sectoral Humanitarian Assistance to Conflict-Affected Populations in Eastern Ukraine," 2019, https://reliefweb.int/sites/reliefweb.int/files/resources/humanitarian_access_in_eastern_ukraine_2019_eng.pdf.
[269] "Humanitarian Overview: Needs and Response Analysis – Ukraine, January-May 2017," UNOCHA, June 2017, https://reliefweb.int/sites/reliefweb.int/files/resources/ukraine_humanitarian_overview_jan-may-2017_20170629.pdf.
[270] Joshua Mulford, "Non-State Actors in the Russo-Ukrainian War," Connections, vol. 15, no. 2, 2016, www.jstor.org/stable/26326442.
[271] Andreas Heinemann-Grüder, "Hostage taker or savior of the state? Irregular battalions in Ukraine," OSTEUROPA, Eastern Europe 3-4, 2019, https://www.zeitschrift-osteuropa.de/hefte/2019/3-4/geiselnehmer-oder-retter-des-staates/; Tracey German and Emmanuel Karagiannis, "The Ukrainian crisis: sub-state and non-state actors," Southeast European and Black Sea Studies, 16:1, 2016.
[272] Natal'ja Savel'eva, "Autonomous start, controlled end: Armed groups supported by Russia in Donbass," OSTEUROPA 3-4, 2019, https://www.zeitschrift-osteuropa.de/hefte/2019/3-4/autonom-gestartet-gesteuert-geendet/.
[273] Barbelet, "Humanitarian access."
[274] Natalia Mirimanova, "Donbas Businessmen: From Victims to Peace-Builders?" Carnegie Moscow Centre, 4 April 2018, https://carnegie.ru/commentary/75980; Vladimir Kopchak, ""Private sector" of the Russian Invasion," International Centre for Defense and Security, 28 February 2018, https://icds.ee/private-sector-of-the-russian-invasion/.

or NGCA side—in order to gain and preserve access to areas that are otherwise hard to reach.[275] At the same time, communities remain in limbo, confronted with barriers to movement that hinder their access to humanitarian relief, further exacerbated by rapid deteriorations in infrastructure, ongoing violence, and scarcity of resources that accompany enduring conflict and state fragility.

Analysts have argued that "it is evident that the situation with humanitarian access at the beginning of 2019 is fundamentally different from the one observed in 2014-2015. Of course, this is due to a confluence of factors, including the evolving dynamics of the conflict, the intensity of confrontations, political and diplomatic achievements, the formation of a provisional line of contact, and the establishment of control over certain areas by one of the parties to the conflict, as well as with the establishment of a humanitarian framework".[276] However, this is not the case for operational access in DPR and LPR. As this section will discuss, politicization and obstruction of humanitarian aid continue to pose major challenges to relief programming along the contact line and in separatist-controlled areas.

Authorities in Kyiv have imposed bureaucratic restrictions impeding movement into and out of the conflict areas and in separatist-controlled territories, including for humanitarian actors, with the aim to limit reconstruction and development programs in NGCA. At the same time, separatist armed groups have largely expelled Western NGOs—with the exception of a limited group of agencies including the ICRC, UNICEF, and OCHA—from operating in these territories, relying instead on aid convoys from Russia, as well as local organizations and private donors to provide for the civilian population. Humanitarian agencies have raised concerns over the contents and purpose of these convoys, which the Ukrainian government calls a violation of their sovereignty and international law. In the absence of sufficient assistance provision from either side, the UN reports that 1,067,899[277] civilians—primarily NGCA residents—crossing the contact line in January 2020 for a range of reasons including issues related to pensions/social payments (50%), withdrawing cash (28%), visiting relatives (14%) shopping for essential goods (11%), managing administrative issues with documents (14%), and checking on property (1%)[278]. It is important to note here that most of these population flows go into a few key cities along the contact line, once they have crossed one of the five possible checkpoints.[279] This section discusses the various negotiation challenges, dilemmas, and obstructions that humanitarian actors have faced in negotiating with relevant stakeholders for access.

National legislation and obstacles to access

As the UN's 2015 Strategic Response Plan states, "Ukraine did not have legislation in place regarding the protection and entitlements of IDPs nor humanitarian-oriented fast-track customs, tax, and visa procedures for humanitarian organizations. Multiple, sometimes conflicting regulations and paperwork requirements posed a series of hurdles for rapid responders, and have served to slow the import of essential drugs and medicines as well as the arrival and activities of international NGOs on the ground".[280]

It is important to note that the Government of Ukraine adopted the Law of Ukraine on Humanitarian Aid in 1999, well before the recent conflicts, to "[define the] legal, organizational and social bases for receipt, donation, official registration, distribution, and control of designed use of humanitarian aid and [to stimulate] publicity and transparency of this process".[281] However, early on in the humanitarian response, "laws and systems were exposed as inadequate and humanitarian organisations faced multiple bureaucratic, logistical and legal hurdles to setting up operations. Ukraine's legal framework did not allow for the special treatment of humanitarian materials or the hiring of international humanitarian staff, and its tax laws were not designed to facilitate humanitarian operations. Opening bank accounts and registering organisations, especially international NGOs, proved challenging, and the humanitarian community had to

[275] "Ukraine: Protection Assessment of Isolated Settlements in Government-Controlled Areas Along the Contact Line", REACH February 2019, https://reliefweb.int/report/ukraine/ukraine-protection-assessment-isolated-settlements-government-controlled-areas-along.
[276] "Humanitarian Access," Right to Protection.
[277] "Crossing the Contact Line: January 2020 Snapshot", UNHCR,
https://reliefweb.int/sites/reliefweb.int/files/resources/01_2020_eecp_report_eng.pdf; "Eastern Ukraine Checkpoint Monitoring 2020,"
UNHCR, 2020, https://www.unhcr.org/ua/en/eecp-monitoring-2020.
[278] "Eastern Ukraine Checkpoint," UNHCR.
[279] Ukraine: Eastern Ukraine - Flow Diagram of Cross Contact Line Movement (NGCA to GCA, among permanent residents of NGCA),
REACH, 4 April 2020,
https://reliefweb.int/sites/reliefweb.int/files/resources/REACH_UKR_flowchart_eastukraine_cclmovement_22APR2020_a4.pdf.
[280] "2015 Humanitarian Needs Overview," OCHA.
[281] "The Law of Ukraine On Humanitarian Aid", IFRC, 1999, https://www.ifrc.org/docs/idrl/541EN.pdf.

dedicate significant time and effort in developing a new legal framework for humanitarian action".[282] Despite numerous adaptations in the law since 1999, "international humanitarian organizations continue to face difficulties due to regulatory shortcomings in some aspects of bringing in humanitarian assistance, personnel placement, obtaining permits, and passing through control procedures".[283] While the negotiation space with Kyiv authorities has eased over the course of the conflict, NGOs continue to face widespread barriers to access, and particularly limited operational space in NGCA. Despite ongoing advocacy and diplomacy efforts by international organizations, the United Nations, and States, a number of overarching factors continue to severely limit delivery of aid.

- Customs and immigration laws, which are ill-adapted for circumstances of crisis[284], still require burdensome procedures for accreditation, registration of personnel, and importation of humanitarian material;
- Ambiguities regarding taxation on humanitarian aid[285];
- Despite the establishment of numerous committees to guide the delivery of aid and to manage related issues[286], mechanisms to facilitate interaction between humanitarian organizations, Ukrainian authorities, and separatist authorities are inadequate and unclear;
- There is a lack of a central authority focal point to regulate, manage, and facilitate humanitarian assistance and distributions; and
- While infrastructures have improved at the official checkpoints in GCA, thousands of Ukrainians still encounter obstructed access, and physical and psychological risks including exposure to shelling, landmines, extensive delays, stress, and humiliation when they attempt to cross the contact line.
- Since the outbreak of Covid-19, Ukrainian authorities have imposed travel restrictions throughout Ukraine, including a specific closure of all five official checkpoints across the contact line, further impeding access.[287]

1. Access challenges and negotiations in government-controlled areas

In the early months of the conflict, access negotiations between humanitarian organizations and the Government of Ukraine were fraught, challenging, and "*chaotic*," as an interviewee described it. Although various humanitarian UN agencies and INGOs were present in Ukraine before the conflict erupted—and in the past had responded to short-term crises such as floods,[288] severe storms,[289] cold winter months,[290] and the H1N1 pandemic in 2009[291]—the country had no experience engaging with international humanitarian organizations on such a large scale and in such a political and protracted environment.

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[282] Barbelet, "Humanitarian Access."

[283] "Humanitarian Access," Right to Protection.

[284] The "Law of Ukraine on Humanitarian Aid" was designed primarily for times of peace, not for acute humanitarian crises. Thus, a number of dimensions of this law have made it ill-adapted for the current conflict in Ukraine, including complicated accreditation procedures, obstacles in customs clearance, taxation, and limited streams of interaction between NGOs and authorities, limiting the agility and responsiveness of agencies to provide aid quickly and effectively in conflict zones. See "Access to Humanitarian Aid Under Conditions of Armed Conflict", USAID, 2016, https://www.slideshare.net/DonbassFullAccess/access-to-humanitarian-aid-under-conditions-of-armed-conflict-in-the-east-of-ukraine.

[285] See "Law on Humanitarian Aid," Article 6. Taxation of Humanitarian Aid, IFRC, 1999, https://www.ifrc.org/docs/idrl/541EN.pdf.

[286] See "Law on Humanitarian Aid," Article 5. Powers of Committees on Problems of Humanitarian Aid, IFRC, 1999, https://www.ifrc.org/docs/idrl/541EN.pdf.

[287] See "Ukraine 2020 Emergency Response Plan For The Covid-19 Pandemic", OCHA, March 2020, https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/ukraine_2020_emergency_response_plan_for_the_covid-19_pandemic_eng_1.pdf; "Ukraine: Humanitarian Impact of Covid-19," OCHA, Situation Report No.3, 11 May 2020, https://reliefweb.int/sites/reliefweb.int/files/resources/ukr_humanitarian_impact_of_covid-19_sitrep_3_11may2020.pdf.

[288] See "Ukraine-Kharkov Environmental Emergency," UN Department of Humanitarian Affairs, Situation Reports 1-4, July 1995, https://reliefweb.int/report/ukraine/ukraine-kharkov-environmental-emergency-jul-1995-situation-reports-1-4; "Floods in Northern Hungary and Transcarpathia (Ukraine)," Action by Churches Together International, 6 November 1998, https://reliefweb.int/report/ukraine/floods-northern-hungary-and-transcarpathia-ukraine; and "IFRC: Floods in Western Ukraine," IFRC, 29 March 2001, https://reliefweb.int/report/ukraine/ifrc-floods-western-ukraine.

[289] See "Ukraine: Ice Storm," IFRC, Information Bulletin n° 1, 11 December 2000, https://reliefweb.int/report/ukraine/ukraine-ice-storm-information-bulletin-n-1.

[290] See "Breaking the 'Ice Age' in Ukraine with Warm Regard," IFRC, 23 February 2006, https://reliefweb.int/report/ukraine/breaking-ice-age-ukraine-warm-regard; and "Ukraine: Extreme winter condition," IFRC, 2 February 2012, https://reliefweb.int/sites/reliefweb.int/files/resources/Full%20Report_526.pdf.

[291] See "Pandemic (H1N1) 2009, Ukraine," WHO, 2009, https://www.who.int/csr/don/2009_11_01/en/.

Since the beginning of the conflict, INGOs struggled with the bureaucratic impediments of establishing a presence in the country, a process that one interviewee described as the "*nine circles of hell*". Another interviewee described encountering "*active obfuscation*" from government officials in Kyiv when engaging with them to import medical equipment and supplies for emergency health response. The result, as the interviewee described it, was a corrupt "*dog and pony show*" in which, unless savvy humanitarian practitioners could find a workaround to bypass it, a great deal of money ended up being spent in Kyiv rather than actually making its way to help affected populations people in the east of the country. These conditions have since evolved, at least for programming in government-controlled areas.

Sustained negotiation and advocacy between agencies and the authorities on these issues has led to improvements in terms of the clarity of bureaucratic processes for implementing humanitarian programming. Indeed, as one report notes, "despite initial legal and bureaucratic hurdles in an environment unprepared for the arrival of the international system, for the most part international humanitarian actors successfully set up operational in areas under government control".[292] Many interviewees who engaged in more recent access negotiations have since described the generally "*unproblematic*" nature of relations with government actors relating to constraints on humanitarian organization's mobility. For example, the Government of Ukraine tightly restricts the ability to transport commercial cargo across the contact line into NGCA, but there is an exemption for humanitarian cargo.[293] There is also a humanitarian notification mechanism in place that interviewees described as effective in facilitating the freedom of movement for humanitarian organizations while mitigating the risks of potential security incidents.[294]

Some have explained that the situation seems to have shifted after the arrival of President Zelensky with significant and positive consequences for access. The Poroshenko administration saw the context and operational priorities related to the Donbas from a militaristic lens, while President Zelensky takes a more "*hearts and minds*" approach, using a language of "caring" for people in the East, and seeking "a fast track to peace" despite national discord about how to achieve an end to the six year conflict.[295] At the same time, there seems to be a certain degree of ambivalence on the part of the Government of Ukraine toward addressing ongoing humanitarian needs. Agencies have explained that the authorities do not seem to know much about the specifics of their programming and presence, but has the advantage of creating "*an enabling access environment from the government*". Yet, bureaucratic issues endure.

As one report mentions, "registration of humanitarian organisations is challenging due to the complexity of Ukrainian legislation, which initially framed the conflict as an antiterrorist operation. The definition has expanded since April 2018, becoming a Joint Forces Operation and allowing a wider military operation and leadership. However, it has had little impact on humanitarian access. As a result, entry and accreditation procedures are long, and require dealing with both Ukrainian and separatist authorities. UN and NGOs are consistently advocating for better humanitarian access".[296] Numerous access challenges nevertheless remain within GCA, which continue to restrict humanitarian action. Some of these can be deemed physical barriers, while others are institutional or political.

Physical access and security challenges

- Lack of safe means of transportation and personal protective equipment to mitigate the impact of unpredictable insecurity in conflict-ridden areas[297];

[292] Barbelet, "Humanitarian access."
[293] See "Humanitarian Bulletin Ukraine, 2017," OCHA, Issue 17, 1 March - 30 April 2017,
https://reliefweb.int/sites/reliefweb.int/files/resources/ukraine_humanitarian_bulletin_issue_17_mar_apr_2017_en.pd.
[294] See "Deconfliction mechanisms for the movement notification in government controlled areas and crossing the line of contact via designated exit/entrance checkpoints",
https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/notification_mechanism_un-cmcoord_ukraine.pdf
[295] Robyn Dixon and Natalie Gryvnyak, "Ukraine's Zelensky wants to end a war in the east. His problem: No one agrees how to do it," The Washington Post, 19 March 2020, https://www.washingtonpost.com/world/europe/ukraines-zelensky-wants-to-end-a-war-in-the-east-his-problem-no-one-agrees-how-to-do-it/2020/03/19/ae653cbc-6399-11ea-8a8e-5c5336b32760_story.html.
[296] "Ukraine Conflict in Donetsk and Luhansk", ACAPS, Briefing note, 4 November 2019,
https://reliefweb.int/sites/reliefweb.int/files/resources/20191104_acaps_briefing_note_ukraine_conflict_in_donetsk_and_luhansk.pdf
[297] In 2019, most of the conflict incidents were concentrated in five "hotspots" along the contact line, which, according to the OSCE, accounted for approximately 90% of the ceasefire violations. These hotspots include: "areas east and west of Mariupol, Avdiivka-Yasynuvata-Donetsk airport area, Popasna-Kalynove-Pervomaisk-Zolote area, areas south-west, south of Svitlodarsk, and the western and northern outskirts of Horlivka": OSCE, https://www.osce.org/files/f/documents/1/e/444745.pdf.

- Poor infrastructure including lack of roads or damaged roads, heavy traffic, previous damage to bridges, and closure of key access points;
- Limited accessibility to roads that are encumbered by the movement and transportation of military vehicles and equipment;
- Limited access to dozens of settlements along the contact line—as one report notes, "settlements along the contact line were found to face barriers relating to isolation from urban centres. Such isolation was found to be a result of 1) acute security concerns around ongoing conflict, shelling and heavy landmine/UXO contamination, and 2) poor transportation links and infrastructure. After five years of such disruption, the area contains larger proportions of vulnerable groups, including a larger proportion of older people, people with disabilities and women".[298]
- The overall security situation, which, at the height of the conflict, was a key consideration for aid agencies, particularly the persistence of shelling and continued exposure to vast minefields; today, the conflict remains quite concentrated in a few zones, minimizing risks for aid workers, but also limiting access to vulnerable populations at the same time.

Political obstacles and policy challenges

- Complicated procedures for accessing the NGCA from within Ukraine[299];
- Lack of knowledge and understanding of the humanitarian principles, standards, and operational procedures by police and other officers;
- Frequent turn-over of officials and units managing the checkpoints;
- Official restrictions on movement, such as the "red regime" for example;[300] and
- Newly imposed Covid-19 restrictions[301]

The most significant humanitarian access problem in terms of the government's approach relates to people's access to public services. Three elements of the government's approach have negative consequences for civilian communities. First, there is a very tightly controlled contact line and checkpoint regime (with five accessible checkpoints connecting the GCA and the NGCA sides) in what has effectively become a border. This leads to long lines and an unsafe environment at checkpoints, as there is a high volume of people (UNHCR documented figures ranging from approximately 1.0 – 1.3 million crossings per month between April 2018 and April 2019[302]) and frequency of crossing in and out each month. As one report notes, "people often have to wait hours at checkpoints to travel between GCA and NGCA, putting vulnerable people (e.g. sick, elderly) particularly at risk. Over January – May 2019, long waiting times and poor conditions at checkpoints resulted in 25 civilian deaths, most from health complications while waiting to cross the contact line. In addition, depending on the location and the intensity of fighting, checkpoints have had to close sometimes for days at a time. This further restricts the free movement of people and humanitarian organisations across the contact line".[303]

Second, for people residing in NGCA, receiving their pensions has become increasingly difficult due to the fact that the Government of Ukraine links access to governmental services—including pensions—to official IDP status, which must

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[298] "Ukraine: Protection Assessment," REACH.

[299] This field research revealed the complexities of accessing D/LPR from within Ukraine. Kyiv authorities indicated that agencies cannot enter the Donbas from the GCA side. Those who have tried to enter via Russia risk being forbidden to return to Kyiv. This has had significant impact on the reach and accessibility of humanitarian operations in NGCA for fear of retaliation or additional pressures by the Ukrainian authorities relating to continuing to implement relief and recovery programs.

[300] The "Red Regime" temporarily restricts the movement of people and vehicles to particular areas. Permission must be granted by the Joint Forces Commander. See, "Red regime prolonged at Novotroitske checkpoint", 112 UA, 30 August 2018, https://112.international/conflict-in-eastern-ukraine/red-regime-prolonged-at-novotroitske-checkpoint-31649.html.

[301] See Lily Hyde, "Covid-19 turns the clock back on the war in Ukraine, as needs grow," The New Humanitarian, 20 April 2020, https://www.thenewhumanitarian.org/feature/2020/04/20/coronavirus-ukraine-war; See also "Ukraine - Complex Emergency Fact Sheet," USAID for a comprehensive description of the Covid-19 impact and response to the pandemic.

[302] "Ukraine Checkpoints-Humanitarian Snapshot as of 17 May 2019," UNHCR, 17 May 2019, https://reliefweb.int/report/ukraine/ukraine-checkpoints-humanitarian-snapshot-17-may-2019-enruuk.

[303] "Ukraine Conflict in Donetsk and Luhansk", ACAPS, Briefing note, 4 November 2019, https://reliefweb.int/sites/reliefweb.int/files/resources/20191104_acaps_briefing_note_ukraine_conflict_in_donetsk_and_luhansk.pdf.

be continually renewed.[304] Thus, people in NGCA wishing to continue to receive their pensions must (1) register as IDPs in GCA and (2) cross into GCA territory every month. Third, the government has imposed an economic blockade on NGCA, making the economic and living conditions in NGCA even more dire.[305] While the blockade obviously imposes restrictions on trade and economic relations between the Donbas and the rest of Ukraine, there is debate regarding its long-term utility. Some have argued that it actually "shift[s] the economic burden of maintaining the occupied territories [from Ukraine] to Russia. [However, this] strategy is questionable in light of Ukraine's stated goal of reintegrating the Donbas. Russia can extract resources from these territories in the short term, and then acquiesce to their return to Ukraine when their economic potential has been practically destroyed by the blockade and mismanagement of the 'nationalized enterprises'. The separatist commander turned internal critic Aleksandr Khadakovsky has even accused Moscow of deliberately wrecking Donbas industry 'so that it won't be left to the enemy'".[306]

Humanitarian actors have also advocated for access on various fronts, making the permit system more workable, revising the list of items and amounts that can be brought across the contact line, and delinking pensions from IDP status—with varying degrees of success, to change this state of affairs.[307] Nevertheless, the underlying situation, in which people face a treacherous and even dangerous journey simply to access essential services, remains unchanged.[308] Humanitarian organizations have thus also pursued more palliative efforts to improve conditions at the checkpoints in terms of access to medicine, medical care, and sanitation facilities.

Overall, international agencies are operating more fluidly in GCA—with the exception of some complications complex access around the contact line.[309] As a community member explained, "*living in the grey zone [in particular 0-15 kilometer area] means that you cannot receive assistance. Villages in this area suffer from lack of access to public services, even ambulances are absent. Assistance is limited unless we resettle*". As a representative from People in Need explained in an interview, the unmet humanitarian needs in GCA are a result primarily of insecurity. UNOCHA confirmed this assessment, noting that "*the only restricted areas in GCA are for security reasons, but [they] are nevertheless fully functional with the [United Nations civil-military coordination (UN-CIMIC)] component*". However, as another humanitarian agency explained, the settlements on the GCA side, which remain particularly vulnerable, could be better supported with adequate public services, "*but the Government authorities continue to do the minimum, to avoid dealing with displaced communities from D/LPR, and as they are not prepared or keen to manage humanitarian issues*". Another interviewee added that the problem lies in decentralization, "*there is no investment made, or responsibility taken for villages that are now mostly inhabited by the elderly, and which will eventually become depopulated over time*". The same agency conducted a needs assessment in GCA along the contact line, finding that more than 2,000 families needed humanitarian aid, were unable to access medical items, ambulance support, and essential winter items such as coal, electricity, and gas. Prices in GCA for these items have according to civilian populations there, increased significantly, around 30% since 2014, further limiting accessibility.

It is clear that, despite positive advancements for access from the GCA side, there remain significant restrictions and restrictive policies preventing populations' access to services. For example,

[304] "Ukraine Situation: UNHCR Operational Update," UNHCR, 02 December 2014,
https://reliefweb.int/sites/reliefweb.int/files/resources/Sitrep%2020%20-%20Ukraine%20-%2028%20November%202014.pdf.
[305] Brian Milakovsky, "Cut Off: What Does the Economic Blockade of the Separatist Territories Mean for Ukraine?" Wilson Center, on 9 January 2018, https://www.wilsoncenter.org/blog-post/cut-what-does-the-economic-blockade-the-separatist-territories-mean-for-ukraine.
[306] Milakovsky, "Cut Off."
[307] See "Freedom of movement across the line of contact in Eastern Ukraine," UN, February 2019,
http://un.org.ua/images/documents/4716/Briefing%20Note%20Freedom%20of%20movement-eng.pdf.
[308] See "Cold, hungry and lost: Ukrainian pensioners face fourth winter on the frontline," Thomson Reuters Foundation, 13 December 2017,
https://reliefweb.int/report/ukraine/cold-hungry-and-lost-ukrainian-pensioners-face-fourth-winter-frontline; "Right to pension in the context of armed conflict: international experience and solutions for Ukraine," Norwegian Refugee Council, 2017,
https://reliefweb.int/sites/reliefweb.int/files/resources/right-to-pension_eng_web.pdf; "Assessment of the conditions of crossing LoC through EECPs," Right to Protection, 7 June 2019,
https://reliefweb.int/sites/reliefweb.int/files/resources/Assessment-of-the-conditions-of-crossing-Loc-through-EECP-szhatyj.pdf; "Insecurity and bottlenecks at the checkpoints in freezing cold," in Humanitarian Bulletin
Ukraine," OCHA, Issue 16, 1 January – 28 February 2017,
https://reliefweb.int/sites/reliefweb.int/files/resources/ukraine_humanitarian_bulletin_issue_15_oct_dec_2016_en.pdf; "Ukraine: Dangers, Unnecessary Delays at Crossing Points Improve Security, Facilities Along the Line of Contact, Facilitate Better Crossing for Civilians" Human Rights Watch, 17 February 2017, https://www.hrw.org/news/2017/02/17/ukraine-dangers-unnecessary-delays-crossing-points#.
[309] "Ukraine Conflict," ACAPS.

in November 2014, the government effectively ceased all state-funded payments to territories and populations outside of its control, including pensions and other benefits (there are an estimated 400,000 pensioners in Luhansk and Donetsk). The measures also stopped payments to state employees and support to formerly state-funded institutions, including local authorities, schools, and hospitals. Institutions in NGCA—and any support to them, such as medical supplies for hospitals—were classified as illegal. The curtailment of state funding for public institutions meant that 'conflict-affected populations continue to be subject to denial or obstructed access to health services including shortage of drugs, food aid, water, and sanitation, as well as education.[310]

As one civilian living on the contact line mentioned, "*international agencies make good money, with high salaries and budget, but they have very limited influence on the authorities' desire to engage more for their own citizens. The paradox is that today, the Donbas, a region that is still legally Ukraine's, has been abandoned by its own government. Damage, destruction, death do not raise support from the authorities. Even on the NGCA side, Russian and local authorities seem more inclined to help civilians*".

There are a number of key aspects to highlight that link the status of the D/LPR territories with the positioning of the de facto authorities vis-à-vis the international community. These influence the degree of tolerance that the separatist leaders have to the presence of humanitarian actors. In particular, it is important to stress that DPR and LPR are self-proclaimed autonomous republics and not officially and internationally.[311] As a result, the Government of Ukraine has imposed a number of restrictions on the assistance programs and training support that may flow into the "illegitimate" NGCA territories from GCA, with a focus on limiting reconstruction and development-style recovery programs in the Donbas, an area that was the third richest city of the country pre-conflict. In addition to this, access is further hindered by GoU pressure on international actors that may be supporting civilians in "terrorist" regions, restrictions on freedom of movement, and recurring accreditation obstacles created by the de facto authorities.

1. Engagements with de facto authorities in separatist zones

The dynamics of humanitarian negotiations with local authorities in separatist zones—particularly for international humanitarian organizations—are very different. International actors described in interviews conducted for this paper encountering severe restrictions from de facto authorities that hinder their ability to access affected populations, which, according to interviews, could be mitigated, if there was political will to do so. Direct operational implementation—that is, without the intervention of local NGOs—has to be negotiated and is restricted to certain limited activities. It is important to note that very few agencies have been able to establish or maintain continuous proximity and presence with populations in NGCA for assistance operations, let alone to engage in anything beyond immediate assistance, such as protection, needs assessments, or program monitoring and evaluation activities. Interviewees have noted severe restrictions of movement, limitations in terms of the ability to conduct proper assessments, and an acute sensitivity and resistance to data collection efforts (even if conducted for the purpose of needs assessments) and public communication. Actors have attempted to convince the Humanitarian Committee to open an operational space, but outcomes thus far remain limited. According to an interviewee working for the UN, "The situation is difficult, but it is far better than in 2014…It is so difficult to push them, so we need to be flexible and focus on specific projects for a limited amount of time, on WASH, livelihoods, medicines, and winterization kits".

Furthermore, while there is a humanitarian exemption for the economic blockade that the government imposed on NGCA, as an International Crisis Group publication notes, "in practice it kept aid out, because charities legally registered in Ukraine could no longer function in the L/DPR due to a combination of Ukrainian and L/DPR regulations, and to the ways in which L/DPR authorities adapted to the embargo."[312] Interviewees also described tensions that have arisen in access negotiations with government officials, in particular, relating to programming directed toward NGCA. Humanitarians still face suspicions that they have become too close with or aligned with separatist authorities, which may influence whether authorities have allowed access.

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[310] Barbelet, "Humanitarian Access."

[311] Vladimir Socor, Russia Recognizes the Donetsk-Luhansk 'Republics' in Russia's Own Hybrid Way," Eurasia Daily Monitor, Volume: 15 Issue: 165, 26 November 2018, https://jamestown.org/program/russia-recognizes-the-donetsk-luhansk-republics-in-russias-own-hybrid-way-part-one/.

[312] Anna Arutunyan, "Getting Aid to Separatist-held Ukraine," International Crisis Group, 13 May 2019, https://www.crisisgroup.org/europe-central-asia/eastern-europe/ukraine/getting-aid-separatist-held-ukraine.

As one DPR representative stated, the position of the authorities is that humanitarian access is "not up for discussion" and that INGOs have "hidden agendas and we cannot trust them". As one report notes, "citing obstruction by the L/DPR authorities, the UN has scaled back its humanitarian response in rebel-controlled areas, focusing on the less hard-hit but still in need people on the government-controlled side of the line. Ukraine's trade blockade of the L/DPR [further] limits aid access".[313] According to the UN, the outcome of access dialogues has not been remarkable. Indeed, interviewees consistently cited the onerous accreditation negotiations as a predominant obstacle to access. UN agencies also have limited funding to deploy in NGCA due to their own policies and respective agreements with Kyiv authorities in order to limit the "reconstruction" support in the separatist zones, which creates a competition between the local accredited NGOs to offer the most financially "attractive" proposals. Running essential needs assessments or monitoring programs remains extremely restricted. Other types of assessments, according to interviews, are prohibited for some activities that are not considered "classical" aid distribution. As the head of one humanitarian organization noted, "what is delivered today for affected populations is cheap and mainly based on a rapid quantitative assessment. It is not responsive to a qualitative analysis of needs". It emerged from the interviews that the UN presence, including OCHA, is accepted in a tacit manner more than officially, not formally registered or accredited. Thus, UN agencies operate through local implementing partners (IPs), as local NGOs have an easier time gaining accreditation by the authorities. The ICRC has also faced challenges of accreditation, one representative indicating that it can take up to two years to negotiate the approval of certain programs.

As one humanitarian practitioner explained, "*if actors do not want to confront the so-called authorities, if they only act the way they are allowed to behave, they encourage the authorities to continue in the same way*". According to the interviews, all humanitarian actors active in separatist areas limit, if not renounce entirely, public communication to civilian populations and potential beneficiaries, on what they do, who they are, and what their priorities are. While the constraints of accreditation are bureaucratic, the motivations are political, and the consequences are significant. The main recommendation from the separatist authorities is to go through the locally accredited NGOs—in particular the Donbass Development Center (DDC)—one of the few remaining operational agencies in the Donbas. The DDC is located in Donetsk and is an NGO focusing on the "restoration and development of the Donbass". DDC is also a local implementing partner of UNHCR, OCHA, UNICEF, IOM, Save the Children, HelpAge International, WFP, PU-AMI among others. According to a representative interviewed for this report, DDC beneficiaries live in 369 different districts and settlements and received assistance in the form of coal, medicines, medical equipment, sports equipment, food, office and hygiene kits, and assistance in the form of repair and restoration works.

One example to note is the Stanitsa Luganskaya bridge[314], which was the subject of over three years of negotiations. During the height of the conflict, there was only one checkpoint in LPR, which was accessible by this bridge. The bridge had been destroyed by the Ukrainian military in 2015, and since then, the de facto authorities in LPR were pushing for its reconstruction. During the inaugural visit of President Zelensky, the governor of Lugansk Oblast initially claimed, according to an interviewee in LPR, that the project would cost approximately US $7,500. It appears that, according to those interviewed in LPR, that the bridge was intentionally designed by Kyiv to be narrower than planned in order to prevent military vehicles to pass into LPR, which had the negative outcome of limiting access to ambulances, as well as other essential transport. At the Minsk Contact Group meeting in July 2019, "the LPR and Kiev representatives agreed on the Stanitsa bridge repair procedure…with Ukraine restoring the stretch blown up by Kiev forces in 2015 and the LPR repairing the rest of the bridge. The parties also pledged to use the bridge for civilian purposes. Earlier, LPR Head Leonid Pasechnik said that the Republic would view any unilateral actions by Kiev on the Stanitsa Luganskaya bridge as an act of aggression. Kiev agreed that unilateral actions were inadmissible. LPR Foreign Minister Vladislav Deinego said that the Republic and Ukraine had agreed not to stop the operation of the Stanitsa Luganskaya crossing point for the period of bridge repairs"[315]. It was finally rebuilt, costing a total of US $1.4 million.

[313] Arutunyan, "Getting Aid."
[314] "Stanitsa Luganskaya bridge is opened," Lugansk Media Center, 20 November 2019, http://en.lug-info.com/news/one/stanitsa-luganskaya-bridge-is-opened-20631.
[315] "Kiev's claims on Schastye checkpoint opening part of its PR campaign," Lugansk Media Center, 25 October 2019, http://en.lug-info.com/news/one/kievs-claims-on-schastye-checkpoint-opening-part-of-its-pr-campaign-20567.

Agencies wishing to operate in the Donbas are required to manage their accreditation and delivery through the Committee for Receipt, Distribution, and Security of Humanitarian Cargoes for DPR.[316] The "Humanitarian Committee" regulates the process for accreditation and determines whether an agency wishing to operate in DPR is approved. The accreditation process has been laborious for agencies, despite DPR's official position. Head of the Committee, Denis Pushylin, asserted that "the mechanism of accreditation for humanitarian missions in 'DPR' is absolutely transparent. Humanitarian missions undergo accreditation all over the world, and 'DPR' is not an exception".[317]

In reality, "despite the efforts of the United Nations, diplomats, and individual international organizations, the accreditation procedure is still manipulative and does not guarantee the non-interference of the de facto authorities in the activities of the organizations".[318] For example, Deputy Chairman of the Council of Ministers of LPR, Vasyl Nikitin claimed that local authorities had

> detected violations [and] denied accreditation…to 10 of the 11 foreign humanitarian organizations that had filed applications. The personnel of the UN humanitarian mission were asked to leave the territory controlled by 'LPR' by 26 September 2015…Several other international non-governmental organizations were also informed that they had to leave Luhansk by 26 September, the UN specified. For that day the International Committee of the Red Cross (ICRC) was the only foreign non-profit humanitarian organization that obtained accreditation in 'LPR'.[319]

MSF was one of the agencies that was banned in September 2015, under the pretext that it had attempted to smuggle psychotropic drugs into LPR.[320] Reasons for blacklisting MSF in DPR, however, were more obscure. "Bart Janssens, MSF's director of operations, warned that the ruling is likely to lead to the deaths of patients and urged the rebels to reconsider. 'As a medical organisation we ethically cannot accept being forced to abandon our patients'".[321] While the reasons for denial were not often clear, it is evident that long-standing operations and visibility in the region were insufficient to guarantee approval from the authorities.[322]

While agencies continue to advocate for a form of humanitarian access in NGCA that aligns with humanitarian and human rights principles—particularly programming that privileges the most in need, rather than the most accessible—interviewees expressed that this is still insufficient, particularly for the range of needs. Humanitarian activities—whether direct or indirect—are nearly invisible to local populations, who are often unable to distinguish agencies and assistance, apart from services given by the ICRC due to the branded parcels. In fact, they often stated that aid came mainly from the authorities. As one resident expressed, "*What is missing in DPR and LPR, is information, communication, and advocacy initiatives from international humanitarian actors. People do not need to be assisted, they need to hear about the situation, their rights, and their options*".

2. Alliance for Assistance: local cooperation

One of the unique dimensions of the conflict in the Donbas has been the obligatory reliance that international agencies have had on local actors, due to the rigid and byzantine access restrictions imposed by the separatist authorities. Despite their smaller scope and scale, local agencies are essential in substituting the assistance programming that larger agencies could have otherwise provided. The "local" profile of these agencies, however, has not been enough to overcome the

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[316] See "Committee for Receipt, Distribution, and Security of Humanitarian Cargoes for DPR" Procedure of Accreditation of humanitarian missions." See also the "Resolution of the Council of Ministers of the Luhansk People's Republic," No. 02-04/225/15, 21 July 2015, https://sovminlnr.ru/docs/2018/03/05/doc_225.pdf.

[317] "Access to Humanitarian Aid Under Conditions of Armed Conflict in the East of Ukraine," USAID, 2016, https://helsinki.org.ua/wp-content/uploads/2016/06/Pravo-na-humdopomohu_Engl.pdf.

[318] "Humanitarian Access", Right to Protection.

[319] "Access to Humanitarian Aid," USAID. See also "'LNR' expels international humanitarian organizations," DS News, 25 September 2015, http://www.dsnews.ua/politics/-lnr-vydvoryaet-mezhdunarodnye-gumanitarnye-organizatsii-25092015093700; "LPR revoked accreditation of "Doctors Without Borders," Korrespondent.net, 21 September 2015, http://korrespondent.net/ukraine/3566134-v-lnr-zapretyly-vrachei-bez-hranyts.

[320] "Access to Humanitarian Aid," USAID.

[321] Jack Losh, "Ukraine rebels expel Médecins sans Frontières from region," The Guardian, 24 October 2015, https://www.theguardian.com/world/2015/oct/24/ukraine-rebels-expel-medecins-sans-frontieres-from-region.

[322] For analysis on the possible reasons why agencies may or may not be denied accreditation, see Barbelet, "Humanitarian Access."

limitations on the types of activities tolerated by the authorities. Rather than provoke dismissal by attempting to provide more sensitive programming, such as protection, education, communication, psycho-social support, and needs assessments, local agencies continue to maintain a safe posture by providing traditional assistance, such as food and basic non-food items. As one local agency representative explained, "*the authorities simply do not tolerate training or monitoring actions*".

Two major INGOS have received the permission to be present in DPR—which amounts to having an office and the opportunity to propose projects to the Humanitarian Committee. However, the space to maneuver is still constrained. Agencies reported limiting advocacy for fear of being expelled. Furthermore, it emerged from the interviews that local NGOs are reluctant to make data and figures about the situation public, "*it is dangerous to communicate publicly, as you can lose your accreditation and may have to close your office. In the past two years, this has happened to several NGOs*".

Interviewees indicated that the existence and capacity of local (accredited and permitted) agencies to run programs has not been easy. The real driving force has been the willingness of some individuals, those involved in local administration, private activities, or needs assessments for large international actors such as the FAO or OCHA, who have decided to promote a local actor. One interviewee explained, "*in an environment where there was an absence of regulation towards the humanitarian access to affected populations, this was crucial*". Research has indicated that local NGOs are well organized and have rules, codes of conduct, and closely follow international procedures. However, they have limited field experience and capacity to work on their own, and expressed that they have faced and continue to face various restrictions on the attribution of their role and their capacity to develop humanitarian and recovery programs for affected people.

All international agencies present in NGCA—including UNHCR, IOM, UNICEF, PUI, Save the Children, REACH, ACTED and Caritas—go through local implementing NGOs; "*that is the way institutional donors can demonstrate publicly that they support humanitarian operations in NGCA, while not having to directly fund local NGOs*". While international actors are engaged with the local accredited NGOs, many representatives explained that they do not see them as a strong ally to defend humanitarian action. As one interview stated, "*While they are the best suited and experienced in interactions with the authorities, such actors were also chosen first and foremost because they are easy to control by the de facto authorities*". Another international agency indicated that most of the data they are able to collect is done when NGCA residents are waiting in line in GCA and about to cross the checkpoints. This has proved "*quite effective and facilitates our work to advocate for local aid partners to work with NGCA residents when they are in GCA*".

Nevertheless, local NGOs, whether in GCA or NGCA, have very limited access to international support, apart from an implementing partner role for the UN agencies and the dominant INGOs. Humanitarian activities are standardized, mainly through distributions, but the humanitarian presence in the most affected areas is partial and occasional. For security reasons, actors come for brief periods rather than taking time to build relationships with the communities. As one interviewee noted, "*local populations do not understand why international NGOs and humanitarian actors try to intervene directly instead of letting local actors to run programs in the conflict zone. They should be there only for consultation and advocacy as it this not a humanitarian crisis*". Another noted, "*international actors do not see the imperative to think more about the meaning of their actions. They have a budget and grants and need to find ways to spend it. The impact or effect of the humanitarian programs on our community is not the priority for them and their donors*".

In Zolote, for example, teachers remarked that the added value of NGOs had been the provision of a room inside the school to hide in case of shelling, or the construction of heated washrooms. But the overall infrastructures have not changed since the conflict. Many volunteers and local associations consider that they do not need international actors to act and support affected populations, and that they would have the capacity and expertise to run the activities directly. Various local associations have approached international NGOs to offer help and expertise. They have been mainly discouraged by responses indicating that "*we do not have money, there is no time, we have to act….Discussing the results and outcomes of international presence is not possible even among the actors and in front of local traditional associations*". Local agency representatives expressed that they often felt that they supported international agencies, without feeling that meaningful connection and cooperation were possible. On the contrary, they often expressed that they were seen as a last resort for agencies for which access was restricted. While accredited local NGOs in DPR and LPR would be keen to operate in GCA as well, they expressed the fact that they are "*not really welcome*" there; "*it is difficult to find a neutral identity in this conflict*". It is important to note that none of the local NGOs in D/LPR referred to any particular links with Russian authorities or entities, in terms of staffing, funding, or specific interactions.

Adapting Aid: The Nexus in protracted conflict

This section considers the implications of the current conflict in the Donbas on the "nexus," which has been coined in the humanitarian and development sectors as a means to connect humanitarian, development, and peacebuilding agendas and to enable collaboration, coordination, information sharing, and joint planning across these pillars. According to the recent Ukraine Country Study commissioned by the commissioned by the Inter Agency Standing Committee (IASC) Humanitarian Financing Task Team, the Nexus / New Way of Working (NWOW) is promoted in "contexts where short-term humanitarian action and medium-to-long-term development programming are required simultaneously in areas of vulnerability" [323]. While Ukraine faces a vast range of intrinsic socio-economic, demographic, development, and governance challenges, many regions in GCA, with the exception of the settlements along the contact line, do not require acute, strictly humanitarian support, while others, particularly in NGCA, remain hard to reach, as a result of political or security motivations. Compounding this challenge is the issue that both Kyiv and the separatist authorities are reluctant to support longer-term development and protection programming, further limiting the range of possibilities for aid actors.

One of the key limitations has been that development programming is, by definition, conceptualized over a five-year timeline, and requires legitimacy and permission granted from an official authority. According to an interviewee, *"neither Ukraine nor its international donors are willing to envision the continuation of this protracted conflict, where the situation in five years' time look the same as it does today"*. The question remains, "*so do we continue giving food parcels and while turning away from education?*" Secondly, engaging in longer-term programming, particularly activities which might strengthen the capacity or perceptions of legitimacy of the de facto authorities in the occupied territories is politically controversial, both from the perspective of the Ukrainian government, and from a number of key bilateral donors, whose governments have put in place sanctions against the de-facto authorities, which in turn place restrictions on how their aid funding can be used in the NGCA".[324] It became apparent through the interviews that Ukrainian authorities do not want to invest such activities primarily for political reasons, as they do not trust the populations living in NGCA and consider that they have been ambiguous about their loyalties, and second because the region has been severely abandoned in terms of long before the conflict.

It has become apparent in the field research that humanitarians do not have the capacity or resources to engage in development programming alongside their emergency operations. Both humanitarian and development activities are relatively limited, further illustrating the difficulty in ascertaining why certain agencies are permitted to operate, while others are more constrained. The ICRC offers a spectrum of activities that extends beyond strict humanitarian assistance and into protection and development work. Given the limited operational space for numerous actors, resulting in reliance on only a few agencies to cover a broad range of needs, the ICRC has had to adapt to the circumstances and expand the scope of their work. Over the past years, the ICRC has been active in repairing buildings, hospitals, school structures, and individual houses, as well as WASH programming such as maintenance of pipes and water canalization, alongside distribution programs of food, aid parcels, and winterization kits. While they reflect that their "*humanitarian influence is limited*", they nevertheless facilitate the work of other agencies and seek to find points of negotiation and leverage with separatist authorities in order to enable more access in the support to populations.

In 2018, for example, it was noted in interviews that over 80% of the convoys that reached NGCA were run by the ICRC. Nevertheless, their operational challenges remain. The ICRC continues to press for access to detention centers, which has been met with resistance, "*protection of civilians and detention programs are a dead end for negotiation*s," as one interviewee said. In an environment where the conduct of hostilities is complex, and where the security environment is violent and unpredictable, agencies face severe limitations in responding effectively to the needs of populations. On the long run, this exemplifies a serious risk as humanitarian actors work to support a failing state system, particularly linked to social benefits and pensions. As a result, actors like the ICRC have taken a pragmatic approach, responding to humanitarian need to the extent possible with an eye to reducing long-term fragilities that come from a weakened state system.

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[323] "Ukraine Country Study: Humanitarian Financing Task Team Output IV," Norwegian Refugee Council, March 2019, https://www.nrc.no/globalassets/pdf/reports/190621-output-iv-ukraine-report.pdf.
[324] "Ukraine Country Study," Norwegian Refugee Council.

UNICEF, on the other hand, explained that they offer only strict humanitarian support in NGCA, rather than early recovery or longer-term actions, "at the demand of Ukrainian authorities, we do nothing that can be seen as bringing more capacity and independence for local [separatist] authorities. People suffer from many developmental issues," but they cannot receive adequate assistance and support they expect from humanitarian and development actors. Nevertheless, UNICEF has been able to implement WASH and educational programming through three main local accredited NGOs[325], DDC, Mira[326], and Variant, with which they did some field visits, after official approval. The organization faces severe challenges to operate effective humanitarian programs, particularly related to psychosocial support, as well as to receive timely approvals and to understand the decisions taken by authorities, which can seem erratic and "artificial".

ECHO has supported both GCA and NGCA (55% and 45% spending allocated respectively), with the objective to reach an even "50/50 split" between the two regions. In 2019, ECHO presented at budget of €23 million euros, with which they strictly limit their support to humanitarian programs in the $0-5$ kilometer zones on either side of the contact line. A representative explained that they consider the humanitarian needs in NGCA to be more severe, due to limited access and the few agencies that are allowed to operate. They expressed their concerns regarding the quality of programming ("*far from standard*"), their alignment with the real needs of populations, and the limited possibilities to communicate about protection needs.

Despite the political sensitivities, it is apparent that there is strong involvement from international actors to contribute to the resilience and autonomy of affected populations in dealing with systemic challenges, inherent to underdevelopment and weak governance. These activities include advocacy, albeit limited, or long-term support, such as reception of pensions, registration of newborns[327] and deaths, and facilitating educational certifications and diplomas—demonstrating the fluidity between humanitarian and development support in a context that limits both. Indeed, the IASC scoping study notes that "the various planning frameworks in existence "reveals a high degree of consistency among humanitarians as well as recovery and development actors in their strategic planning priorities for Eastern Ukraine. Through there are some differences in interpretation of priorities in areas of protection, infrastructure repair, access to administrative and social services, economic recovery, governance, social cohesion, peacebuilding; inclusion; and security". [328]

One of the driving aspects of the operationalization of the humanitarian development nexus in Ukraine has been the concept of "collective outcomes" which aim to bring both sectors into closer alignment. A collective outcome is the result that development and humanitarian actors (and other relevant actors) contribute to achieving at the end of 3-5 years in order to reduce needs, risks, and vulnerabilities.[329] Further, collective outcomes have the benefit of capitalizing on "individual agencies' comparative advantages and mandates to transcend long-standing conventional thinking, silos, and other attitudinal, institutional, and funding obstacles. In practice, this entails defining a collective vision based on a joint analysis of context and risks over the short-, medium-, and long-term, and set out clear strategies, roles, and responsibilities for relevant actors to deliver those outcomes, based on their comparative advantage".[330]

According to the OCHA 2019 HRP[331], humanitarian and development partners have established "a fertile ground" for Humanitarian-Development Nexus activities in Ukraine, working with development partners, governments, and donors to improve cooperation. Partners defined 3 collective outcomes towards which humanitarian, recovery and development actors will collaborate to achieve.[332]

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[325] For a list of local and international NGOs by sector and cluster, see "Ukraine Humanitarian Response Plan 2018 (Humanitarian response plan)," OCHA Financial Tracking Service, https://fts.unocha.org/appeals/641/projects.

[326] "MIRA: Making Voices Heard," http://mira-ngo.org/index.html.

[327] Interviews noted that over 4,000 children are currently unregistered in Donetsk.

[328] "Ukraine Country Study," Norwegian Refugee Council.

[329] "Humanitarian Development Nexus Ukraine," Interagency Standing Committee, 31 August 2018, https://interagencystandingcommittee.org/system/files/hdn_ukraine_-_hdn_vision_3_collective_outcomes.pdf.

[330] "Key messages on the humanitarian-development nexus and its link to peace," ALNAP, October 2018, https://www.alnap.org/help-library/key-messages-on-the-humanitarian-development-nexus-and-its-link-to-peace.

[331] "Humanitarian Response Plan 2019," OCHA.

[332] These Collective Outcomes are drawn from the "Draft report Humanitarian Development Nexus Collective Outcome 2 on Health and Social Protection in Ukraine", 5 September 2018.

1. **Increased self-sufficiency of populations living in affected oblasts and for all IDPs in Ukraine**
This collective objective focuses on the fact that the years of conflict in the Donbas has contributed to sever vulnerabilities, as well as long-term implications such as poverty, unemployment, lack of livelihoods, and weak infrastructure to address the pervasive lack of social protections which have been exacerbated by rising prices and cost of living, as well as restricted mobility.

2. **Improved access, quality, and affordability of health and social protection services by 20% by 2023 in conflict affected oblasts and for all IDPs in Ukraine.**
This objective emphasizes the importance of social reforms, particularly linked to health and education, and to supporting the delivery of both medical and psychosocial support, which is largely restricted by authorities.

3. **Reach 80% compliance with the EU physical infrastructure related standards by 2023 in the conflict affected oblasts.**
This outcome means ensuring that communities in DPR and LPR have access to gas, electricity, centralized heating, potable water, sanitation, waste management, infrastructure repairs, access to schools and hospitals, and the rebuilding of damaged infrastructure. It is important to note here that this collective outcome discusses that these should be aligned with Ukrainian and EU regulations, though it was noted in the interviews that in NGCA, communities often aligned such infrastructure with Russian regulations.

It is important to note that, while the Nexus and its associated collective objectives reflect a strong will to align and better implement overlapping programming, the results have shown slow progress. Thus, practical recommendations remain essential. As a donor report mentions, "developing operational guidance on the Nexus is a critical step for transforming this agenda into action".[333] The success of Nexus programming lies not in the full conflation of humanitarian and development activities, but rather, effective parallel streams with intersecting priorities. That is, to adapting aid to, over time, minimize needs, vulnerability, and dependence in the long term. This, to a certain degree, requires fluidity in mandates for both humanitarian and development actors. On the one hand, humanitarian agencies must adapt their programming to have a medium to long-term view regarding the impact of assistance, the limits of protection, and the consequences of their presence in a protracted and highly politicized environment, with the funding structures to support this approach. It may also mean recognizing and addressing the impacts of conflicts on opportunities for development and contribute to a longer-term process toward peace. On the other hand, development actors must be more reactive, responsive, and focused on how fragile communities in acute need can access basic necessities. This requires a level of independence from authorities that does not come naturally with development actors, and efforts to reinforce local capacity to advocate for access, deliver programming, and assert their human rights on the longer term. Mitigating the impact of conflict on populations should be paramount and thus requires a joint effort of meeting acute needs while simultaneously investing in ensuring that the populations most at risk for vulnerability on the long term are also supported, and integrating humanitarian and development principles to "[reach] those furthest behind first".[334]

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[333] "Key questions and considerations for donors at the triple nexus: lessons from UK and Sweden," Development Initiatives, December 2019, https://devinit.org/resources/questions-considerations-donors-triple-nexus-uk-sweden/conclusions-and-recommendations/.
[334] "Key messages," ALNAP.

CHAPTER 4: PERSPECTIVES ON THE FATE OF THE DONBAS

It is clear that the Donbas conflict results from a confluence of local grievances and geopolitical tensions. Yet, there is a lack of consensus about the extent to which these factors have actually interacted to fuel the conflict. Some perceive that local pressures "constituted the driving force for the conflict,"[335] whereas others believe that "the conflict was artificially designed, escalated, and supported by an external actor among regions and communities that did not have disputes (ethnic or religious) strong enough to drive a separatist project".[336] The extent of disinformation and propaganda in this context presents a true analytical conundrum. Numerous analysts have debated Russia's intentions and interests[337] with respect to the Ukraine, as well as the Donbas, Crimea, and the region at large. At one extreme, it is possible that Russia seeks to "maintain a buffer between NATO, the European Union, and Russia".[338] It is also possible that President Putin has sought "to consolidate his regime"[339] and "to restore the great power status of Russia in the face of a perceived threat from the West"[340] with the "gradual and strategic escalation of covert forms of occupation in eastern Ukraine—nomadic, creeping, and consolidating occupation—which have allowed Russia to establish a firm hold on parts of Donbas that it has used to prevent the establishment of a stable, legitimate, and pro-Western regime in Kyiv".[341] Further, American scholars who have made the case that the West is responsible for the conflict by provoking Russian engagement in Ukraine have evoked criticisms for being "Putin apologists".[342] At the other extreme, it is argued that Russia's interests are much more limited; "the evidence would suggest that rather than trying to force Ukraine to grant Donbass autonomy in order to destabilise Ukraine, Russia's pursuit of such autonomy reflects a belief that a stable order can only be restored in Ukraine if the interests of those who opposed the Maidan revolution are taken into account. Russian military intervention in Donbass has been directed not at dismembering Ukraine, but at coercing Kiev to negotiate with the rebels in order to agree on [a settlement]".[343]

Status quo: political impasse

Disagreements about how to understand the history, evolution, and causes of the conflict also fuel disparate conclusions about how the conflict should be resolved. There appears to be unanimity among the civilians, military, and political actors interviewed across regions in Ukraine that, at this stage, an end to the conflict is not feasible. Rather, "*we have entered into a 'frozen conflict', a status quo with limited concrete steps to progress to peace*". Interviewees see the conflict as a political instrument on both sides, holding populations hostage. As some explained, the future ultimately rests on "*Russia's decision to continue to inject investments and financial support into the republics*". Thus, remaining in a political deadlock, like the many other conflicts in the region which are remote-controlled and kept simmering by Russia[344], is one of the likely scenarios for the future of the Donbas. As de Waal and von Twickel write, "years of seeming inertia are succeeded by sudden events which change the situation abruptly. A change of leadership or a political and economic crisis can have strong repercussions".[345] The rest of this focuses specifically on what the fate of Donbas could be, according to a number of options and scenarios presented by the literature and in the research. That said, it does not aim to evaluate the merits or likelihood of one outcome over another.

Much has been written and speculated regarding how the Donbas conflict will unfold. As both the research and the interviews have illuminated, the conflict in Eastern Ukraine is first and foremost political and will therefore be resolved by political, rather than military, means.[346] However, today, the practicality of a political solution seems increasingly intractable. Implementation of the Minsk Agreements and the Steinmeier Formula remains tenuous in light of the cascading consequences that this represents, particularly for the Government of Ukraine. The point at issue is linked to

335 Malyarenko, "Evolving Dynamics."
336 Ibid.
337 For an analysis of what Russia wants, including varying analysis on the same, see Robinson, "Russia's Role."
338 Hugo Spaulding, "Putin's Next Objectives in the Ukraine Crisis," Institute for the Study of War, 2015, http://www.understandingwar.org/sites/default/files/Ukraine%20backgrounder_V6.pdf.
339 Marzalik, Ukraine Conflict."
340 Ibid.
341 Tatyana Malyarenko and Stefan Wolff, "The Logic of Competitive Influence-Seeking: Russia, Ukraine, and the Conflict in Donbas," Post-Soviet Affairs 34, no. 4, 4 July 2018, https://doi.org/10.1080/1060586X.2018.1425083.
342 Marzalik, Ukraine Conflict," which notes that this has been the case for John J. Mearsheimer and Stephen F. Cohen, for example.
343 See Robinson, "Russia's Role."
344 See generally de Waal and von Twickel, Beyond Frozen Conflict.
345 Ibid.
346 Ibid.

the requirement that Ukraine holds local elections in the separatist-controlled regions. Thus, a key question remains: how can a country pursue "democratic elections in what is basically a military dictatorship outside [of] that country's control[?]…holding democratic elections requires relatively free media and open debate well before the vote, something that is completely lacking in both Donetsk and Luhansk". [347] On the other hand, prematurely handing over control to Kyiv has been considered unacceptable by Moscow. Russia and the separatist regimes have made it clear throughout the negotiations that they do not intend to dismantle the territories, whether politically, governance-wise, or militarily, and want to ensure that the regions retain their special status. In a 2017 interview, US Ambassador to NATO and US Special Representative for Ukraine, Kurt Volker, explained a situation that still resonates today,

> the Russians don't believe the Ukrainians will follow through with implementing the Minsk Agreements—a lot of political steps. The Ukrainians don't feel the Russians will ever let go of their hold on the security in the area. So, a peacekeeping force would be meant to bridge the gap. It would be a way to establish security, create the conditions where you could hold local elections, create the conditions where the Ukrainians could follow through on other pieces of Minsk implementation, ultimately resulting in then turning the territory back to Ukraine and restoring Ukrainian sovereignty, which would be the fulfillment of the Minsk Agreements. But the problem is that right now that's been stuck for three years, and they're not getting anywhere, so the idea of a peacekeeping force is to create the security, the time and the space for that to happen.[348]

In the eyes of Russian authorities, according to interviews, "*Ukraine has lost the war*". The Minsk agreements are unfavorable to preserving the Ukrainian state, and the Kremlin remains strong on their implementation. As early as September 2015, "Foreign Ministry spokeswoman Mariya Zakharova stated that 'Russia, like the whole world, sees no alternative to the Minsk agreements. and in them it is clearly stated that Donetsk and Lugansk are part of Ukraine'".[349] Interviewees frequently asserted that "*Russia is ready to find an end of the conflict and promote the reintegration of the two separatist republics in Ukraine through the strict application of the Minsk agreement*" on the one hand, but that "*Ukraine has no interest in adhering to an agreement which will mean losing face and authority of control*," on the other. Unofficially, Kyiv sees Minsk as supporting pro-Russian authorities. Ukraine's position is that it that they cannot accept the terms of the Minsk agreement that will likely sway in Russia's favor, opening the way for pro-Russian leaders in the Donbas to come to power. One diplomatic professional noted that there are political groups in Ukraine that are taking a vindictive posture regarding Minsk that is rigid and divisive, for example, calling DPR and LPR leaders "war criminals", stating that Russian passport holders in the Donbas will lose access to their pensions, or that there will be no Russian language authorized in Ukraine, all aspects that will ensure long-term negative consequences on the capacity to recover national unity and reach meaningful reconciliation.

Reintegration of the Donbas separatist areas into Ukraine

Integration of the LPR and DPR zones formally back into Ukraine poses a number of social, economic, and political challenges and considerations. There are various factors that would render the Government of Ukraine unenthusiastic for the reintegration separatist areas,[350] particularly in light of how populations have expressed being perceived by Ukrainian authorities. There is a general popular perception that the communities of the Donbas are not loyal to Ukraine.[351] Interviewees in Western Ukraine commonly referenced the refrain that "*Donbas is our land, but it is not our people*". Others have stated that "*Ukraine remains divided in terms of patriotism and it is linked to the way civilians are treated by the parties*". Another interviewee even proposed the construction of a wall along the contact line, dividing the separatist zones from the rest of Ukraine. On the other hand, populations in Eastern Ukraine have expressed that this conflict is the ultimate demonstration that Kyiv is capable of sacrificing them for geopolitical gain. As one interviewee stated, "*the Government of Ukraine participates actively in a psychological war where people are suffering*". This discrimination is illustrated in a 2014 speech by President Poroshenko: "we [in Ukraine] will have work; they—[in the Donbas] won't. We will have pensions—they won't. We will care for our children and pensioners—they won't. Our children will go to school, to

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[347] Ibid.

[348] Susan Glasser, "Kurt Volker: The Full Transcript", Politico, 27 November 2017,
https://www.politico.com/magazine/story/2017/11/27/kurt-volker-the-full-transcript-215868.

[349] Robinson, "Russia's Role."

[350] See Motyl, "It's Time."

[351] See Alec Luhn, "Ukrainian oligarch offers bounty for capture of Russian 'saboteurs'," The Guardian, 17 April 2014,
https://www.theguardian.com/world/2014/apr/17/ukrainian-oligarch-offers-financial-rewards-russians-igor-kolomoisky.

kindergartens—their children will sit in cellars. They don't know how to organize or do anything. This, ultimately, is how we will win this war".[352]

Addressing the short-term advantages for Ukrainian authorities of isolating DPR and LPR, one analyst has written that "the limitation of the impact of the war can create better conditions to strengthen Ukraine's fragile institutions and to better consolidate its cooperation with the EU (and NATO). However, the isolation of Donbas contributes to the entrenchment of the DPR and LPR as self-managed entities and the growth of local public support toward them. While the conflict potential in Donbas has been solidifying, the consolidation of the status quo raises significant economic, social and financial costs for reintegration in the future".[353] This is echoed by an interviewee in the Donbas, who stated that *"Reintegration will be a political tragedy for the elites and will affect the reconstruction of Ukraine"*. Indeed, some claim that Ukraine is not motivated to integrate the Donbas region for electoral reasons, in order to curb Russian influence domestically. According to an interview, "*the Ukrainian authorities do not trust the Russians and are trying to gain time and consolidate support from the EU and US regarding this situation*". As one author explains, "as long as a pro-Russian, anti-Western region was part of Ukraine, [Putin] could—and did—insist on being able to intervene on its behalf—ostensibly to protect the rights of Russian speakers, but in reality to interfere in the internal affairs of democratic neighbors. If the eastern Donbass is brought back into Ukraine's fold, Putin's leverage will increase once more. He'd be given an inroad back into the country's politics as a whole".[354] Echoing this sentiment was a statement from an interviewee that "*Russian authorities have managed to make the separatist areas into a tumor, a cancer for Ukraine*". For this reason, some argue that Ukraine should say "good-bye" to the Donbas: "reintegration would be too costly; beyond an expensive reconstruction, it would entail reintegrating a deeply pro-Russian region at a time when Ukraine is finally moving West".[355]

Amidst this protracted violent and political crisis, DPR and LPR nevertheless continue to push for recognition and legitimacy of their power and independence, with the aim to galvanize popular and political support in, for example, making Russian the only language of the region, teaching curricula that are aligned with nationalist priorities, the presence of the Russian flag, and the political decision for DPR citizens to obtain Russian citizenship, which the Kremlin facilitated and supported. It is important to add that the de facto authorities in DPR and LPR have been "seeking veto powers on domestic and foreign policy decisions made by Kyiv as a pre-condition for their regions to reintegrate into Ukraine…Reportedly, [LPR/DPR] representatives also seek to give regions a veto on any issues put to a national referendum. [Such regulations] would effectively …transform Ukraine into an asymmetric confederation with one region having exclusive quasi-state rights. This type of uneven system would eventually lead to the dismantling of the state. The solution instead involves local self-governance based on standardized norms, coupled with a strong and accountable central government".[356] In 2019 alone 200,000 Donbas residents obtained Russian passports.[357] The strategic objectives of the region persist. For example, in a recent interview, Denis Pushilin, Head of the Donetsk People's Republic, made clear a number of points regarding the future orientation of the region:

> Since 2014, we have never concealed or changed our way: our main task remains the same—to return to our historic homeland, to a united Russia. Our commitment to the chosen course is enshrined in the Foreign Policy Concept of the Donetsk People's Republic,[358] which clearly states that the history of development and formation of the territories that make up the Donetsk People's Republic is evidence of the inextricable link between the Donetsk Republic and the Russian Federation. It is a document for the future, so in 2020 we will continue to develop integration processes with Russia. Our partnership is growing and gaining momentum. Another important step we plan to take in the next few years is bringing pensions and salaries to the level of the Rostov region of the Russian Federation. We are not on the way of the current Ukrainian government: our roads parted six years ago. They chose the path of nationalism and Russophobia, which is absolutely

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[352] "Poroshenko: 'Donbas children will sit in cellars, ours' will go to school'," New Cold War, 17 November 2014, https://www.newcoldwar.org/poroshenko-donbas-children-will-sit-cellars-will-go-school/.

[353] Malyarenko, "Evolving Dynamics."

[354] Motyl, "It's Time."

[355] Ibid.

[356] Sushko, "After the Ukraine-Russia War."

[357] Andrei Lyubimov, Kyiv Post: Moscow Says it Issued Nearly 200,000 Russian Passports in Ukraine's Donbass," The Moscow Times, 3 January 2020, https://www.themoscowtimes.com/2020/01/03/kyiv-post-moscow-says-it-issued-nearly-200000-russian-passports-in-ukraines-donbass-a68807.

[358] See Official Website of the Ministry of Foreign Affairs, Donetsk People's Republic, https://mid-dnr.su/en/. See also Oliver Carroll, "Welcome to the People's Republic of Donetsk," Foreign Policy, 18 April 2014, https://foreignpolicy.com/2014/04/18/welcome-to-the-peoples-republic-of-donetsk/.

unacceptable for us. No one can tell us who to be friends with, how to build our foreign and domestic policy. Only the people of Donbass can make such decisions. Therefore, in 2020, our course towards Russia remains unchanged.[359]

In light of these important dimensions, it is critical for Ukraine to be able to "strengthen its state capacity to damp the shock of the reintegration of war-affected Donbas. However, the current trend is rather the reverse. The public support for reintegration and readiness to accept its consequences is a great advantage, but it is not fully used by the Ukrainian authorities. Ukrainian citizenship remains a major anchor linking the residents of Donetsk and Luhansk to Ukraine. However, the limitation of their rights—first of all, their political rights, and secondly, their social guarantees—along with consistent speculation about their status—contribute to deepening grievances and self-exclusion from Ukraine".[360]

Integration of the Donbas separatist areas into the Russia Federation

While there are divergent views on the prospects and viability of integration into Russia, it is generally established that the integration of DPR and LPR represents significant investment for Ukraine and Russia and neither side appears enthusiastic about taking this step. The primary reason remains economic. The economies of both DPR and LPR are fragile and isolated, fraught with poorly controlled corruption, and the illegal status of the republics have allowed for significant profits to be made from smuggling activities from both Russian and Ukrainian sides. Border control and management remain very sensitive issues, and Russia provides the republics a legal channel to import and export in the face of restrictive trade and economic blockades. Normal development and business cannot function in this part of the Donbas, making it more of a quasi-state than a fully functioning independent state. However, the compelling incentive for Russia to "adopt" these two republics remains to be seen. Many observers indicated that "*time is playing against Russia*" and that the Donbas requires significant investment due to its isolation and sanctions. In the past, such "frozen" territories have not shown a major added value for the functioning of Russia as a state. On the contrary, "*it is an economic burden for a forgotten and unregulated territory*" as an interviewee stated. A common Russian expression to describe the region is "*a suitcase without a handle*".

Despite the apparent disinterest in integration, the Kremlin has nevertheless been investing steadily in DPR and LPR over the years to the amount of approximately $1 billion USD per year in DPR and $750 million in LPR.[361] Russian economist and former advisor to President Vladimir Putin Andrei Illarionov has confirmed that Russia spends about 0.25% of its GDP, or $2 billion USD, on the occupied territories of Donbas per year, bolstering speculations that Russia will not abandon the Donbas so easily.[362] Indeed, civilians in Russia described DPR and LPR as "*heavily dependent on Russia*", in particular: militarily, economically, and in terms of education and human resources. Another interviewee noted that this investment is emblematic of a broader Russian strategy to build up and expand military capacity and operations. This is evidenced by increased spending over the past years linked to "secret spending", which, according to experts, is weapons-related: "the Russian defense budget fluctuates at around 3 trillion rubles [approximately $42.5 billion USD], but total military expenditure includes housing, pensions, infrastructure, the National Guard, the Border Guard Service, and some line items that are secret. Depending on what you count, total military expenditure can add to roughly 4 trillion rubles [$46.5 billion USD] in 2018 or about 4% of GDP".[363] One Russian analyst confirmed these figures, adding that "it is difficult to give accurate figures on Russia's budget spending when more than 30% of it is classified as secret. It is generally believed that the classified items in the budget are used to finance the military-industrial

[359] "Pushilin spoke about the future of the DPR and how it will affect ordinary residents of the Republic," Rusvesna Magazine, 16 January 2020, https://rusvesna.su/news/1579167415.
[360] Malyarenko, "Evolving Dynamics."
[361] See "Russia spends about US$2 bln per year on 'LPR/DPR' – Putin's ex-advisor," UNIAN, 19 November 2018, https://www.unian.info/politics/10342539-russia-spends-about-us-2-bln-per-year-on-lpr-dpr-putin-s-ex-advisor.html, which notes that Andrei Illarionov (who used to be President Putin's economic advisor), has stated, "There is no official information about this. But it's possible to estimate based on how much money the Russian budget spends on financing occupied Crimea – about $2 billion a year. Since the number of people in occupied Donbas is slightly higher than the population of Crimea and Sevastopol, bur per capita expenditure in Donbas is somewhat lower than on the territory of Crimea and Sevastopol, we may assume that the amount of subsidies for Donbas is also about $2 billion a year…"; see also Julia Mostovaya, Tatyana Silina, Vladimir Kravchenko, Inna Vedernikova, "The solution to the Donbass issue should be based on facts and responsible calculations," Issue No. 42, 9 November 2019, https://zn.ua/internal/test-na-sovmestimost-335429_.html.
[362] "Russia spends," UNIAN.
[363] Michael Kofman , "Russian defense spending is much larger, and more sustainable than it seems," Defense News, 3 May 2019. https://www.defensenews.com/opinion/commentary/2019/05/03/russian-defense-spending-is-much-larger-and-more-sustainable-than-it-seems/.

complex and security agencies, but there is indirect evidence suggesting that these funds have many other uses as well. They may range from financing the 'friends of Russia' abroad to closing gaps in the balances of state-controlled companies and allowing top officials to make personal purchases".[364] After all, "the strongest argument for Russia to implement Minsk is the significant cost of keeping the 'People's Republics' afloat".[365]

While it remains uncertain whether the Kremlin seeks full integration, as it did with Crimea, Russian authorities appear to want to maintain a "controllable" government in DPR and LPR, particularly in connection to legislation and the judicial system as well as in terms of security management Even if Russian officials explain that there is no willingness to formally integrate the Donbas, the leaders of these republics continue to hope for and build toward this "*utopian direction*" as an interviewee in the Donbas noted. This involves trying to demonstrate that the republics' independent existence is positive and contributes to Russia in the long-run. Analysts believe that an end to Russian support to DPR and LPR will quickly bring them back to Ukraine, with the departure or arrest of local separatist leaders by Ukrainian authorities.

Integration of the separatist areas on either side represents significant investment for either Ukraine or Russia, an investment, in terms of infrastructure, rebuilding, reparations[366] and unpaid pensions[367], among a host of other factors, neither seems prepared to make, as each respective country faces challenges in terms of state functioning, national unity, and prosperity. De Waal and von Twickel have outlined several key developments that have, over time, intensified the hurdles to integration: "[1] the issuing of Russian passports to inhabitants of the 'People's Republics', which began in June 2019, is a clear attempt to boost pro-Russian sentiment…[2] the trade blockade between government-controlled- and non-government-controlled areas, imposed by Ukrainian government in 2017, forced the separatists to build economic ties with Russia…[and 3] separatist leaders and Russian state-controlled media firmly stick to the narrative that the future of the Donbas is with Russia, meaning that any suggestion of a return to Ukraine will look like an unlikely about-face".[368] There has been a proposal for international administration for the Donbas. There was an attempt in spring 2020 to establish

> a new dialogue format [called the] Consultative Council, [which] would comprise of 10 Ukrainian representatives; 10 representatives from the occupied districts of Donetsk and Luhansk regions; and one observer each from Russia, Germany, France and the OSCE. The Council's main goal would be to 'conduct and develop proposals for political and legal solutions towards the settlement of the conflict'…The fact that the meeting took place online given Covid-19 restrictions allowed the Ukrainian side a (temporary) way out.[369]

As an interviewee noted, "*the reality of the special status [of the region] is preferable for both Ukraine and Russia. Russia has learned from its experience with Transnistria: with a conflict that remains frozen and at a stalemate, the hope is that it will eventually stop being an issue in its relationship with the EU*". Communities interviewed in the Donbas are keen to see an outcome either way, but not as a "*pseudo-independent*" country. Some interviewees mentioned that if integration was the intention, Putin would have already done so in 2014, along with Crimea. That said, "if the Kremlin's aim is simply to prevent Ukraine from joining NATO and possibly the European Union, it is sufficient to keep the present conflict simmering".[370] However, this conflict has implications that extend further than a simple confrontation with Ukraine over this territory. It catalyzes global confrontation with the West. This political stalemate constitutes the overarching context within which humanitarian needs persists, and international and local humanitarian organizations confront a wide array of operational and policy issues.

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[364] Andrey Movchan, "Decline, Not Collapse: The Bleak Prospects for Russia's Economy," Carnegie Moscow Centre, 7 February 2017, https://carnegie.ru/2017/02/02/decline-not-collapse-bleak-prospects-for-russia-s-economy-pub-67865#_edn11; see also Ivan Tkachyov, "The Finance Ministry increased the secret expenses of the budget of 680 billion rubles", RBC, October 3, 2016, http://www.rbc.ru/economics/03/10/2016/57f299729a7947f49c75b319.

[365] de Waal and von Twickel, Beyond Frozen Conflict.

[366] "Pursuing compensation," Norwegian Refugee Council.

[367] "Pensions for IDPs and persons living in the areas not controlled by the Government in the east of Ukraine," United Nations, Briefing Note, February 2019, http://www.un.org.ua/images/documents/4719/Briefing%20Note%20on%20Pensions-eng.pdf.

[368] de Waal and von Twickel, Beyond Frozen Conflict.

[369] Paul Ivan, "Donbas: Ukraine's Continuing Predicament," European Policy Centre, April 17, 2020, https://www.epc.eu/en/publications/Donbas-Ukraines-continuing-predicament~31a114.

[370] de Waal and von Twickel, Beyond Frozen Conflict.

DPR and LPR community perspectives

Opinion polling suggests that even in 2014, at the height of the Maidan protests' escalation, the majority of residents of Donetsk, Luhansk, and Crimea favored an independent Ukraine.[371] While there was some support in the Donbas region for integration with Russia — a survey "conducted in February 2014, [showed that] 33% of residents in Donetsk and 24% in Luhansk favored this option—an independent Ukraine was still the preference of an overwhelming majority of the population in these arguably mostly pro-Russian regions of Ukraine."[372] . More recent polling indicates that reintegration with Ukraine remains the majority preference for Donbas residents, but it not without disappointment.[373] Interviewees from the Donbas noted that in the first year of the conflict, they wanted to be integrated into Russia, but now, after three years, realize that they do not understand some of the elements at play. After five years, they do not dream about integration anymore. People do not have a clear understanding of the political dimensions, or what they can expect from any ceasefire or resolution:. As an interviewee said, "*the message we receive is that it will be better after the ceasefire—but when ? and how ? We want peace, a normal life, freedom of movement. We want to go back to the situation before the conflict, even if it was not perfect for us*". Another said, "*We don't care who will take us, Russia or Ukraine, we just want peace and not to be abandoned",* which echoes a quote in a report published by the International Crisis Group, "I don't care whether Russia takes us or Ukraine does—I just want this to be over".[374] As another interviewee stated, highlighting the widespread sense of disillusionment, "*People do not have perspectives or beliefs anymore, there is no trust in the authorities on either side to protect and take care of the populations*".

A critical perspective on this issue comes from those who have left DPR and LPR. For economic reasons, the diaspora of these regions has an interest to see reintegration with Ukraine under certain conditions. While it has been neglected and is considered a region in crisis, the Donbas overall has also provided numerous opportunities for investors and entrepreneurs. Social and economic proximity with Russia was a generally legal source of economic gain for the region. Notably, "in their first political manifesto, released in Minsk on September 1, DPR and LPR representatives declared their wish to receive a 'special arrangement for their external economic activities, taking into account their deepening integration with Russia and the Customs Union".[375] Ukrainian diaspora members who were investing in the region before the war have lost a great deal since the conflict erupted. There were numerous projects initiated prior to the war, in which wealthy local citizens also invested. Most notably, the Donbas Arena, built to host the Shakhtar Donetsk Football Club matches as well as some matches of the Euro 2012, as well as the construction of the Donetsk International Airport.

At the same time, there has been a mass outflux of Donbas region inhabitants since 2013, a trend that had already been in place years before the conflict began.[376] Figures indicate that more than 800,000 people have fled Ukraine, with over 659,143 to Russia, 81,100 to Belarus, and thousands more to other countries.[377] Given the large number of youth who have left the Donbas since the beginning of the conflict, there is now a generation of teenagers that does not feel a connection to Ukraine. According to an interviewee, "*in 2014 and 2015, many people moved and crossed to Russia, but have since moved back to Donetsk. In St. Petersburg, for example, special programs are created for students to access Russian universities and to stay in Russia*".

It is important to clarify that not all civilians in the Donbas separatist regions are necessarily pro-Russian and anti-Ukrainian, despite conflicting narratives and nationalist rhetoric. Efforts to distinguish the Donetsk "identity" and build a sense of nationalism in the East was strengthened by the creation of DPR and LPR citizenship status in 2016. According to a Razumkov opinion poll (which took place between 21 – 25 February 2014, interviewing 1,603 respondents over the age of 18 living in 130 settlements in 45 districts throughout the country) more than 50% of the residents in Eastern Ukraine, including in the Donetsk and Luhansk regions, considered themselves as "firstly residents

[371] Malyarenko, "Evolving Dynamics."
[372] Ibid.
[373] Gwendolyn Sasse and Alice Lackner, "Attitudes and Identities Across the Donbas Front Line: What has Changed from 2016 to 2019?" ZOiS Report, No. 3/2019, August 2019, https://www.zois-berlin.de/fileadmin/media/Dateien/ZOiS_Reports/ZOiS_Report_3_2019.pdf.
[374] "Nobody Wants Us," International Crisis Group.
[375] Sushko, "After the Ukraine-Russia War."
[376] Vlad Mykhnenko, "Causes and Consequences of the War in Eastern Ukraine: An Economic Geography Perspective," Europe-Asia Studies, 2020, https://www.tandfonline.com/doi/full/10.1080/09668136.2019.1684447.
[377] "Ukraine crisis has created more than 2 million refugees, UN reports," Euronews, April 2015, https://www.euronews.com/2015/04/22/ukraine-crisis-has-created-more-than-2-million-refugees-un-reports.

of their hometown or region and secondly as residents of Ukraine," against 32% who considered themselves as "firstly residents of Ukraine".[378] One scholar goes so far as to say that,

> although today many [in the Donbas] may consider Russia to be more promising than Ukraine, tomorrow they may think otherwise…Depending on changing political situations, they [may ally] with any one of these powers to safeguard their existence and well-being. Political pragmatism, or 'unprincipledness' from different perspectives, died hard in this border region. The Donbas, in spite of its allegedly 'pro-Russian' orientation, appears supremely Ukrainian. Dismissing the Donbas in such a way (as a trouble maker) is avoiding the political problem of Ukrainian nation-building.[379]

And yet, the Donbas has also significantly influenced Ukraine's national unity. As another analyst remarks, "minus the Donbass, Ukraine [has] been able to embark on a vigorous program of building a tolerant, inclusive, civic nation. That was much more difficult when Russian supremacist politicians and movements in the Donbass insisted that the only valid type of Ukrainian nation is one that upheld Putin-style authoritarianism and retrograde values".[380]

Uncertainty remains in the prospect for peace in light of the geopolitical implications of resolving the conflict in the Donbas. First, beyond the tensions between Ukraine and Russia regarding the consequences of implementation, Kyiv has been facing increased pressure to abide by the agreements and move forward toward reconciliation. This is evident through the various diplomatic and peace solutions proposed, whether Steinmeier[381], Morel[382], or bilateral positioning from key states engaged in the Normandy Format[383], including the France and Germany, as well as the US, regarding the necessity to uphold the political dimensions of the agreements, namely the elections. Diplomatic channels have faced significant obstacles that are motivated by priorities far from the realities of the affected populations. While France, Germany, the US, and other key stakeholders may have good intentions in pursuing sustainable peace and reconciliation, their political rivalries with Russia, and its President, relating to the region and other volatile and ongoing conflicts continue to play a direct, if inadvertent, role in undermining a political resolution and prolonging the Ukraine conflict. Second, despite Ukraine's ambitions to join the EU, this has now largely been postponed, if not abandoned entirely,[384] despite the fact that the "EU has been paving the way for visa-free travel to the bloc for Ukrainian citizens while providing Kyiv with a generous US $40 billion bailout along with the United States and the International Monetary Fund to help it maintain economic stability amid a war with Russia-backed separatists".[385]

Third, Ukraine remains fragile from both a political governance and financial perspective, and is perceived by the United States as a "geopolitical frontier—in essence a dependent country whose international subjectivity has been seriously weakened…Ukraine mainly plays the anti-Russian card in the international arena, striving to show its importance in deterring Russia instead of acting within a meaningful agenda".[386] Finally, Ukraine has been slow to demonstrate practical implementation of its own domestic reforms, combatting corruption, enforcing state governance and infrastructure, investing sufficiently in the development of all its regions and supporting new political leaders who can balance reforms with public opinion. According to analysts, "what Ukraine needs is a strategic vision of its future

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[378] "Dynamics of the attitude of the population of Ukraine toward Russia and the population of Russia toward Ukraine: what kind of relations with Russia would Ukrainians like? [translated from Ukrainian]," Kyiv International Institute of Sociology, 3 March 2014, http://kiis.com.ua/?lang=ukr&cat=reports&id=236&page=1.

[379] Hiroaki Kuromiya, "The enigma of the Donbas: How to understand its past and future," Lecture delivered at the cultural forum Doncult in Lviv. (16 June 2015), http://www.historians.in.ua/index.php/en/dyskusiya/1597-hiroaki-kuromiya-the-enigma-of-the-donbas-how-to-understand-its-past-and-future.

[380] Motyl, "It's Time."

[381] On 1 October 1, President Volodymyr Zelenskyy announced that Ukraine had agreed to implement the Minsk Agreement with the help of the "Steinmeier Formula." Steinmeier's formula "calls for elections to be held in the separatist-held territories under Ukrainian legislation and the supervision of the OSCE. If the OSCE judges the balloting to be free and fair, then a special self-governing status for the territories will be initiated and Ukraine will be returned control of its easternmost border."

[382] Dmytro Kaniewski, "The Morel Plan: Will Kyiv swallow the bitter pill?" Deutsche Welle, 2 October 2015, https://www.dw.com/en/the-morel-plan-will-kyiv-swallow-the-bitter-pill/a-18756951.

[383] The Normandy Format involves representatives from Germany, Russia, Ukraine, and France who aim to resolve the Donbas conflict.

[384] "Steinmeier does not see Ukraine in EU", NATO, Comments 23 November 2014, http://comments.ua/politics/497205-shtaynmayer-vidit-ukrainu-es-nato.html.

[385] "Juncker Says Ukraine Not Likely To Join EU, NATO For 20-25 Years," Radio Free Europe, 4 March 2016, https://www.rferl.org/a/juncker-says-ukraine-not-likely-join-eu-nato-for-20-25-years/27588682.html.

[386] Aleksander Gushchin, "Ukraine: Twenty Five Years of Missed Opportunities" in Evolution of Post-Soviet Space: Past, Present, and Future, RIAC, Moscow, 2017. See also, Bondarenko, K., "Ukraine's European Masochism" https://www.youtube.com/watch?=btZxW9zIElg

relations with Donetsk and Luhansk and responsible leadership and decisions aimed at inclusion and integration. Importantly, although the conditions for conflict can be exacerbated by the role of Russia and its reactions to the West, the prospect for peace depends heavily on addressing the core challenges of adroitly improving Ukrainian state capacity, democratic processes, and center-periphery relations".[387]

Conclusion

The Ukraine conflict is a confluence of related but "overlapping conflict constellations" that have taken the country through a period of protests, "an elite-driven conflict between local elites in Donbas and the post-Euromaidan government in Kyiv over demands for greater self-government; an elite-driven conflict between different local clans in Ukraine; a mass-driven conflict between a pro-Russian-oriented population in Eastern Ukraine and the post-Euromaidan government in Kyiv; a Russia-driven and supported effort at the destabilization of the pro-Western political regime in Kyiv; and a geopolitical competition between Russia and the West (a 'new cold war')".[388]

Now in its seventh year, the conflict in the Donbas carries a heavy burden of fatalities, wounded, displacement, and unnecessary suffering for civilians. As the conflict continues, the population in NGCA continues to face social and economic isolation within Ukraine and continued discrimination and stigmatization from Ukrainian authorities, while becoming increasingly weary of conflict and unsure about the motivation and endurance of Moscow to continue to support the region. Civilians living along the frontline between Ukraine and separatist zones, as well as communities in non-government-controlled areas—particularly the elderly, poor, displaced, and disabled—are thrust into protracted conflict, humanitarian need, ongoing human rights violations, insecurity, and immobility, driven by deteriorating social unity and violent political divisions. Since 2014, over 13,000 have died in the fighting, over 25,000 have been wounded, and some 2.5 million have been forced from their homes.[389] In the long run, the political, nationalistic, and loyalty issues deeply affect not only the communities in the Donbas, but put into question whether nondiscriminatory and non-retaliatory reintegration into Ukraine will be possible; whether Ukrainian authorities will be capable of investing in national reforms to strengthen governance and regional relationships, and how the decades-long confrontations between "East and West" that have played out in Ukraine, will be resolved, ensuring that the needs, priorities, and livelihoods of civilians remain at the center.

The ongoing conduct of hostilities and devastation of civilian lives remains a significant obstacle to peace, limiting opportunities for reconciliation on either side. In that regard, the international community—primarily the EU and its key members, as well as the United States—as defenders of human rights and international treaties, promotors of good governance and democracy must now work to dismantle the influence of the parties to the conflict, and acknowledge their responsibilities in "blowing on the embers" of the conflict by privileging "real politik" and their confrontations with the Russian regime. Ukrainian authorities continue to claim that they have been assaulted by Russia, leaving them with limited alternatives than to reply, resist, and pressure civilians to choose sides. Russia justifies its involvement under the pretext of humanitarian protection of their "brothers" abandoned by a corrupted and partial governance along with separatist leaders.

There remain important shortcomings in the international response, linked primarily to the politicization of aid and the heavy restrictions placed on humanitarian and development agencies wishing to operate in the conflict zones. International humanitarian agencies face a restricted, opaque, and unpredictable operational space to assist the populations in NGCA.

Over time, and under the constant pressure of Kyiv and separatist authorities, ongoing insecurity, and the challenges of negotiating independent and neutral humanitarian aid, international NGO have essentially left the Donbas, leaving behind local NGOs to manage a narrow window of assistance programming. The resulting lack of access, restriction of movement, limitation in terms of proper needs assessments, and sensitivity to data collection and public communication has adversely impacted the quality, delivery, and effectiveness of humanitarian action, condemning, thus far, any long-term recovery programming. It is in this context that we see the interconnection and interdependence of the

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[387] Malyarenko, "Evolving Dynamics."
[388] Ibid.
[389] Matthew Rojansky, Sabine Fischer, and Oleksiy Semeniy, The last best chance for Donbas and peace in Europe?" EU Observer, 14 February 2020, https://euobserver.com/opinion/147453.

humanitarian-development nexus play a critical role, and has the power to either bolster, with the support of local agencies, assistance to populations in highly restricted contexts, or exacerbating existing governance problems and creating further fragility in a country plagued by deep seated socioeconomic and cultural divisions.

This report has offered an in-depth context analysis of the conflict in the Donbas region, and in particular the effect of the violence on the populations living on the frontlines of conflict. Populations living on both sides of the contact line dividing Ukraine and the non-government controlled separatist areas in the Donbas are subjected to protracted conflict, leaving them in lingering humanitarian need and long-term economic and social dependence. Moreover, the conflict has provoked human rights violations and generated unaddressed, widespread impunity, insecurity, and lack of economic prospects in the midst of deteriorating social unity and violent political divisions. Humanitarian access challenges also bring to light the complex operational realities of reliance on and negotiation with local NGOs in situations where humanitarian action has been progressively politicized and repeatedly restricted. As the conflict continues, the Donbas populations are more isolated than ever from the rest of their country, subjected to discrimination and stigmatization by both the Ukrainian authorities and separatist leaders. The polarized politics of this conflict have held populations along the contact line in GCA and in NGCA hostage to geopolitical confrontations and an undetermined fate.