

# The feasibility of a UN peacekeeping mission in Donbas – Views from Ukraine and Russia

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The war between the Ukrainian army and the Russia-supported separatists in Ukraine's eastern Donbas region (parts of Donetsk and Luhansk *oblasti*) has entered into its fifth year without any signs that it will end. According to United Nations (UN) estimates, more than 10,300 people have been killed and more than 25,000 have been injured since the conflict began in April 2014. In addition, around 1.7 million people have been displaced because of the fighting. In September 2017, Russia proposed a UN peacekeeping mission, through a draft UN Security Council Resolution (UNSCR). The proposal has been widely debated ever since. The question of a UN peacekeeping mission was also discussed in the so-called "Normandy format" by the foreign ministers of Ukraine, Russia, Germany and France, during its meeting in Berlin on 12 June 2018, the first meeting to be held in that format since February 2017.

This brief is an analysis of the feasibility of a UN mission in Donbas, with its potential to change the current stalemate and contribute to a lasting solution to the conflict. It also examines the positions of Russia and Ukraine on the issue of a UN peacekeeping mission.

## Background

The Minsk II agreement of February 2015, between Kyiv and representatives of the separatists, the so-called "People's Republics" of Donetsk and Luhansk, ended the most violent phase of the war. However, it did not create any stable peace. The agreement, overseen by the Organization for Security and Cooperation in Europe (OSCE), anticipates the withdrawal of troops and heavy weapons from the region and the re-establishment of the Ukrainian state's control over its territory on the Ukraine-Russia border. It also sets out political provisions for the re-integration of the separatist-held areas with Ukraine, including local elections in separatist-controlled territories, self-government of these areas, and amnes-

ties. However, continued fighting and Russia's financial and military support for the separatists have prevented Ukraine from advancing the political elements of Minsk II. Most Ukrainians see the agreement as favourable to Moscow and the separatists. More fundamentally, the Ukrainian government sees the war as an international conflict between Ukraine and Russia, while Russia sees it as an internal conflict within Ukraine.

## The idea of a UN peacekeeping mission

The first proposal for a UN peacekeeping mission in Donbas came from the Ukrainian President Petro Poroshenko, in February 2015, but Russia ignored this call. When Russia started circulating its own proposal in September 2017, however, both the Ukrainian government and its Western partners met it with scepticism. The small UN force deployed along the Line of Contact (LoC) envisaged in the Russian proposal was seen as more likely to freeze the conflict than end it and to legitimize the pro-Russian entities. The proposal did not envisage peacekeepers securing the border, which would be a critical step towards the re-establishment of Ukraine's sovereignty and territorial integrity. The Russian proposal also fell short of providing security throughout the conflict zone, where mines and artillery are the greatest risk, including to the monitors, stationed in Ukraine since March 2014, of the Special Monitoring Mission (SMM) from the OSCE.

Since then, Russia has revised its first draft proposal, but the second draft has not yet been fully published. It appears, however, to have conceded to UN deployment throughout the areas covered by the SMM mandate. By suggesting willingness to extend the peacekeepers' area of operations – and thus potentially some readiness to compromise – this second draft generated more interest among Ukraine's Western partners.

The Russian proposal, despite its weaknesses, spurred an intensified debate and engaged the expert community. The most serious assessment of a potential UN peacekeeping mission to Ukraine was, perhaps, the report written by the UN expert Richard Gowan and published by the Hudson Institute in February 2018.<sup>1</sup> Key points in the report include that:

- A peacekeeping force will need a robust mandate and include 20,000 personnel; non-NATO allies from European countries such as Sweden, Finland, and Austria could play an important role.
- The force would work as an enforcing mechanism to the Minsk Accords. Some political conditions alongside ceasefire would have to be fulfilled before deployment, while others, notably local elections in the occupied regions, would only be delivered after full deployment.
- The civilian component of the force will be critical to dealing with law and order issues and potential local tensions: to this end, a 2,000 to 4,000-strong police and civilian force will be needed, with the EU potentially playing a key role in force generation. A Special Representative should be appointed to lead and coordinate the process.

According to the Hudson Institute report, the mission could fall under direct UN command, or involve either an independent multinational military force, or UN-led police and civilian elements. Regardless, it will need a broad mandate to address three concerns:

- Ensuring a stable and secure environment throughout Donbas, including reassurances to Kyiv that Russia will desist from military interference;
- Enabling local elections in the region to unlock progress on the Minsk Agreements, which link these polls to the reassertion of Ukrainian sovereignty;

<sup>1</sup> The report was commissioned by Rasmussen Global, headed by the former Danish Prime Minister Anders Fogh Rasmussen, who is now an advisor to the Ukrainian president.

- Supervising public order and the civilian dimensions of reintegration in the wake of elections, maximising the local population's trust in the process.

Definitely, questions regarding mandate, which countries would deploy troops, in what numbers and with what kinds of capabilities will be under harsh negotiations within the UN Security Council, between Russia and the Western powers. This will make the establishment of a UN mission in Donbas a long process with an uncertain outcome.

### Russian positions

The war in Donbas is a conflict on three levels: a geopolitical conflict (Russia versus the West), a bilateral conflict (Russia versus Ukraine), and an internal conflict, in Ukraine (Kyiv versus the “self-proclaimed republics of Donetsk and Luhansk”). At the geopolitical level, American-Russian talks are held within the Volker-Surkov format, headed by US Special Representative for Ukraine Negotiations, Kurt Volker, and the aide to Russian President Vladimir Putin, Vladislav Surkov. There have been four meetings in this format to discuss peacekeeping options, which have made no recognised progress to date. A fundamental problem is that Russia does not officially recognize the bilateral aspects of the conflict even though Putin admitted, in 2015, that Russia had “people there who carried out certain tasks including in the military sphere.” The official policy remains that the Russian soldiers active in the conflict are volunteers, despite overwhelming proof of the opposite. Russia instead insists that Kyiv should recognize “the self-proclaimed republics” as the rightful negotiation partners, although the position of Ukraine and the Western partners is that the separatists are only following orders from Moscow.

Russia's intentions in proposing a UN peacekeeping mission in eastern Ukraine – only two years after rejecting the same idea – are not totally clear. Certainly, Russia does not want to annex the occupied territories (as it did with Crimea) but to keep them as a means to influence Ukraine from within. The original Russian proposal of a small force along the LoC would create a *cordon sanitaire*



to separate the troops from each other. This would be the ideal recipe for freezing the conflict, not solving it. Russia probably does not want to pay for the territories, either; instead, it wants to withdraw from them without losing face. Russia wants to keep control over Donbas as a veto against Ukraine's western drift and, by extension, keep Ukraine in the Russian sphere of interest. At a more general level, Moscow also wants to be rid of the Western sanctions.

There seems to be a Russian tactic to divert attention from the question of its withdrawal from Donbas by burying the conflict in negotiations over the peacekeeping modalities. Critics claim that Russia's aim is to create a frozen conflict in Donbas – like those in Abkhazia (Georgia) or Transnistria (Moldova), for instance. The exception for Donbas would be that it would be under formal UN administration, but still under Russian control. Even with a gradual extension of a UN deployment, Russia would still control the process. For instance, such an extension could look like this: in a first phase, it would be along the LoC, consistent with the first Russian draft resolution; then, in a second phase, it would involve peacekeepers, occupying a 50 km zone beyond that line, in areas currently outside government control; and, in a third phase, the border would be included, if and when political provisions of Minsk are met. The downside of such a gradual extension would still be that it delays deployment along the Ukraine-Russia border, and potentially gives Moscow an opportunity to block the later phases after the initial deployment of peacekeepers.

#### **Ukrainian positions in the context of the 2019 election year**

The official Ukrainian attitude towards re-integration of the separatist territories has grown more reluctant during the last year. In March 2017, Poroshenko imposed an economic blockade of the nongovernment-controlled territories. This move was partly an answer to a decree from the Russian president on recognizing documents (identity cards, education and/or qualification certificates, civil status documents, and vehicle registration) issued by the de facto authorities of the "people's republics." Furthermore, on 24 February 2018, the new Ukrainian

Law "On the Peculiarities of the State Policy on Ensuring Ukraine's State Sovereignty over Temporarily Occupied Territories in Donetsk and Luhansk Regions" came into force. For the first time, the law officially labelled Russia as an aggressor and separatist-controlled Donbas as illegally occupied territory. In accordance with the law, on 30 April 2018, the Anti-Terrorist Operation (ATO) in the temporarily-occupied territories ended. The military operation transferred to the Joint Operational Headquarters of the Armed Forces (JOHAF), from the Security Service of Ukraine (SBU), which had led the ATO since the conflict started in April 2014. The law, therefore, created a new legal basis for repelling enemy aggression in Donbas and, in the long term, for restoring Ukraine's territorial integrity.

The question of a potential UN peacekeeping mission in Donbas is as divisive in Ukrainian society as the question of the implementation of the political provisions of the Minsk Accords. Implementing Minsk provisions could risk provoking a new wave of anti-government violence in the country. The provision of amnesties and self-rule for the now separatist-controlled areas are particularly contentious. Many Ukrainians would consider the granting of special status to the territories of Donbas, as stipulated in the agreement, as rewarding separatist areas with privileges no other region in the country enjoys.

Ukraine will see both presidential and parliamentary elections in 2019. The Minsk Accords will be a key issue ahead of the 2019 polls, and the ruling coalition's support for them can be a burden. If Poroshenko loses the presidential election, implementation of the Minsk political provisions could be even harder. The only political forces outside the ruling coalition of Petro Poroshenko's Bloc and the People's Front that do not actively oppose Minsk are pro-Russian parties. Furthermore, the People's Front, the party of the former Prime Minister Arseniy Yatsenyuk, is souring badly in the polls and may not even climb over the five-per cent threshold for the new parliament.

Yulia Tymoshenko is leading in the presidential election polls today. It is widely considered that she only pays lip service to the Minsk Accords and the idea of a UN peacekeeping mission in Donbas. Despite her nationalist rhetoric, Tymoshenko has ties to Putin and Russia, linked to her interests in the gas sector. Some fear that, if elected president, she would agree with Putin on the settling of the conflict on terms favourable to Russia and herself.

The failure of the anti-corruption reforms in the post-revolution Ukraine might lead to dissatisfaction and help extremists on both sides: both pro-Russian parties and Ukrainian nationalist parties. Therefore, 2018 might actually provide a window of opportunity for Poroshenko and the current coalition to agree on terms for a UN peacekeeping mission. Any compromise could be interpreted, however, as a capitulation and Poroshenko will be blamed for any failure. There are, thus, many spoilers on both sides of the conflict.

Indeed, any potential re-integration of the non-government-controlled territories will be both politically and financially costly for the government in Kyiv and the rest of Ukraine. Therefore, both nationalists and more liberal-minded and pro-European politicians could see some benefits from the separation of the separatist territories, where the majority of the people still are more Russian-speaking and pro-Russian in their political mind-sets, and even Soviet-nostalgic, than in the rest of Ukraine. Some people, actually, prefer to let go of the separatist areas and concentrate on reforming the rest of Ukraine. One of the proponents of this idea is Oksana Syroid, who is deputy speaker of the parliament and representing the pro-European *Samopomich* (Self Reliance) party. In an article in the *Zerkalo Nedeli* (Mirror Weekly), in January 2018, she argued that Ukraine has a choice between freedom and unity. With a re-integration of the separatist territories, Ukraine would inevitably fall under Russian dominance and lose its freedom, according to this argument.

A position close to the latter and also rather common in Ukraine is that it is essential that the killing in Donbas

ends and that the costs of re-integration are too high. In fact, this is also in line with the policy of the Ukrainian government, which is already enforcing a permanent separation of the territories, through the ongoing economic blockade upheld against the occupied territories. Even if a non-solution to the conflict creates a “frozen conflict,” it could, after all, seem to be the lesser evil and thus be a rather appealing option, even for some Ukrainians.

Summing up, neither Moscow nor Kyiv seem ready to make the concessions needed to unlock the deadlocked peace process in Donbas. Russia will not accept any peacekeeping mission that is not solely on its own terms and, for the time being, Moscow sees more benefits than losses from this conflict. Russia’s immediate goal is to keep Ukraine in its sphere of interest, but its ultimate goal goes beyond Ukraine, and is to re-write the transatlantic security order. The non-action in the Volker-Surkov format is, therefore, an indication that any real breakthrough in the peace process may only come on the geopolitical level, after a breakthrough in the conflict between Russia and the West. However, the anti-Western policy is the elixir of the Putin regime.

In addition, from a Ukrainian perspective, the 2018 window of opportunity for the potential UN peacekeeping mission is rapidly closing. From September this year, the political scene in Kyiv will already be utterly absorbed by the up-coming presidential elections, scheduled for 31 March 2019. Any concession to Russia or the separatists may be used against president Poroshenko or any other potential candidate. The deadlocked situation in Donbas, therefore, risks being further institutionalized as a “frozen conflict” with very slim chances of being solved in the foreseeable future.

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