

Peace in Ukraine (II): A New Approach to Disengagement

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Principal Findings

What's new? Ukrainian President Volodymyr Zelenskyy came to power in 2019 promising to bring peace to Ukraine's Donbas region, where government and Russian-backed separatist forces are locked in low-level combat. Yet a full, sustained ceasefire remains elusive. Although casualties have dropped from their 2014-2015 peak, fighting continues to kill soldiers and civilians.

Why does it matter? Each of the warring parties wants a ceasefire but only if it will lead to peace on its own terms. All prefer to tolerate continued fighting rather than stop the shooting under conditions they deem unfavourable.

What should be done? A comprehensive ceasefire is likely unattainable under today's political conditions. In its absence, the parties should pursue sectoral bilateral disengagements with clear humanitarian and related goals, even as they seek a durable political settlement through talks.

Executive Summary

Volodymyr Zelenskyy assumed Ukraine's presidency in July 2019 promising to end the war in the eastern Donbas region, where government forces and Russian-backed fighters are locked in slow-moving trench warfare. The first step, he said, was "to just stop shooting". Yet despite several high-profile security and diplomatic initiatives, casualties have not declined significantly. Ceasefires, the most recent of which was announced at the end of July, have failed largely because the parties disagree on Donbas's future and fear that an end to shooting will guarantee their adversary's preferred outcomes. Overcoming these disagreements will take time and compromise. But even if a lasting ceasefire proves elusive at present, the parties should negotiate local military disengagements along the front line, thus limiting casualties and improving the humanitarian situation. If this measure eases the path to a political settlement, so much the better.

Among the greatest impediments to peace in eastern Ukraine are the warring sides' fundamentally different views of the 2014-2015 Minsk agreements, which are supposed to provide the scaffolding for ceasing hostilities and reunifying Donbas. Signed as Russian regular forces were ravaging Ukrainian troops, the accords call for an immediate ceasefire and, ultimately, for the parts of Donbas currently under Moscowbacked separatist control to be reintegrated into the Ukrainian state under a special status that grants them partial autonomy. By injecting Russia-friendly enclaves back into the Ukrainian polity, Moscow likely hopes to secure continuing leverage over Ukraine's foreign and domestic policy.

But the agreements have generated a fiercely negative reaction inside Ukraine, mixed reactions from its Western supporters and quiet resistance from Russia's partners in the breakaway regions. In Kyiv, well-organised activists resent Russia's heavy hand in drafting the second Minsk accord and its failure to force its proxies to comply with Minsk's terms. Some also see the Minsk framework as drawing Ukraine further into Moscow's orbit when they would prefer orienting it more toward the EU. Kyiv's Western backers have sent mixed signals, with Germany and France seemingly eager to compromise in the interest of a deal and the U.S. appearing to see some upside in an unstable status quo that creates headaches for Moscow. Representatives of Russia's separatist proxies publicly pay lip service to Minsk but make no secret of their disdain for Kyiv and desire to integrate with Russia.

Picking his way through this political minefield, Ukraine's President Zelenskyy spent much of his first year in office making a big push to ease tensions and work in the direction of reintegration. But after some early successes — including the negotiation of new, stringent ceasefire provisions and the disengagement of forces in the Luhansk town of Stanytsia Luhanska — the going got considerably tougher. Protesters took to the streets after Zelenskyy announced in October that the sides had agreed on a 2016 proposal (put forward by then-German Foreign Minister Frank-Walter Steinmeier) that could have moved them a step closer to reintegration. The activist surge effectively scotched Kyiv's newly announced plans to seek disengagement along the full front line in the near future, leaving the parties instead to focus on identifying three discrete new disengagement zones — something they have yet to do.

While disparate views of Minsk's political components contribute greatly to Kyiv's travails, there are other overlapping factors as well. Bilateral ceasefires and disengagement schemes tend to require mirror-image moves by each of the parties. This sort of reciprocity is a problem for some Ukrainians, who accurately see their adversaries as using these mechanisms to establish a form of equivalency between Kyiv and the statelets; Ukrainians understandably chafe at the idea that they should be withdrawing troops from a front line that cuts across their own country. The Ukrainian military also claims not to fully trust the Organization for Security and Co-operation in Europe (OSCE) to monitor Russian and separatist compliance with the terms of disengagement. Finally, many in the military and elsewhere also want to preserve modest territorial gains that Ukraine has notched in recent years, and dispute claims by OSCE and others that Ukrainian advancement imperils civilians who may be caught in the crossfire.

But while full front-line withdrawals no longer appear attainable, at least at present, a more modest strategy of pursuing limited sectoral disengagements linked to humanitarian objectives has potential – and could clear the way for a broader disengagement and fuller, more sustainable ceasefire in the future. Parties would agree to pull troops back from populated areas and in the vicinity of key civil infrastructure in order to protect the latter while improving freedom of movement and humanitarian access for local populations. Some representatives of the Ukrainian military and security apparatus have voiced their potential support for this approach.

The COVID-19 crisis and accompanying economic downturn create an important impetus to push these measures forward, as disengagement in the vicinity of key transport routes and public utilities will allow parties to better meet public health and economic needs. A humanitarian framing could make it easier for Kyiv to neutralise opposition among Ukrainian sceptics. For its part, Moscow, which claims to have local civilians' best interests at heart, has good reason to embrace the effort. Initial points of focus should be new travel corridors in Luhansk oblast, where civilians can presently only cross the front line at one overwhelmed location on foot — as well as crucial infrastructure such as the Donetsk Filtration Station, on which 345,000 civilians rely for their daily sanitation needs, and which suffers regular service interruptions from shelling.

Carrying out these human-centred disengagements will not demand technical or logistical know-how that the sides do not already have. It will, however, require them to separate the task of disengagement from their long-term political aims. Previous efforts have failed because the sides attempted to either use or obstruct the process in the service of broader agendas. Now, they need to make disengagement about saving and improving lives even as they search for a long-term political solution to conflict in Donbas.

Kyiv/Moscow/Brussels, 3 August 2020

Peace in Ukraine (II): A New Approach to Disengagement

I. Introduction

The Minsk agreements reached in September 2014 and February 2015 form the written framework for efforts to bring peace to the Donbas region of eastern Ukraine. Signed as Russian regular troops that had invaded to back up separatist fighters were devastating Ukrainian forces, the deals call for an immediate ceasefire, followed by implementation of a complex series of security and political provisions. The ultimate goal, as laid out in the February 2015 Minsk Package of Measures, is for Donbas to be reunited with the rest of Ukraine, with areas currently held by separatists forming partially self-governing entities under Ukrainian sovereignty. At present, these areas consist of two de facto statelets, which call themselves the Luhansk People's Republic (LPR) and Donetsk People's Republics (DPR) (collectively, the L/DPR), having been carved out of Ukraine's Luhansk and Donetsk provinces.

The Minsk security provisions include a full ceasefire; bilateral withdrawal of heavy weapons by at least 50km on each side of the front line; verification of the ceasefire regime by monitors from the Organization for Security and Co-operation in Europe (OSCE); full withdrawal from Donbas of "foreign armed formations, military equipment and mercenaries"; and "disarmament of all illegal groups". The agreements' political provisions call for Kyiv to amend its constitution to provide for decentralisation of powers throughout the country; pass a law outlining the terms of self-government for areas now held by separatists; and hold local elections in those areas in compliance with national law.¹

While disagreeing on the order in which these steps should be enacted, the sides agree publicly that a sustained ceasefire is the agreements' first and most basic provision, and the key to completing all the rest. Yet they have never achieved one. The September 2014 Minsk agreement was signed after the conflict had already caused close to 3,000 deaths, at least 500 of which occurred near the town of Ilovaisk, where Russian forces had surrounded Ukrainian troops in an August battle, and then opened fire as they retreated. The ceasefire provided for under the agreement quickly broke down, and 2,000 more had died when the second Minsk agreement was signed in February 2015 – at which point Ukrainian forces were battling Russian troops at the strategic railway hub of Debaltseve, in conditions reminiscent of Ilovaisk.

By this time, the sides were entrenched along the front line that had emerged, often less than a kilometre apart. Minsk II, as the February 2015 Package of Measures is

¹ Protocol on the Results of Consultations of the Trilateral Contact Group (Minsk Agreement), 5 September 2014; Memorandum on the Implementation of the Minsk Agreement, 19 September 2014; Package of Measures for the Implementation of the Minsk Agreements, 12 February 2015. All documents are available at the UN Peacemaker peace agreements database.

² The UN estimates that at least 36 civilians and 366 Ukrainian government-affiliated troops died, while a report by members of Russia's political opposition estimates that at least 150 Russian citizens were killed.

sometimes known, called for Russian-backed forces to retreat to their September 2014 positions, but they did not. Instead, they held on to their territorial gains of the previous months, including Debaltseve. By mid-2016, casualties had nearly doubled to 9,000. As of mid-2020, they exceeded 13,000. Combatants make up the bulk of these numbers, with the UN estimating as of February 2020 that 4,100 pro-government forces and 5,650 of their opponents had died. Estimated civilian deaths stood at 3,350 at that time.³

In 2016, with each in a succession of bilateral recommitments to the ceasefire inevitably fraying after a few weeks, and with Russian-backed troops showing no sign of withdrawing or disbanding, the parties tried moving to a step-by-step approach.⁴ In September of that year, they signed a Framework Agreement on disengagement of forces and materiel.⁵ The agreement calls for the sides to create a series of demilitarised zones of at least 4 sq km apiece by withdrawing by at least 1km each along 2km segments of the front line. Its authors saw the separation of at least 2km in key areas as a way to put forces out of sniper range and out of sight, with the latter leading to reductions in heavy weapons fire as well.⁶ Once ceasefire violations and casualties dropped, the agreement's proponents hoped, mutual confidence would grow, permitting the disengagement regime to broaden along the line of separation.⁷

This 2016 effort failed. Warring forces disengaged in two pilot zones – Zolote and Petrivske – in October, but Ukrainian authorities opted not to disengage in the third, Stanytsia Luhanska, following protests featuring a combination of concerned locals and nationalist activists. By May, the process was stuck, and by early 2018 the OSCE was referring to Zolote as "a re-engagement zone".

Since taking office in late May 2019, members of the Zelenskyy administration have tried to revive the disengagement process. ¹⁰ It has been an uphill battle.

³ Office of the UN High Commissioner for Human Rights, "Report on the Human Rights Situation in Ukraine", 16 November 2019-15 February 2020, pp. 7-8.

⁴ For dynamics of ceasefire violations over time, see "Trends and Observations from the Special Monitoring Mission to Ukraine", OSCE, 2014-2020.

⁵ "Рамочное решение трехсторонной контактной группы о разведении сил и средств", ["Framework agreement of the trilateral contact group on disengagement of forces and materiel"], OSCE, 20 September 2016.

⁶ Crisis Group interviews, international security expert, Ukrainian military commander, Kyiv, January 2020.

⁷ Crisis Group interviews, international security expert, Kyiv, January 2020.

⁸ "Мешканці Станиці Луганської протестуватимуть проти відведення українських військ", ["Residents of Stanytsia Luhanska to protest withdrawal of Ukrainian troops"], Hromadske, 27 September 2016.

⁹ "Британия призывает объявить перемирие на Донбассе", ["Britain calls for announcement of ceasefire in Donbas"], *Korrespondent*, 30 May 2018; Crisis Group interviews, OSCE staff, May 2018.

¹⁰ See "Інтерв'ю Володимира Зеленського – про війну на Донбасе, олігархів та Слугу Народу", ["Interview with Volodymyr Zelenskyy: On the war in Donbas, oligarchs and Servant of the People"], Komanda Zelenskoho Facebook post, 21 March 2019.

This report, which assesses the obstacles that have stood in the way of ceasefire and disengagement and offers recommendations for a new approach that might, in the latter case, surmount them, is the second in a series of Crisis Group briefings and reports that assess the components of a possible peace in Ukraine. It is based on interviews with officials and representatives of various perspectives in Ukraine, Russia and a range of NATO and EU member states conducted since 2015, as well as on other primary and secondary sources.

II. Minsk Disagreements

The key obstacle to disengagement in Donbas, and to a sustainable ceasefire more broadly, is that no side has faith that an acceptable political settlement will follow. Conflicting views of the Minsk agreements are at the heart of the impasse.

A. The View from Moscow

As Crisis Group has written in the past, Moscow appears to have had by far the upper hand in shaping the terms of the Minsk II agreement, and likely believes that full implementation of it as written would work in Russia's favour. In its interpretation, the accord requires Ukraine to largely accept the de facto statelets' governance structures as an integral part of the reunited state. Moscow sees Kyiv's absorption of these sympathetic entities as a way to mould Ukraine into a buffer against a hostile West, while freeing itself from Western condemnation and sanctions. Some Kremlin figures may also genuinely believe that this set-up would benefit Ukrainians, whom they see as largely sympathetic to Russia, and in need of protection from a West that seeks to dilute Ukraine's culture and exploit its resources. Those who take this view acknowledge that Russian military and political support has helped sustain the de facto republics, but nevertheless deem these entities a reflection of grassroots Ukrainian sentiment.

Against this backdrop, Moscow's official line is that Kyiv bears all responsibility to implement Minsk. Specifically, it places the burden on Ukraine to enforce a strict ceasefire along the front line, negotiate the terms of reintegration with the de facto leaders in the Donetsk and Luhansk statelets, amend the constitution to cement the breakaway regions' special status and hold elections there. From Moscow's vantage, only then can the Ukrainian government expect to resume control of its side of the border with Russia.

B. Three Ukrainian Perspectives

Within Ukraine, views of Minsk are varied. The political opposition is largely divided into two camps. One wing, colloquially referred to as "pro-Russian", tends toward the Kremlin perspective on Minsk, likely due to a mixture of cultural sympathies and business interests. While viewed as something of a fifth column by the rest of the political elite and much of Ukraine's top-tier media, this camp draws electoral support in the south-eastern regions close to Donbas, where their message of compromise with Russia resonates. ¹⁵

 $^{^{11}}$ Crisis Group Europe Briefing N°85, *Ukraine: Military Deadlock, Political Crisis*, 19 December 2016, p. 4.

¹² Ibid.

¹³ Crisis Group interview, Sergey Markov, Moscow, September 2019.

¹⁴ Crisis Group interview, Moscow State Institute of International Relations (MGIMO) faculty, Moscow, April 2018.

¹⁵ "Группа Рейтинг: ОПЗЖ в Харькове обходит — Слугу народа", ["Rating Group: Opposition platform For Life overtakes Servant of the People in Kharkiv"], *Kharkiv Today*, 6 February 2020.

At the other end of the spectrum are opposition parties that position themselves as liberal and/or "pro-Europe", which is to say in favour of working toward integration with the EU and stronger partnerships with its member states. These tend to proclaim the Minsk process dead or at least moribund, stressing either that Russia came up with the terms of the second agreement or that Moscow has not implemented its obligations by enforcing a ceasefire and disarming its proxy forces — or both. Many who take this view believe that the key to Ukraine's success lies in "decoupling itself from Russia politically, economically, religiously, culturally". Many see Moscow's heavy-handedness in negotiating Minsk II, and the circumstances in which it was signed, as ultimate proof of Russia's cynicism and hostility, and as validation of their orientation toward Europe. They equate implementing Minsk to surrender and oppose reintegrating the population of the Donbas breakaways, at least in the near future. 18

Ukrainian President Volodymyr Zelenskyy has sought a third way between Minsk's domestic supporters and detractors, and both groups are represented on his team. Zelenskyy himself, according to advisers, is sincerely eager for quick peace and reintegration, and open to the view that the war is not only a function of Russian aggression, but also an expression of Ukrainian citizens' competing visions for their country. At the same time, however, the president appears resentful of Russia's denials of direct involvement in the conflict and its attempts to dictate the terms of peace. Beyond seeking a ceasefire, his administration's approach to Minsk has combined attempts to interpret the letter of the agreement creatively with efforts to renegotiate its stickiest components, such as when and how Kyiv resumes control of the country's eastern border.

C. Separatist Detractors

Minsk's detractors also include the Donbas separatists. Military and financially dependent on Russia, they are not allowed their own negotiating positions within the Minsk format. Their representatives attend Minsk discussions as observers: they parrot Russian positions, even as Kremlin representatives try to push them forward as Kyiv's main negotiation partners.²¹

Still, unlike Moscow, the separatists mainly oppose reintegration. Their opposition is driven by a combination of factors, including fear of violent or judicial reprisals, attachment to new sources of illicit earnings enabled by their political power and, for

¹⁶ Facebook post by the Ukrainian ministry of foreign affairs, 18 March 2017. Crisis Group interview, member of People's Front party, Kyiv, April 2018.

¹⁷ Solomiia Bobrovska, "Coronavirus crisis spells dooms for Putin's dreams of rebuilding the Soviet empire", Atlantic Council, 28 April 2020.

¹⁸ Crisis Group observation, protest against signing of Steinmeier formula, Presidential Administration, Kyiv, 1 October 2019; see the Holos party's peace plan, "Голос Розуму: Стратегія холодної деокупації", ["The voice of reason: a cold de-occupation strategy"], Goloszmin.org, n.d.

 $^{^{19}}$ Crisis Group interview, Roman Bezsmertnyi, Kyiv, October 2019.

²⁰ Yuriy Safronov, "Можно ли пожимать руку Путину?", ["Can you shake Putin's hand?"], *Novaya Gazeta*, 11 December 2019.

²¹ Crisis Group interviews, international security expert, February 2020; Ukrainian Trilateral Contact Group participant, February 2020; international organisation staff, June 2020.

some, dreams of joining Russia. ²² An episode from October 2019 illustrates the difference between Russian and separatist positions. As discussed below, that was when the sides agreed to a proposal that German diplomat Frank-Walter Steinmeier had put forward in 2016 when foreign minister, which affirms Kyiv's readiness to reincorporate the breakaway areas under special status if certain criteria for holding local elections are met. Moscow saw this step as a victory, as it moved the parties closer to a scenario in which Ukraine would absorb the statelets and preserve some of their autonomy. By contrast, L/DPR representatives were reportedly crushed. ²³

The separatists' views may not be on display during formal negotiations, but they have made them clear through other channels. In a January 2020 social media post, a spokesman for the armed groups indicated that the only desirable "reintegration" was military victory for the separatists. "There were active attempts at reintegration in Izvarino and Ilovaisk in 2014. In 2015, reintegration took place in Debaltseve", he wrote, alluding to battles in which pro-government forces suffered major setbacks at the beginning of the conflict. 24

D. Mixed Minds among Ukraine's Western Backers

Ukraine's Western backers appear to be of mixed minds on the value of Minsk.

France and Germany, the agreements' co-signatories, are eager for the conflict to end. While they remain publicly committed to Minsk, it is fair to ask whether they might welcome a deal by other means.²⁵

Washington's position is more complex. President Donald Trump has expressed support for a compromise agreement, while appearing at times to accept Moscow's narrative of Kyiv as untrustworthy and undeserving. ²⁶ But U.S. government representatives generally take a different tack. In policy statements and remarks, U.S. officials support the Minsk agreements and argue that Russia is the party violating the deals. Indeed, a large package of U.S. (and EU) sanctions on Russia is explicitly tied to Moscow's assessed non-fulfillment of the agreements. ²⁷ To add a further twist, however, some of these same figures have criticised the agreements. Kurt Volker, before he became Washington's chief envoy for Ukraine in 2017 (a position he has since left), was quoted as saying the agreements were "not a solution, but a problem, as they essentially legitimise the Russian invasion of Ukraine". ²⁸

²² Crisis Group Europe and Central Asia Report N°254, *Rebels Without a Cause: Russia's Proxies in Eastern Ukraine*, 16 July 2019; Crisis Group interview, former Khartzysk city official, Sloviansk, April 2019; for a brief discussion of how DPR de facto leaders are perceived as embezzling Russian funds, see Zlobynyi Ukr, "Як пушилін на параді заробив", Fashik Donetskyi, 26 June 2020.

²³ Crisis Group interviews, EU staff, Kyiv, October 2019; international organisation staff, June 2020.

 $^{^{24}}$ Telegram post by Neofitsial'niy Bezsonov, 5:54pm, 11 January 2020.

²⁵ Crisis Group interview, European interlocutor, Kyiv, December 2019.

²⁶ Vivian Salama and Rebecca Ballhaus, "Trump's view of Ukraine as corrupt took shape early", *The Wall Street Journal*, 16 November 2019; "Trump to Zelenskiy: I really hope you get together with Putin, 'solve your problem'", RFE/RL, 25 September 2019.

²⁷ Crisis Group Europe Report N°256, *Peace in Ukraine (I): A European War*, 27 April 2020.

²⁸ Wayne Lee, "Минские договоренности — 'это соглашение о разделе Украины", ["The Minsk accords 'are an agreement to divide up Ukraine'"], Voice of America, 24 June 2015. The quote from Volker is an English translation of a Russian translation of a comment made in English. It may not correspond exactly to his original words.

U.S. officials insist that their goal is to avoid a frozen conflict and see Ukraine peacefully reunited, yet some may see the status quo as acceptable and perhaps even useful.²⁹ "The longer Russia stays bogged down in Donbas", a former U.S. diplomat said in June, the less likelihood there is that it might seek to subvert the Baltic nations, which are both its neighbours and NATO members.³⁰ In April 2019, a U.S. official suggested to Crisis Group that reintegration of the statelets' population would not serve Ukrainian interests, referring to these communities as "Soviet" and saying "some of our best [Ukrainian] reformers take a very hard line toward those folks".³¹

 $^{^{29}}$ Dmytro Kaniewski, "US Special Rep to Ukrainian negotiations Kurt Volker: 'The status quo is not good for anybody'", Deutsche Welle, 29 August 2017.

³⁰ Crisis Group observation, online event hosted by Washington think-tank, 17 June 2020.

³¹ Crisis Group interview, Kyiv, April 2019.

III. A New Push for Disengagement

President Zelenskyy's efforts to stop the shooting through a renewed push for disengagement have surged and stumbled since he took office. Views about disengagement largely track with views on the Minsk agreements more broadly. Although Moscow claims wholehearted support, its Donbas proxies pay disengagement lip service and many among them oppose it. Zelenskyy's administration itself supports the idea unevenly, Ukraine's self-identified pro-Western opposition opposes it. These various preferences have competed dramatically over the past year.

A. A Big Push

In mid-2019, Kyiv's efforts to revive the 2016 Framework Agreement on disengagement seemed off to a good start. The sides disengaged at Stanytsia Luhanska — a town in the Luhansk oblast and the only point for 200km where civilians can cross the front line. At Kyiv's initiative, the parties also began renovating the pedestrian bridge over the Sievierskyi Donets river, which had functioned in a dangerous state of disrepair for several years despite roughly 10,000-13,000 daily crossings. Additionally, the sides signed an agreement with the strictest ceasefire provisions to date, banning all parties from opening fire with any form of weaponry. In mid-September, chief negotiator Leonid Kuchma promised that Zelenskyy would in the near future be proposing the bilateral disengagement of forces along the entire front line to participants in the Normandy Format — a negotiating body that convenes the leaders of Ukraine, Russia, France and Germany — saying this route was the surest one to improving the security situation. But other events intervened.

Zelenskyy's plans started to encounter heavy pushback when he signed on to the above-referenced Steinmeier formula in October. Minsk II calls for elections in separatist areas and stipulates that Kyiv grant them a special status, but it does not specify which of the two should come first. Moscow and the separatists whom it backs say it must be the special status, while Kyiv fears that concession would legitimise regimes in charge of these areas and make free elections impossible. Steinmeier tried to split the difference, suggesting that those areas receive provisional special status starting on the day of local elections, which would become permanent only if the OSCE finds the vote complied with Ukrainian law and international standards. Zelenskyy also made clear that, in his view, Russian troops must exit Ukrainian territory prior to holding elections.³⁴

At the same time as he shared this breakthrough with the public, the president also announced disengagement of forces would proceed in Zolote and Petrivske – and

³² Viktoria Bega, "Договоренность о 'режиме тишины' на Донбассе впервые запрещает любой огонь", ["Agreement for Donbas 'ceasefire' bans on any fire for the first time"], Hromadske, 18 July 2019.

³³ "Кучма: Зеленський запропонує нормандській четвірці відведення військ по всій лінії", ["Kuchma: Zelenskyy will propose disengagement of forces along entire line to Normandy Four"], *Ukrainska Pravda*, 13 September 2019.

³⁴ Crisis Group Statement, "A Possible Step Toward Peace in Eastern Ukraine", 9 October 2019.

that, thanks to these agreements, Russia had agreed to the first Normandy Format summit since late 2016.

These moves proved controversial. They sparked the birth of Ukraine's "No to Capitulation" movement, led by a loose coalition of seasoned statesmen, liberal civil society activists and far-right figures. The goal, said the movement's leaders, was to oppose efforts "to make peace with Russia", which they said seeks "the destruction of Ukrainian statehood". The goal is a seek to be seen to be seen the destruction of Ukrainian statehood.

This movement positioned disengagement efforts squarely in the "capitulation" playbook. By the second week of October 2019, when the sides were due to disengage forces at Zolote and Petrivske, thousands of Ukrainians had marched under the slogan. The deputy commander of the Pravyi Sektor fighters, a group of initially volunteer soldiers who had been loosely integrated into the military's central command structure, vowed that "where [the president] withdraws troops, we'll bring in thousands". The National Corps, the political wing of the far-right Azov volunteer regiment and one of the driving forces of the protests, had set up a makeshift checkpoint in Zolote despite regulations prohibiting non-security personnel from carrying firearms at front-line locations. ³⁸

On 7 October, Ukrainian authorities announced that disengagement would be put off. They said the delay was due to the other side's ceasefire violations in the vicinities of Zolote and Petrivske. That account, however, painted something of a skewed picture. While the 2016 Framework Agreement does state that any would-be disengagement sector needs to see at least seven consecutive days of quiet before withdrawal can commence, the OSCE recorded violations on both sides during this period.³⁹

Separatist and pro-Kremlin news sources alleged that Kyiv was using ceasefire violations as an alibi, and that the National Corps had in fact blocked disengagement, a claim that Corps members echoed.⁴⁰ Simultaneously, various groups of civil society activists in Zolote demonstrated both for and against disengagement, with opponents vocally supporting the National Corps' campaign.

Ukrainian police did not move to stop the activists until 29 October, when Zelenskyy visited Zolote to discuss the disengagement process with residents. When they did, numerous political observers were certain it was due to the personal intervention of Arsen Avakov, the powerful interior minister who had also held that job in the previous administration and who is believed to be closely tied to the Azov move-

³⁵ See the Рух Опору Капітуляції website.

 $^{^{36}}$ "В Украине создали 'движение сопротивления капитуляции'", ["'Movement to resist capitulation' formed in Ukraine"], *Pryamyi*, 3 October 2019.

³⁷ "В штабе ООС ответили Ярошу, что отдельных добровольческих батальонов на передовой нет", ["The Joint Forces Operation tells Yarosh there are no separate volunteer units at the front"], *Strana*, 16 October 2018; "Ексклюзив АТR. Добровольці заявили, що займуть позиції ВСУ у разі відведення військ", ["ATR exclusive: Volunteers announce they will take up positions of VSU if troops are withdrawn"], video, YouTube, 7 October 2019.

³⁸ For a discussion of the National Corps and Azov's far-right links and leanings, see Oleksiy Kuzmenko, "The Azov Regiment has not depoliticized", Atlantic Council, 19 March 2020 (describing research that revealed a pattern of troubling international activity and ties to white supremacist groups).

³⁹ See daily and spot reports from the Special Monitoring Mission to Ukraine, OSCE, 1-12 October 2019.

 $^{^{40}}$ See, for example, the Telegram post by Хроники Ридика [Khroniki Ridika/The Ridik Chronicles], 2:34pm, 17 October 2019.

ment, which he helped fund at its inception in 2014.⁴¹ Many analysts believe that Avakov indulges or even quietly encourages National Corps protests against presidential policies, and then reins them in, in order to maintain leverage over the president – an allegation that a close adviser vehemently denied.⁴²

Following Zelenskyy's visit, police compelled the National Corps activists to remove their weapons from the zone of military operation, and disengagement finally began. In Zolote, ceasefire monitors declared it complete on 2 November.⁴³ Disengagement in Petrivske followed on 9 November, with the sides pronouncing it complete three days later.⁴⁴

B. Dimming Prospects

Going into the 9 December Normandy Format summit, disengagement in the three agreed-upon zones was largely holding, but prospects for further progress looked dim. "No to Capitulation" activists were holding large demonstrations in major cities attended by opposition leaders, and they were swearing to protest "indefinitely" if any red lines were crossed.⁴⁵

Thus, despite Kuchma's September remarks forecasting disengagement along the full front line, the summit memorandum ended up prescribing it at only three more zones before April 2020. Moscow – which saw disengagement as a step toward its goals with respect to Minsk implementation – reacted with dismay. So did some Western security experts, who had hoped that full disengagement would bring faster reductions in violence.⁴⁶ Russian Foreign Minister Sergey Lavrov later blamed U.S. warmongering for the outcome, without citing evidence.⁴⁷

As 2020 began, the sides had still not agreed on the next spots for disengagement. Worse, the withdrawal at Zolote and Petrivske was fraying. On 18 February, Ukrainian forces reported a heavy artillery strike by LPR forces just outside the Zolote disengagement zone. The incident provoked a fresh storm of commentary in Kyiv on the destructive naiveté of Zelenskyy's peace efforts.⁴⁸

⁴¹ Crisis Group interviews, EU personnel, November 2019; Track 1.5 dialogue expert, December 2019. See also Christopher Miller, "G7 letter takes aim at role of violent extremists in Ukrainian society, election", RFE/RL, 22 March 2019.

⁴² Crisis Group interview, adviser to ministry of internal affairs, Kyiv, December 2019.

⁴³ "Receipt of Notifications on Completion of Withdrawal of Forces and Hardware in Zolote Disengagement Area", OSCE Special Monitoring Mission, 2 November 2019.

⁴⁴ "Spot Report by OSCE SMM: Receipt of Notification on Completion of Withdrawal of Forces and Hardware in Petrivske Disengagement Area", OSCE Special Monitoring Mission, 13 November 2019. ⁴⁵ Crisis Group interview, veteran Ukrainian diplomat, Kyiv, December 2019; Crisis Group observation, Presidential Administration building, Kyiv, 8 December 2020. For the activists' manifesto, see the Pyx Опору Капітуляції website.

⁴⁶ Crisis Group interviews, senior international organisation staff, October 2019; EU personnel, December 2019; Dmytriy Gordon, "Аваков Гордону в Париже о грустном Путине", ["Avakov tells Gordon in Paris about sad Putin"], video, You Tube, 9 December 2019

⁴⁷ "Открытый дипломат", ["An open diplomat"], Rossiyskaya Gazeta, 10 February 2020.

⁴⁸ For example, "Сегодня мы видели полный провал капитулянтской тактики Зеленского-Герасимов", ["Today we saw the total failure of Zelenskyy's capitulatory tactics – Herasimov"], Pryamyi, 18 February 2020.

Both sides claim that the other has only grown more bellicose throughout these months of de-escalatory measures, although all are likely posturing somewhat. Reports from Ukraine's Joint Forces Operation press service, as well as oft-cited data on separatist casualties, suggest a slight year-on-year drop in deaths on both sides. ⁴⁹ A Ukrainian commander, who called disengagement "pointless", told Crisis Group that the July 2019 ceasefire-related ban on opening fire from any form of weaponry, including small arms, had led to greater Ukrainian losses, as the snipers who typically protect military units had found their hands tied.

The statelets tell a similar story of defencelessness. An LPR blogger wrote in June 2019, "Big losses again. The Ukrainians are attacking out of impunity. Because there's a permanent ban on opening fire, and people are threatened with dismissal and charges for violating it". ⁵⁰ One of the DPR's spokesmen replied, "The situation in Donetsk is no better". He offered what he said was a direct quote from a fighter, who appeared to allude to stealth Russian units. 'The Ukies don't hold back at all anymore from taking apart our positions with all they've got. There are still a few subdivisions on our side that fly the black flag and allow themselves to snap back. But it's a drop in the bucket". ⁵¹

This dire depiction may reflect reality to the degree that separatist forces, by several accounts, suffer considerably higher losses than their opponents.⁵² That said, OSCE monitoring reports belie the notion that the separatists are largely ceasefire-compliant.⁵³

While the sides had agreed in December to disengage in three more zones by the end of March 2020, all they could muster was an 11 March agreement to keep working toward this goal. Even this modest pledge was undercut by various pressures. On the same day the parties committed to it, they also committed to creating an Advisory Council within the political subdivision of the Trilateral Contact Group created under Minsk, in which residents of both government-held and separatist-controlled parts of Donbas would produce non-binding recommendations for a political resolution. Despite the council's limited prospective mandate, both the opposition and members of Zelenskyy's own party denounced it as potentially legitimising the Russian-backed de facto authorities.

 $^{^{49}}$ Crisis Group data from Joint Forces Operation reports found at the Груз-200 [Cargo 200] website. "На Донбассе в 2020 году погиб 61 военный: поименный список", ["61 soldiers died in Donbas in 2020: list of names"], 24 Kanal, 28 June 2020.

⁵⁰ Telegram post by Aleksandr Zhuchkovsky, 11:24am, 25 June 2020.

 $^{^{51}}$ Telegram post by Ратник 2-ого разряда, 11:41am, 25 June 2020.

⁵² See the Γpy3-200 [Cargo 200] website for statistics from a Ukrainian nationalist volunteer, whose data prominent Ukrainian media outlets view as reliable. Ukraine's Joint Forces Operation press service generally provides higher estimates for L/DPR casualties, although one Ukrainian military commander expressed doubt about their accuracy. Crisis Group interview, Kyiv, February 2020.
⁵³ Daily and spot reports from the Special Monitoring Mission to Ukraine, OSCE, op. cit.

⁵⁴ Vyktoria Venk, "Минская зрада. Почему Ермака обвинили в госизмене за создание Кон сультационного совета по Донбассу", ["Minsk treachery: Why Yermak is being accused of state treason for creating an Advisory Council on Donbas"], *Strana*, 13 March 2020.

⁵⁵ "Ряд депутатов Слуги Народа просят Зеленского вернуть Минские переговоры в поле законодательства Украины: все переговоры должны вестись исключительно с РФ", ["Segment of Sluha Narodu asks Zelenskyy to bring Minsk negotiations back in line with Ukrainian law: all negotiations should be with the RF exclusively"], Censor.net, 13 March 2020.

IV. More Reasons for Failure

Zelenskyy's push to stop the shooting foundered in part because of incompatible views on the Minsk agreements, which have kept the sides from establishing a lasting cease-fire and executing disengagement. But there are other overlapping reasons for the failure of basic security measures to take hold. These include everything from mistrust of monitoring arrangements to deeper, more structural issues. In particular, because these security measures are often designed to apply symmetrically to both sides, Russia and its proxies tend to view them as a mechanism for establishing a form of equivalency between the separatists and the Ukrainian government. Conversely, Kyiv firmly rejects the idea of parity between the sides, seeing the de facto authorities' territorial claims as unlawful and illegitimate, and believing that it should enjoy unilateral freedom of action to reassert control over lost ground.

A. The Problem with Symmetry

The incompatibility of Russian and Ukrainian views on symmetrical security measures cuts to the heart of the parties' difficulties in negotiating ceasefires and disengagement zones. Disengagement treats the line of separation, not the Russian-Ukrainian border, as the conflict's centre of gravity, and, like a bilateral ceasefire, requires the same actions of the defending force and the invading force. Some Ukrainian commentators find this objectionable, with one remarking that, "You don't withdraw troops on your own soil". Similarly, some Kyiv officials and foreign backers question the notion that ceasefire directives should bind Ukrainian forces to the same degree as the separatists. As then-U.S. official Kurt Volker put it in 2018, "Of course the Ukrainians also fire in battle, but you have to keep in mind that this is all happening on Ukrainian territory". Similarly of the same degree in mind that this is all happening on Ukrainian territory.

In the disengagement context, Kyiv's distaste for symmetrical actions from the two sides is increased by the fact that L/DPR troops would not even be pulling back from the front line that the parties agreed to in Minsk II. Minsk II required separatist forces to retreat to their September 2014 withdrawal lines (ie, to where they were prior to their seizure of Debaltseve), but the separatists have not honoured this commitment. Kyiv thus tends to want disengagement to function as a tool to induce retreat to pre-Debaltseve lines, while Russian-backed forces conversely seek to seal their post-September 2014 gains.

This clash of objectives surfaced in late 2016, as the sides were making their first attempt to disengage at Petrivske and Zolote and scoping out potential future efforts. Ukrainian President Petro Poroshenko insisted that the next round of pilot zones in-

⁵⁶ Crisis Group telephone interview, nationalist activist in Zolote, October 2019; Crisis Group observation, "No to Capitulation" movement press conference, Kyiv, October 2019.

 $^{^{57}}$ Julian Röpcke, "'Putin wird seine Beteiligung am Ukraine-Krieg leugnen'", ["Putin will deny his involvement in the Ukraine war"], Bild, 6 July 2018.

clude Debaltseve. 58 The other parties refused. Disengagement at Zolote and Petrivske frayed soon after.

Four years later, the parties have been having a different iteration of much the same conversation. During negotiations over the past months, Moscow and DPR representatives said they wanted the new disengagement pilot zones to include a village near the latter's de facto front line outside Debaltseve. Both Kyiv and international arbiters see this move as a bid to achieve international recognition for the separatists' claim to that city. ⁵⁹ For much the same reason, Ukraine appears to regard the idea as a non-starter.

The sides' contrasting accounts of ceasefire violations follow a similar pattern: they often cherry-pick statistics to serve their narratives about the war. Kyiv's national security and diplomatic establishment, whether under Zelenskyy or Poroshenko, and Ukraine's Western backers tend to present ceasefire violations as close to the sole domain of the other side. This is a misrepresentation that nevertheless reflects their big-picture view of the conflict, according to which no violence would be occurring without Russia's aggression. ⁶⁰ But on the front lines, shots are exchanged so regularly across the tiny distances between the two sides that there is rarely any telling who fired first. Daily OSCE reports record an abundance of heavy weapons fire from west to east, showing government troops to be lively combat participants. ⁶¹ UN human rights monitors say over three quarters of civilian casualties from live fire occur in separatist-held territory. ⁶² This finding suggests that Ukrainian forces' fire is causing these casualties, though this is largely a function of the front line's geography, as the eastern side is more densely populated.

Moscow and its proxies, for their part, emphasise that the preponderance of civilian casualties and almost daily damage to civilian infrastructure occur in areas that they control. Doing so draws attention to a painful issue that receives scant attention in the Ukrainian and Western press. This selective reading of events also serves their broader narrative that Ukrainian government troops, egged on by the West, are waging war against civilians. It ignores, however, two metrics where OSCE reports show Russian-backed forces to be the main offenders. First, most cases in which monitors record the presence of Minsk-proscribed weapons in front-line areas occur on separatist-controlled territory. ⁶³ The placement of military personnel and equipment in populated areas puts civilians at risk of fire from imprecise weapons — a dynamic of which residents appear acutely aware. ⁶⁴ Secondly, the separatists are responsible for almost all cases of denial of access to OSCE monitors who, despite Minsk and suc-

 $^{^{58}}$ "Киев настаивает на разведении сторон и демилитаризации Дебальцево – Порошенко", ["Kyiv insists on disengagement and demilitarisation of Debaltseve – Poroshenko"], Interfax, 23 October 2016.

⁵⁹ Crisis Group interviews, senior military official, Kyiv, January 2020; international security expert, Kyiv, January 2020.

⁶⁰ See Peter Dickinson, "Russian escalation dampens hopes for peace in Ukraine", Atlantic Council, 18 February 2020.

⁶¹ Daily and spot reports from the Special Monitoring Mission to Ukraine, OSCE, op. cit.

⁶² United Nations Human Rights Monitoring Mission in Ukraine, "Conflict-related civilian casualties as of 31 December 2019", 16 January 2020; "Conflict-related casualties in Ukraine", 4 February 2019.

^{63 &}quot;Trends and Observations from the Special Monitoring Mission to Ukraine", OSCE, 2014-2020.

⁶⁴ Crisis Group telephone interviews, Donetsk residents, April 2019.

cessive promises from all parties, have almost no personal access to areas bordering Russia, where weaponry and Russian personnel regularly pass. ⁶⁵

B. OSCE Monitoring

Disengagement discussions are also hampered by Ukrainian suspicions regarding the OSCE monitors who, under Minsk, are supposed to patrol all separatist-held areas up to the border. These suspicions have both practical and political dimensions.

At a practical level, Ukrainian officers say OSCE monitors cannot be relied upon to give them sufficient warning should the 20,000-30,000 Russian troops stationed just outside the de facto territories cross over to assist what Kyiv estimates to be roughly 32,000 separatist forces at the front line. (Ukrainian forces number roughly 50,000. The Ukrainian officers say they lack confidence in the monitors in part because they are frequently denied access to certain areas by the de facto authorities and/or their Russian supervisors.

Some Ukrainians go further and also contend that the monitoring mission contains Russian spies who alert the separatist forces to monitors' movements and prevent them from witnessing that side's ceasefire violations. ⁶⁹ Some in the Ukrainian military even allege that the OSCE monitoring team's leadership has systematically downplayed the other side's violations. ⁷⁰ Conversely, an expert with intimate knowledge of monitoring procedures and Trilateral Contact Group negotiations characterised Ukraine's complaints as "an excuse" not to disengage forces and argued that Ukraine's posture on disengagement boils down to "a lack of political will". ⁷¹

C. Preserving Advances

Another point of contention is that disengagement would also reverse slight but steady advances by government forces made in several spots along the front line between late 2015 and the present, which many Ukrainian veterans and activists are eager to preserve.

These advances did not so much push back the separatist fighters as they narrowed the buffer zone between the two sides. They gathered steam in 2016-2017, after the first attempt at disengagement failed. In 2016, government forces made a series of gains outside Debaltseve. Ceasefire monitors also documented forward movement, sometimes by both sides, in areas where civilians regularly crossed the front line in

 $^{^{65}}$ "Trends and Observations from the Special Monitoring Mission to Ukraine", OSCE, 2014-2020.

 $^{^{66}}$ Ivan Safronov, "Юго-запад укрепили боевыми генералами", ["The south west gets reinforced by fighter generals"], *Kommersant*, 10 July 2017.

⁶⁷ "В ОРДЛО воюют 11000 тысяч российских военных – Haeb", ["There are 11,000 Russian soldiers fighting in the [L/DPR] – Nayev"], Zn.ua, 27 December 2018.

⁶⁸ See daily and spot reports from the Special Monitoring Mission to Ukraine, OSCE, op. cit.

⁶⁹ A former U.S. diplomat told Crisis Group in a 2017 discussion in Kyiv that this view of OSCE monitors was present at the embassy as well. Kurt Volker expressed suspicions about the mission in a 2018 interview. Röpcke, "Putin wird seine Beteiligung am Ukraine-Krieg leugnen", op. cit.

⁷⁰ One Ukrainian military representative told Crisis Group that a former leading monitor was "bought by the Russians", an allegation the OSCE mission has roundly rejected. Crisis Group interviews, Ukrainian military representatives, Kramatorsk, April 2019; OSCE staff, September 2019.

 $^{^{71}}$ Crisis Group interview, international security expert, Kyiv, February 2020.

large numbers, such as the Stanytsia Luhanska bridge and the Novotroitske-Olenivka checkpoint near Donetsk city.

The OSCE mission expressed concerns about these advances and advocated instead for disengagement.⁷² It blamed the shrinking distance between the sides for a number of civilian casualties, including the deaths of four civilians overnighting in their car near the Olenivka checkpoint from artillery fire in April 2016.⁷³ The organisation accordingly advocated for disengagement around that time in large part as a civilian protection measure.

Ukrainian military sources, however, tend to see things differently. They assess that government forces' territorial gains have made it possible for them to assume more advantageous positions and stop the enemy from launching attacks or conducting reconnaissance in the grey zone. Some veterans contend that eating away at the grey zone outside Debaltseve has significantly reduced illegal cross-line trade by local civilians – trade that they see as giving comfort to the enemy and undermining troop morale. Proponents likewise argue that Ukraine's territorial gains are beneficial in motivating Ukrainian troops, stirring up supportive, patriotic fervour among the public and inflicting losses on the Russian-backed side – keeping them busy fighting and distracting them from consolidating governance over the statelets.

Looking through the same lens, some military figures and supportive journalists have suggested that the forward movement may even be part of preparations to launch assaults to recover separatist-held areas. Such statements likely reflect eagerness to project military readiness, rather than any concrete plans. A senior Ukrainian military figure, asked about the history of advances and heavy fighting around Debaltseve, suggested that forward movements were also a matter of principle: "According to Minsk, we're supposed to control Debaltseve, so naturally we're trying to control it". The same trying to control it."

As for OSCE concerns about the impact of Ukrainian advances on civilians, some military officials and pro-Kyiv commentators argue that Ukrainian control of buffer territory actually helps alleviate hardships for civilians who otherwise would be living in a grey zone without access to either government services or those of the de facto leadership.⁷⁹

⁷² "Thematic Report: Civilian Casualties in Eastern Ukraine, 2016", OSCE Special Monitoring Mission, September 2017, p. 28; Crisis Group interview, international expert, Bakhmut, May 2018.

⁷³ "Thematic Report: Civilian Casualties in Eastern Ukraine, 2016", OSCE Special Monitoring Mission, September 2017, p. 28.

⁷⁴ Andryi Kovalenko, "Почему ВСУ делает систематические вылазки в 'серую зону'", ["Why the VSU is making systematic incursions into the grey zone"], Depo.ua, 18 July 2016. Crisis Group interview, former volunteer battalion member, Kyiv, October 2019.

⁷⁵ Crisis Group interviews, former volunteer battalion commander, Kyiv, October 2019; former volunteer member, Kyiv, December 2019.

⁷⁶ Crisis Group interviews, military correspondent, Kyiv, April 2018; Serhiy Harmash, Kyiv, January 2019; see also Kovalenko, "Why the VSU is making systematic incursions into the grey zone", op. cit.

 $^{^{77}}$ For example, Kovalenko, "Why the VSU is making systematic incursions into the grey zone", op. cit. 78 Crisis Group interview, senior Ukrainian military commander, Kyiv, January 2020.

⁷⁹ Crisis Group interviews, international security expert, Kyiv, September 2019; senior Ukrainian military commander, Kyiv, January 2020.

Opponents of disengagement also argue that Ukraine's territorial gains have saved lives by discouraging enemy advances. ⁸⁰ They point to a trend of declining civilian and military casualties over the past years. In 2017, the number of civilians killed (117) and injured (487) increased by 27 and 5 per cent respectively relative to 2016. ⁸¹ In 2018, however, 55 civilians were killed and 226 wounded. ⁸² Progress was so significant that by 2019 UN representatives were hoping that civilian casualties could be brought down to zero; in the end, 27 died and 140 were injured. ⁸³ Moreover, casualties among government-affiliated troops fell by 44 per cent in 2018, to 133, and to 111 in 2019.

When government forces have experienced setbacks, these have become grist for anti-disengagement arguments. ⁸⁴ For example, on 18 February, separatist forces attacked a newly established Ukrainian forward post near Zolote, near the disengagement zone in that location. Ukrainian opponents of disengagement argued that the attack proved the withdrawals had merely emboldened the enemy. In so doing, they elided the fact that even observers typically sympathetic to Kyiv had viewed its moves in the days leading up to the encounter as highly provocative. ⁸⁵

By mid-2018, Ukraine's Joint Forces Operation announced that it had established control over almost all of the grey zone, including 15 sq km that year alone. ⁸⁶ Ukrainian forces kept pushing in 2019 – even as Kyiv formally pursued disengagement in three zones – and continued in the same fashion in 2020. "Disengagement looks particularly inept now", a journalist with strong ties to the military wrote ahead of disengagement in Stanytsia in June 2019, "as our troops have taken back scores of square kilometres over the past three years and solidified our position on the front considerably". ⁸⁷

⁸⁰ Crisis Group interview, nationalist activist, Shchastya, January 2020; "Public appeal of VostokSOS in regard to the upcoming Normandy Summit on December 9, 2019, in Paris", Deutsch-Russischer Austausch Facebook post, 3 December 2019.

⁸¹ "Conflict-related Civilian Casualties in Ukraine", UN Office of the High Commissioner for Human Rights, 14 January 2019.

⁸² "Conflict-related Civilian Casualties in Ukraine", UN Office of the High Commissioner for Human Rights, 16 January 2020.

⁸³ Ibid

⁸⁴ "Потеряли два опорных пункта у Золотого, требуем отчета министра", ["We've lost two observation posts near Zolote, and demand a report from the minister"], *Ukrainska Pravda*, 18 February 2020.

⁸⁵ Opponents of disengagement tend to look past some important facts about the battle. In addition to the fact that the separatists attacked a post that the Ukrainians had established only in January 2020, as part of their advance, commentators also note that the Ukrainians had been shooting at separatist forces for days prior to the attack. Artur Hor, "Дискотека в Марьинке: зачем украинская армия захватывает 'серую зону'", ["Disco' in Maryinka: Why the Ukrainian army is seizing the 'grey zone'"], Apostrof, 17 June 2019. According to one security expert, "The Ukrainian army was shooting at the other side for days ahead of the escalation". Alluding to Poland's reliable anti-Russian stance, he added, "Even the Poles are upset … at the Ukrainians".

⁸⁶ "За час ООС українські військові повернули 15 кв км території на Донбасі під свій контроль — Наєв", ["Ukrainian troops have retaken 15 sq km of territory in Donbas over the course of the Joint Forces Operation"], Radio Svoboda-RFE/RL, 16 August 2018.

 $^{^{87}}$ "Россия сорвет разведение. Подобные попытки уже провалились в 14-15 гг. — Бутусов об отводе ВСУ под Станицей-Луганской", ["Russia will disrupt disengagement. Similar attempts al-

The bottom line is that for some Ukrainians, incremental troop advances carry both symbolic and strategic value, making disengagement that much harder to sell. Interior Minister Avakov, speaking shortly after the September 2019 Normandy meeting, seemed to agree. Explaining why Kyiv had surprised Moscow by agreeing to only three additional disengagement sectors, he echoed language used by National Corps and other hardline activists: withdrawing from ground where "every metre is covered in blood", he said, would be both tactically and morally impermissible. 88

ready failed in 14-15 – Butusov on the UAF's withdrawal at Stanytsia Luhanska"], Censor.net, 26 June 2019.

⁸⁸ "Аваков: Сурков психанул во время переговоров из-за разведения", ["Avakov: Surkov lost it over disengagement during negotiations"], Novosti Donbassa, 10 December 2019.

V. On the Front Line: The View from Shchastya

Another consideration in weighing how to proceed with disengagement is how it will play at the front line. There, views on disengagement among civilians tend to closely correlate with broader attitudes toward reintegration. Front-line dwellers who support disengagement may see it as a step toward a normal life with no soldiers around, and/or as a prelude to restoring social and economic ties with neighbours and family on the other side. ⁸⁹ Those who strongly oppose it, meanwhile, may view the line of separation as a cordon sanitaire, walling them off from people with whom they do not wish to interact. ⁹⁰

The Luhansk oblast town of Shchastya, 5km from the front line and under Kyiv's control, offers a vivid glimpse of these dynamics. The town, together with nearby Zolote, has been at the centre of arguments between the sides for years. It has gained attention because of the need to create a new official front-line crossing point for civilians. At present, the only such crossing in the oblast, in Stanytsia Luhanska, is pedestrian-only and – despite its renovation – overloaded with thousands of daily users. Kyiv has sought to establish a new civilian crossing roughly three hours by car to the west in Zolote, building the necessary infrastructure in 2017. But LPR de facto officials insist on the simultaneous opening of a motor bridge in Shchastya, which is midway between Zolote and Stanytsia. They argue that Shchastya sees less combat than Zolote, although some observers allege that their desire for a crossing has ulterior motives tied to anticipated payoffs from cross-line smuggling. On 11 March, the sides agreed in Minsk to do just that, but all front-line crossings were closed in late March due to the COVID-19 pandemic.

Negotiations over the Shchastya crossing have pitted local against national authorities. On the one hand, Ukrainian negotiators in the Minsk group historically have resisted supporting a crossing at Shchastya, which had been mined in order to keep Russian and separatist forces at bay. Some officials in Kyiv fear that such a step would invite an enemy advance or attempt to seize the nearby Luhansk thermal power station, the oblast's sole electricity provider. ⁹²

Local officials in Shchastya, however, dismiss that suggestion. One told Crisis Group, "If the Russians wants to drive a tank across, they will find a way", with or without a formal crossing. ⁹³ Opening the bridge would not make an enemy advance more likely, they argued – while not opening it would mean relinquishing possible benefits that could, if all goes well, hasten the conflict's resolution. A local official

 $^{^{89}}$ Crisis Group interviews, aid worker from Lysychansk, Kyiv, October 2018; journalist, Kyiv, October 2019; journalist, Kyiv, December 2019.

⁹⁰ Crisis Group interviews, Sievierodonetsk resident, Kyiv, October 2019; Selydove resident, by telephone, October 2019; humanitarian worker, Svyatohirsk, November 2019.

⁹¹ "В ЛНР хотят открыть альтернативный закрытому КПП 'Золотое' пункт пропуска", ["The LNR wants to open an alternative crossing point to the closed one at Zolote"], RIA Novosti, 21 November 2016; Crisis Group interviews, security observers, Sievierodonetsk, August 2017; Sievierodonetsk, May 2018; Kyiv, February 2020.

⁹² Crisis Group interviews, senior Ukrainian military commander, Kyiv, January 2020; international security expert, February 2020.

⁹³ Crisis Group interview, local administration representative, Shchastya, January 2020.

criticised opponents to disengagement in Shchastya as people who "just don't want the war to end". 94

Local officials who favour disengagement cite the need to end their economic isolation. The town is a suburb of Luhansk city, which, because it is now under LPR control, is essentially out of reach for residents despite being just 5km away. Residents who depended on Luhansk for shopping and medical care must now seek them in the provisional oblast centre of Sievierodonetsk, which is several hours away on potholed roads. Shchastya's own economy used to depend on weekend tourists from Luhansk, who came to enjoy its forested setting, and on the thermal plant, which has shed jobs as it no longer services separatist-held areas. To both these officials and many ordinary residents, reopening the bridge leading to Luhansk would mean renewed access to that city's services and a needed economic boost from city dwellers crossing over. ⁹⁶

Residents opposed to disengagement, on the other hand, cite security concerns, along with political and social reasons, for their views. One civic activist was wary of disengagement, although she favoured reintegration and reopening the bridge. Notwithstanding local officials' dismissal of this concern, she said she and her neighbours were afraid of incursions by the other side in the event of a troop pullback.⁹⁷

Another activist, who said the goal of her work was to help Shchastya become "Ukraine" – ie, Ukrainian-speaking and free of what she described as Soviet-style paternalism – first cited concerns about tanks crossing the bridge, but quickly pivoted to other worries: "I don't want all that trash coming over here", she said, referring to residents of LPR-held areas. Ideally, she said, the state would erect a temporary border along the line of separation, which she called "a boundary" between competing belief systems. ⁹⁸

This stance echoed remarks by National Corps protesters against disengagement at Zolote. Some of the protesters argued the initiative threatened to undermine Ukrainisation efforts. The party's leader posted a video of schoolchildren giving an unenthusiastic rendition of a pro-military song, saying disengagement could mean "giving the first real Ukrainian generation in Zolote over to the seps [separatists]".⁹⁹

Still, should Kyiv choose to proceed in Shchastya as it did in Stanytsia Luhanska, it would find considerable support in the local leadership and population. As discussed below, this could be a good next step in the disengagement process.

⁹⁴ Crisis Group interview, local official, Shchastya, January 2020.

 $^{^{95}}$ Crisis Group interviews, local authorities, Shchastya, January 2020.

 $^{^{96}}$ Crisis Group interviews, Shchastya residents, October 2017 and January 2020.

⁹⁷ Crisis Group interviews, Shchastya resident, October 2019 and January 2020.

⁹⁸ Crisis Group interview, Shchastya resident, January 2020.

⁹⁹ Telegram post by Андрій Білецькій [Andryi Biletskyi], 4:48pm, 6 December 2019.

VI. A Way Forward

Over the past six months, the likelihood that Ukraine would push forward with a major effort at disengagement has seemed to go up and down. In February 2020, Defence Minister Andryi Zahorodniuk announced that Kyiv had reached a consensus against disengagement along the whole front line. ¹⁰⁰ In March, however, Zahorodniuk was replaced by Andryi Taran, an old-guard figure more inclined to see Moscow and its proxies as palatable, if not exactly desirable negotiation partners. ¹⁰¹ As a result, some international experts have speculated that more vigorous attempts at disengagement may be back on the table. ¹⁰² But there was little movement until late July, when the parties instead announced a new ceasefire, promised to take effect on 27 July and lay the groundwork for another Normandy Format summit. ¹⁰³

This latest ceasefire may or may not hold. It and any successors have better long-term prospects, however, if the parties also begin to make incremental progress on disengagement in a way that explicitly accounts for the delicate political situation in Ukraine. As the sides have debated disengagement over the past year in Trilateral Contact Group discussions, General Staff representatives have advocated for a very limited approach. They framed their argument not around ending military activity, but around protecting and improving civilian infrastructure and freedom of movement in key areas. ¹⁰⁴

Civilian and military officials suggest that a model for this approach can be found in the parties' disengagement at Stanytsia and the accompanying bridge renovation. ¹⁰⁵ Following this pattern, the parties would agree to disengagement zones in or adjacent to areas heavily travelled by civilians and near major infrastructure, creating breathing room for the latter to be upgraded or repaired.

This approach has particular appeal given the COVID-19 pandemic, which has created travel restrictions that have hampered humanitarian assistance while increasing the potential need for it (although the virus has yet to take serious hold in the region). While access to the statelets was already limited before the pandemic – the LPR has no open road links with government-controlled Ukraine – the pandemic created the added hurdle of a closed de facto border not only with Russia, but with

¹⁰⁰ "Загороднюк: моя главная задача – достичь военных критериев членства и сделать все для того, чтобы получить статус члена Программы усиленных возможностей НАТО", ["Zahorodnyuk: My main task is to achieve military criteria for NATO membership and do everything possible to gain membership in the Enhanced Opportunity Partnership program"], Interfax, 22 January 2020.

¹⁰¹ Nationalist-leaning figures in Ukraine have alleged, without clear evidence, that Russia lobbied for Taran's appointment, due in part to his lukewarm statements on Ukraine's NATO integration. "Возможного нового министра обороны Тарана обвинили в госизмене. Комитет Нацбезо пасности все отрицает", ["Possible new defence minister Taran was accused of state treason; NatSec committee denies fully"], InfoResist, 4 March 2020.

¹⁰² Crisis Group telephone interview, international security expert, May 2020.

 $^{^{103}\,\}mathrm{``Ukraine:}$ Government and rebels reach new ceasefire deal", Deutsche Welle, 23 July 2020.

¹⁰⁴ Crisis Group interview, Ukrainian military commander, Kyiv, February 2020. Crisis Group telephone interview, participant in Minsk Trilateral Contact Group, June 2020.

¹⁰⁵ Crisis Group interviews, senior military commander, Kyiv, February 2020; international security expert, Kyiv, February 2020; international observer, by telephone, June 2020.

the DPR as well. As they cannot legally ship aid supplies across the Russian border into the statelets, international humanitarian organisations responded by pushing for a road in through Ukraine. Both de facto borders were reopened in June, but with Ukraine's virus containment efforts in flux, further closures cannot be ruled out.

One good step would be to open the much-discussed bridge at Shchastya and pair the opening with disengagement. Along with the aforementioned economic benefits, this measure would allow trucks bearing humanitarian aid and other goods to cross safely into Luhansk city and surrounding areas. ¹⁰⁶ It would also permit Shchastya residents to seek medical help in Luhansk city on the separatist side of the line rather than taking the hours-long trip to Sievierodonetsk.

There has been some progress along these lines. As of July, the sides have agreed preliminarily at the Trilateral Contact Group to open crossings at Zolote and Shchastya simultaneously by mid-November. Proceeding with these plans – which the parties should do apace – requires security guarantees from both Kyiv and its adversaries for construction and logistics workers at Shchastya. Work to open crossings, in turn, should serve as an impetus for disengagement, which is one way to help make such guarantees credible.

Another spot for near-term disengagement should be the Donetsk Filtration Plant, which provides clean water to 345,000 people on both sides of the front lines and whose employees work as a single unit despite living on different sides. It regularly comes under shelling, risking these communities' water supplies – and their resilience to disease. Several employees have been killed on the job since hostilities started. Many others have been wounded, including by small arms fire that the UN assessed was aimed at them intentionally. ¹⁰⁷ The sides have reportedly identified a small section adjacent to the plant where both are willing to disengage. ¹⁰⁸

Other less critical, but still key, elements of civilian infrastructure exist along the front line where the sides could usefully disengage, including a railway bridge in Stanytsia Luhanska that the sides have had on a tentative list of new disengagement sectors for months. Withdrawing forces here could be a first step toward reinstating some level of cross-line public transport service.

The parties have tried a step-by-step approach before, including in the 2016 Framework Agreement, and there is certainly a possibility that it will be no more successful than those efforts were. Still, the combination of military support and the concept of connecting it to humanitarian objectives could set this new approach apart.

As one expert on the workings of the Trilateral Contact Group put it, "It's not enough to just say you have to stop shooting, you have to know why you're not shooting". At the Petrivske disengagement zone, which is uninhabited, he said the sides had rapidly re-engaged because they had no local civilians to protect by putting down their guns. 109

¹⁰⁶ Crisis Group telephone interviews, humanitarian workers, April 2020.

¹⁰⁷ Office of the UN High Commissioner for Human Rights, "Report on the Human Rights Situation in Ukraine, 16 February to 15 May 2018", p. 6.

¹⁰⁸ Crisis Group interviews, senior military officer, Kyiv, February 2020; international security expert, Kyiv, February 2020.

¹⁰⁹ Crisis Group telephone interview, security expert, June 2020.

Human-centric disengagements, for example in the vicinity of crossing points, would not have this problem. To the contrary, they could create immediate benefits for civilians, which fighters might feel motivated to sustain. For example, creating crossing points at Zolote and Shchastya would provide impetus to adhere to disengagement in order to protect traffic at both areas. Success would be highly contingent on effective military command and control, and on strong mechanisms to ensure civilians' safety, well-being and access to basic services in the absence of troops. These aspects require careful planning. This approach could remind doubters on all sides that peace is not some abstract idea that officials talk up in order to score political points, but something with concrete positive effects on people's lives.

Even limited, humanitarian-driven disengagement may provoke public controversy, underlining the need for honest dialogue about the political and social grievances anchoring many Ukrainians' opposition to disengagement. Zelenskyy's team should face these concerns squarely, and address them with compassion, while sticking to promises to pursue de-escalation. Kyiv should work to consolidate support for the disengagement initiatives among local civilians as well as the military. Doing so would help the government dispel the air of legitimacy surrounding some opponents to disengagement.

If Kyiv succeeds at this task, the possible upside is considerable. By reducing the impact of a public health and economic crisis, and by communicating these successes to the broader public, Kyiv may be able to help rally support for a more consensual political settlement – weakening spoilers' motives to undermine ceasefire attempts.

VII. Conclusion

In the Ukraine conflict, the warring sides' chief immediate priority should remain, in Zelenskyy's words, to stop the shooting. Yet as long as key groups on various sides believe that nothing good will come of a full ceasefire, they will likely seek to remain dug in at their current positions or to advance. Few fighters or politicians on any side of the conflict are likely to admit publicly that they consider today's steady drip of military and civilian deaths preferable to the peace envisioned by the Minsk agreements. For now, however, there are many who do. At some point, presumably, the parties will arrive at a political settlement that renders these issues moot. That could be a way off, however. In the meantime, small, focused disengagements can ease humanitarian suffering, save lives and remind the sides of why the large steps are worth pursuing.

Kyiv/Moscow/Brussels, 3 August 2020

Appendix A: Map of Donbas Conflict Zone



Appendix B: About the International Crisis Group

The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 120 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries or regions at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international, regional and national decision-takers. Crisis Group also publishes *CrisisWatch*, a monthly early-warning bulletin, providing a succinct regular update on the state of play in up to 80 situations of conflict or potential conflict around the world.

Crisis Group's reports are distributed widely by email and made available simultaneously on its website, www.crisisgroup.org. Crisis Group works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The Crisis Group Board of Trustees – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring the reports and recommendations to the attention of senior policymakers around the world. Crisis Group is co-chaired by President & CEO of the Fiore Group and Founder of the Radcliffe Foundation, Frank Giustra, as well as by former UN Deputy Secretary-General and Administrator of the United Nations Development Programme (UNDP), Lord (Mark) Malloch-Brown.

Crisis Group's President & CEO, Robert Malley, took up the post on 1 January 2018. Malley was formerly Crisis Group's Middle East and North Africa Program Director and most recently was a Special Assistant to former U.S. President Barack Obama as well as Senior Adviser to the President for the Counter-ISIL Campaign, and White House Coordinator for the Middle East, North Africa and the Gulf region. Previously, he served as President Bill Clinton's Special Assistant for Israeli-Palestinian Affairs.

Crisis Group's international headquarters is in Brussels, and the organisation has offices in seven other locations: Bogotá, Dakar, Istanbul, Nairobi, London, New York, and Washington, DC. It has presences in the following locations: Abuja, Addis Ababa, Bahrain, Baku, Bangkok, Beirut, Caracas, Gaza City, Guatemala City, Jerusalem, Johannesburg, Juba, Kabul, Kiev, Manila, Mexico City, Moscow, Seoul, Tbilisi, Toronto, Tripoli, Tunis, and Yangon.

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