



# “Nobody Wants Us”: The Alienated Civilians of Eastern Ukraine

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# Principal Findings

**What's new?** Ukrainians in Donbas, the country's eastern conflict zone, are in their fifth year of a humanitarian crisis deepened by Russian intervention – and also by Ukrainian government policies. Many complain that their country has forgotten about their plight and that the state no longer wants them as citizens.

**Why does it matter?** Russia's withdrawal is necessary for Kyiv's reintegration of Donbas – but not sufficient. Only if the region's war-weary civilians are convinced that their government values their safety and prosperity are they likely to play an active role in that reintegration.

**What should be done?** Moscow and Kyiv must do more to protect civilians, in keeping with international humanitarian law and their commitments under the Minsk agreements. Kyiv can improve its chances of peaceful reintegration by restoring access to subsidies, easing restrictions on freedom of movement and trade, and compensating Donbas residents for property losses.

## *Executive Summary*

Four years after Kremlin-backed armed groups seized parts of Ukraine's eastern region of Donbas, the peace process has stalled and the conflict has largely faded from global headlines. Yet Ukrainians on both sides of the Donbas front lines face a humanitarian crisis and a growing sense of abandonment by both Kyiv and Moscow. Much if not most of the responsibility for the conflict lies with the Kremlin, over which Kyiv and its international partners have limited leverage. Yet Kyiv should nonetheless push to reverse conflict-affected citizens' alienation from their own government: it needs a strategy to address their needs that distinguishes clearly between civilians and the violent, anti-democratic leadership of the so-called Luhansk and Donetsk People's Republics. Some argue that such calls upon Kyiv blame the victim; others say it is not feasible to help Donbas residents until Russia withdraws. But proactive outreach to conflict-affected citizens is in Ukraine's interest. By showing these people that it prioritises their safety and prosperity, Kyiv can lay the groundwork for peacefully restoring its territorial integrity.

While hostilities have subsided since the high point in early 2015, living conditions on both sides of the contact line have stagnated or deteriorated. More than one million of the roughly six million people residing near this line are food-insecure; many face poverty, unemployment and the prospect of mistreatment at the hands of both Ukrainian security services and Kremlin-backed rebels. Roughly 600,000 people live in unsafe settlements on both sides of the front lines where they are exposed daily to shelling, landmines, and tight restrictions on freedom of movement and basic services. On the two sides, civilians lament that a divide with no pre-existing cultural or political basis has become a fact of life.

The most sustainable remedy for these conditions would be a political settlement, involving disarmament of the so-called people's republics, withdrawal of Russian military equipment and personnel, and restoration of Kyiv's sovereignty over all of eastern Ukraine without the use of force. Peacekeepers could facilitate such an outcome, but nearly a year of negotiations has yielded no clear progress. Ukrainian, Russian, U.S. and European officials are pessimistic about chances of a resolution to the conflict in the foreseeable future. The most likely alternative – prolongation of a situation in which the parties probe the no-man's land between the two front lines – will exacerbate the humanitarian crisis.

Ukraine, Russia and the armed groups it backs should work to reduce the likelihood of an extended humanitarian crisis even while a political settlement and Donbas's reintegration appear distant prospects. They should carry out the security provisions to which they committed in the 2014 and 2015 Minsk agreements, including a full ceasefire; withdrawal of large-calibre weapons; removal of obstacles to monitoring and verification; coordinated demining; safe delivery, storage and distribution of humanitarian assistance; and disengagement of forces and hardware from specified areas. Drawing on the reports of the OSCE Special Monitoring Mission (SMM), they should work together to reduce the frequency and gravity of ceasefire violations. In the meantime, they should also schedule disengagement from and marking of critical civilian infrastructure close to the contact line, and minimise

risks to and restrictions on civilians crossing the line. The UN Security Council, which has endorsed many of these measures, should recognise that the parties are unlikely to take these steps without consistent, concerted pressure to do so.

Yet Ukraine also needs to comprehensively overhaul its approach to conflict-affected citizens. Since 2014, Kyiv, in its rhetoric and actions – including restriction of freedom of movement and access to state subsidies and services, inconsistent regard for civilian protection and lack of credible arrangements for amnesty – has too often treated the security and prosperity of its citizens from Donbas as mutually exclusive with the interests of Ukraine as a whole. Some of Kyiv’s moves, such as establishing burdensome obstacles to obtaining pensions, have also contradicted Ukrainian law. As a result, many in Donbas, including those who describe themselves as Ukrainian patriots, feel abandoned by Kyiv. “Nobody wants us” has become a common refrain. Yet few high-level officials are willing to take responsibility for or respond to this chorus of despair, dismissing it as the product of hostile propaganda or pro-Russian views.

The past months have brought some tentative progress: in September, Ukraine’s Supreme Court declared the government’s 2016 limits on pension access for residents of the conflict zone illegal, obliging Kyiv to restore payments to thousands of citizens. Many officials say Kyiv is unlikely to make bold shifts, especially any carrying clear short-term costs, with 2019 presidential and parliamentary elections looming. But whatever the short-term costs of ensuring the rights of all Ukrainians, the longer-term costs of failing to do so, both financial and in terms of national cohesion, are likely to be greater.

Ukraine’s Western backers have soft-pedalled their criticism of Kyiv’s approach to the region, for fear of bolstering Kremlin and separatist claims that Kyiv is determined to trample the rights of eastern Ukraine’s heavily Russian-speaking population. Whatever the merits of these claims, Kyiv risks lending them credence, and its supporters should say so out loud. France and Germany, along with the U.S., remain vocally committed to hastening the implementation of the Minsk agreements, and must therefore insist on inclusive policies that will help lay the groundwork for this outcome.

In particular, Kyiv should honour its pension obligations, step up efforts to protect civilians, and acknowledge as well as respond to their legitimate grievances. While Kyiv will have to lead, the international community can and should encourage and support it. Large obstacles lie ahead on the road to Donbas’s reintegration, but the battle for the hearts and minds of conflict-affected citizens is one Kyiv cannot afford to lose, and one it can start winning today.

**Brussels/Kyiv, 1 October 2018**

# “Nobody Wants Us”: The Alienated Civilians of Eastern Ukraine

## I. Introduction

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The front lines of the conflict in Ukraine have carved a wound more than 450km long across one of the most densely populated parts of the country. Cutting across the Donets River basin – or Donbas – it runs through Donetsk and Luhansk, two regions that were home to roughly 6.6 million people in 2013. About 6.3 million remain, some three million of them in areas outside government control.<sup>1</sup> The front lines pass through farms, villages, urban sprawl, backyard vegetable plots and outdoor recreation areas, many of which are mined. It divides families and separates people from the cities where their schools, hospitals and jobs used to be. This wound would already have healed had the sides implemented what was agreed to in the Minsk agreements: signatories of these documents prescribed treatment in the form of comprehensive political settlement by the end of 2015, along with a total ceasefire, withdrawal of large-calibre weapons, all foreign armed formations, military equipment and mercenaries, and rollout of the deal’s political provisions.<sup>2</sup>

Kyiv insists it has had no chance to begin reintegrating these areas for two related reasons. The first, which few dispute, is that Moscow retains unilateral control of

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<sup>1</sup> See Donetsk Region Statistics Department, “В 2013 году в области родились 41 тыс. человек, а умерли - 69,3 тыс” [“41,000 people were born in the region in 2013, 69,300 died”], 17 February 2014, [www.donetskstat.gov.ua/pres/presreliz.php?dn=0214&number=0](http://www.donetskstat.gov.ua/pres/presreliz.php?dn=0214&number=0); Luhansk Region Statistics Department, population estimate as of end 2013, [www.lg.ukrstat.gov.ua/sinf/demograf/demog0114\\_1.php.htm](http://www.lg.ukrstat.gov.ua/sinf/demograf/demog0114_1.php.htm); population estimates as of end 2017 from the Luhansk and Donetsk Region Statistics Departments, [www.lg.ukrstat.gov.ua/sinf/demograf/demog0117\\_1.php.htm](http://www.lg.ukrstat.gov.ua/sinf/demograf/demog0117_1.php.htm) and [donetskstat.gov.ua/statinform1/demohrafichna-ta-sotsialna-statystyka/naselenia-ta-mihratsiia/chyselnist-naselenia-za-otsinkoiu/20170000](http://donetskstat.gov.ua/statinform1/demohrafichna-ta-sotsialna-statystyka/naselenia-ta-mihratsiia/chyselnist-naselenia-za-otsinkoiu/20170000). According to the so-called Luhansk and Donetsk Peoples’ Republics, the combined population of the areas they control is nearly 3.8 million (see [www.gkslnr.su/files/chisl\\_261217.pdf](http://www.gkslnr.su/files/chisl_261217.pdf) and [glavstat.govdnr.ru/pdf/naselenie/chisl\\_naselenie\\_1217.pdf](http://glavstat.govdnr.ru/pdf/naselenie/chisl_naselenie_1217.pdf)). Others argue that these figures may be inflated by up to 30 per cent. See, for example, Denis Kazansky, “Демография ДНР: как вымирает оккупированная территория” [“Demographics of the DPR: the occupied territory is dying out”], InfoResist, 17 July 2017.

<sup>2</sup> “Protocol on the results of consultations of the Trilateral Contact Group, signed in Minsk”, 5 September 2014, [www.osce.org/home/123257](http://www.osce.org/home/123257); “Memorandum of 19 September 2014 outlining the parameters for the implementation of commitments of the Minsk Protocol of 5 September 2014”, [www.osce.org/home/123806](http://www.osce.org/home/123806); “Package of Measures for the Implementation of the Minsk Agreements”, Minsk, 12 February 2015; “Addendum to the Package of Measures for the implementation of the Minsk agreements”, 29 September 2015; “Decision on Mine Action”, 3 March 2016; “Decision on Prohibition of Live-Fire Exercises”, 3 March 2016; “Framework Decision of the Trilateral Contact Group relating to disengagement of forces and hardware”, 21 September 2016, at [www.osce.org/cio/266266](http://www.osce.org/cio/266266). Political provisions call for the sides to launch dialogue on modalities for local elections in areas previously controlled by armed groups on the basis of Ukraine’s September 2014 law on temporary self-government for these areas, for Ukraine to adopt a law “prohibiting the prosecution and punishment of persons in connection with the events” taking place in said areas, and for the sides to exchange all hostages.

about 400km of Russia’s international border with Ukraine, leaving Kyiv unable to prevent cross-border movement of fuel, weapons, materiel and personnel.<sup>3</sup> The second reason is the failure of the ceasefire, which Kyiv blames almost entirely on Moscow’s resupply of separatist groups and its direct orders to keep shooting.<sup>4</sup> Here, Kyiv’s argument is subject to greater debate, as each side accuses the other of being the main perpetrator of ceasefire violations, and international observers say forces on both sides are responsible.<sup>5</sup>

There are other reasons for Kyiv’s reluctance to put Minsk into practice. Ukraine has committed to resume administering areas currently outside its control in accordance with a law on “local self-government”, whose adoption has spurred right-wing rioting in Kyiv – due, among other things, to a provision for the formation of “people’s militia units” in the newly reintegrated territories.<sup>6</sup> The 2015 Package of Measures, one of the many Minsk documents, also asks Kyiv to implement a law prohibiting the prosecution of persons in connection with the events that took place in the conflict zone – although parliament has yet to pass a corresponding law or achieve public consensus as to what amnesty would entail.<sup>7</sup> Many officials and opinion-makers in Ukraine feel that Moscow forced through these Minsk provisions, and locked Kyiv into passing the self-government legislation, in order to preserve the separatist entities and then reinsert them into Ukraine to tear the country apart from within.<sup>8</sup>

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<sup>3</sup> See Organization for Security and Co-operation in Europe Ministerial Council, “Border Security and Management Concept”, MC.DOC/2/05, 6 December 2005, at [www.osce.org/mc/17452?download=true](http://www.osce.org/mc/17452?download=true).

<sup>4</sup> “Package of Measures for the Implementation of the Minsk Agreements”, Minsk, 12 February 2015.

<sup>5</sup> See the reports by the Special Monitoring Mission (SMM) of the Organization for Security and Co-operation in Europe, at [www.osce.org/ukraine-smm/reports](http://www.osce.org/ukraine-smm/reports); and the UN Human Rights Monitoring Mission in Ukraine, at [www.ohchr.org/EN/Countries/ENACARegion/Pages/UARports.aspx](http://www.ohchr.org/EN/Countries/ENACARegion/Pages/UARports.aspx). Crisis Group interviews, international security expert, Bakhmut, May 2018; international security and humanitarian expert, Mariupol, May 2018; international security and humanitarian expert, Sievierodonetsk, May 2018.

<sup>6</sup> Закон України, “Про особливий порядок місцевого самоврядування в окремих районах Донецької та Луганської областей” Верховна Рада, 2014, No. 45, ст. 2043, Стаття 9 [Law of Ukraine, “On special procedures for local self-government in certain districts of Donetsk and Luhansk oblasts”, Verkhovna Rada, 2014, No. 45/2043, Article 9]. The provision calls for municipal authorities to oversee creation of “people’s militia units” to “protect public order in population centers”. (*Militsiia* was the standard term for police in Ukraine prior to reforms initiated in July 2015, when *militsiia* became *politsiia*, a name change meant to signify a transition to an ostensibly Western-style police force with young service-oriented personnel.) Units are to be staffed by “citizens of Ukraine residing permanently in corresponding population centers”. Arsen Avakov, the minister of internal affairs, has said the provision is unconstitutional and amounts to creating units not subject to his ministry’s jurisdiction. “Создание неподконтрольной МВД Украины ‘народной милиции’ ОРДЛО незаконно – Аваков” [“Avakov: creation of a ‘people’s militia’ for the occupied territories independent from the MIA is unconstitutional”], *Censor.net*, 10 June 2016.

<sup>7</sup> Crisis Group interviews, opposition parliamentarians, October-April 2018; public comments by ruling-party delegate at Center for Donbas Social Projects Research presentation, 31 May 2018.

<sup>8</sup> See, for example, “Тимошенко: Минские соглашения – это ловушка для Украины” [“Tymoshenko: the Minsk agreements are a trap for Ukraine”], *Segodnya*, 24 June 2016; “Минские договоренности мертвы и нужны новые соглашения, включающие вывод с Донбасса иностранных войск и контроль госграницы – Аваков” [“The Minsk agreements are dead and new agreements including withdrawal of foreign mercenaries from Donbas and border control are needed – Avakov”], *Interfax Ukraine*, 28 November 2017.

As Kyiv officials debate whether Minsk can be carried out without undermining Ukraine’s sovereignty, fighting grinds on. Civilian casualties are low relative to 2014 and 2015, but high enough that any talk of a “frozen conflict” is cruelly inaccurate. As of May 2018, the civilian death toll stands at over 3,000, while between 7,000 and 9,000 civilians have been injured.<sup>9</sup> There were 107 civilian injuries and deaths in the first five months of 2018; this total followed 569 civilian casualties in 2017 – a small increase over 2016. About two thirds of casualties occur in areas outside Kyiv’s control, due in part to the front lines’ geography: while the government-controlled front line has a population of about 200,000, areas on the other side include chunks of the cities of Donetsk and Horlivka and the Luhansk suburbs, and have a total population of about 400,000.<sup>10</sup> This disparity means that the Ukrainian Armed Forces’ shelling is likely to kill or maim more civilians.<sup>11</sup> Artillery fire causes the majority of casualties. Landmines and unexploded ordnance cause most of the remainder; 1.9 million people live in areas littered with them.<sup>12</sup>

Those remaining in the conflict zone face a humanitarian crisis that grows deeper as fighting persists. Over one million struggle to meet their nutritional needs, including roughly one in five people aged 60 or older. These figures doubled in 2017, due to the 2017 trade blockade, reduced aid access, limited disbursement of pensions and the exhaustion of pre-conflict savings.<sup>13</sup> Fire from both Ukrainian forces and Russian-backed armed formations regularly hits the facilities and maintenance workers of the Donetsk Filtration Station, which provides water to up to 340,000 people on both sides of the line – limiting civilians’ access to clean water for days or weeks at a time.<sup>14</sup>

Security risks, an exodus of medical professionals from the conflict zone and the above-mentioned rebel-imposed limits on humanitarian activity have greatly reduced access to medical care, particularly in areas outside government control. These factors, combined with sanitation problems, raise the risk of waterborne diseases and have contributed to the world’s second-highest incidence of extensively drug-resistant tuberculosis.<sup>15</sup>

Neither side shows any inclination to cease fire. A Kremlin proposal in late 2017 for deployment of a UN mission – whose mandate would be limited to guarding the civilian monitors already deployed by the Organization for Security and Co-operation in Europe (OSCE), and would not enable Ukraine to resume control of the border – only highlighted the depth of the stalemate. Soon afterward, Kyiv passed a “de-occupation” law, streamlining the military command and giving the president authority

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<sup>9</sup> According to the UN Office of the High Commissioner of Human Rights, *Report on the Human Rights Situation in Ukraine, 15 February to 15 May 2018*, p. 4. Statistics include the 298 victims in the July 2014 downing of Malaysia Airlines Flight 17 by a Russian BUK missile.

<sup>10</sup> UN Office for Coordination of Humanitarian Affairs (OCHA), 2018 Humanitarian Response Plan, p. 24.

<sup>11</sup> According to analysis of reports from the OSCE Special Monitoring Mission, the Ukrainian Armed Forces and separatist sources. See also UN Office of the High Commissioner of Human Rights, *Report on the Human Rights Situation in Ukraine, November 2017-February 2018*, p. 4.

<sup>12</sup> UN OCHA, “Six Things You Need to Know about the Crisis in Ukraine”, 7 May 2018.

<sup>13</sup> UN OCHA, 2018 Humanitarian Response Plan, op. cit.

<sup>14</sup> UN OHCA, “Ukraine Humanitarian Snapshot as of 29 May 2018”. See also the reports from the OSCE Special Monitoring Mission.

<sup>15</sup> UN OCHA, “Six Things”, op. cit.



to make full use of the country’s military and police to restore territorial integrity. Crucially, the law designates areas outside Kyiv’s control as “Russian-occupied”. Moscow, unfazed even by video evidence gathered by the OSCE monitoring mission of convoys crossing the unsecured part of the Russian-Ukrainian border, denies that it is party to hostilities in Donbas, and accuses Kyiv of having “virtually annulled the Minsk agreements” with the law.<sup>16</sup>

Regarding the conflict’s future trajectory, the sides seem determined to reinforce their positions on the ground and their physical separation from each other. They continue to move forward from their positions of September 2014, despite agreeing in Minsk not to do so, provoking reciprocal responses and breaking their own frequent pledges to renew the ceasefire. Meanwhile, Arsen Avakov, Kyiv’s internal affairs minister, has proposed the reintegration of territories in “small steps” – one settlement at a time. Police and Security Service of Ukraine personnel would lead the operation, Avakov said, preferably assisted by a small international contingent, restoring order and paving the way for the return of Ukrainian state institutions.<sup>17</sup>

This state of affairs promises neither improvement to civilian lives nor efforts by the parties to meet civilian needs. Some Ukrainian officials call for prolonging the stalemate – or deepening the isolation of areas outside government control – in some cases arguing that residents are less-than-loyal citizens and that excluding them from the life of the state is the price of national cohesion and successful reform.<sup>18</sup> Advocates of piecemeal de-occupation insist that public opinion in the rebel-held areas is simply not a factor: most residents, they venture, are exhausted from four years of violence and will accept whatever new arrangement comes their way.<sup>19</sup> The few who object will be “cleansed” by Ukrainian security services – or flee to Russia, where, as one security operative put it, “they’ll be shot like dogs”.<sup>20</sup>

In either scenario, Russia will likely sustain the rebels militarily and financially without substantially improving ordinary people’s economic well-being. Formal annexation by Russia – which would mean assuming formal responsibility for the area’s ageing population, destroyed infrastructure and defunct industry, seems highly unlikely. Rebel leaders claim they are strengthening ties with Russia, and one Kremlin adviser says Moscow is weighing recognition of their independence as a last

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<sup>16</sup> Ministry of Foreign Affairs of the Russian Federation, “Comment by the Information and Press Department on the Signing of the ‘Donbas reintegration’ law by the President of Ukraine”, 24 February 2018, at [www.mid.ru/ru/foreign\\_policy/news/-/asset\\_publisher/cKNonkJE02Bw/content/id/3090905?p\\_p\\_id=101\\_INSTANCE\\_cKNonkJE02Bw&\\_101\\_INSTANCE\\_cKNonkJE02Bw\\_languageId=en\\_GB](http://www.mid.ru/ru/foreign_policy/news/-/asset_publisher/cKNonkJE02Bw/content/id/3090905?p_p_id=101_INSTANCE_cKNonkJE02Bw&_101_INSTANCE_cKNonkJE02Bw_languageId=en_GB). The OSCE Special Monitoring Mission to Ukraine spotted convoys of trucks entering and exiting Ukraine in the Donetsk region. The video was published on YouTube on 10 August 2018. See [www.youtube.com/watch?v=Ani2YWDLXl0](http://www.youtube.com/watch?v=Ani2YWDLXl0).

<sup>17</sup> “Арсен Аваков: У меня есть план. Условно, взять сначала отдельно Горловку” [“Arsen Avakov: I have a plan – we start by taking Horlivka separately, for example”], *Ukrainska Pravda*, 16 April 2018.

<sup>18</sup> Crisis Group interviews, opposition parliamentarian, Kyiv, September 2017; opposition parliamentarian, Kyiv, March 2018.

<sup>19</sup> Crisis Group interviews, political commentator, Kyiv, October 2017; Security Service of Ukraine agent, Stanytsia Luhanska, December 2017 and Sievierodonetsk, May 2018.

<sup>20</sup> Crisis Group interviews, opposition parliamentarian, Kyiv, September 2017; civil-military personnel, Avdiivka, October 2017; state security personnel, Luhansk region, May 2018.

resort, but extensive Crisis Group interviews with other Kremlin advisers as well as local rebel leaders suggest that neither annexation nor recognition is on the horizon.<sup>21</sup> Meanwhile, few ordinary residents see unification with Russia as a real possibility; while some may look upon Moscow as a guardian, field research suggests their numbers are decreasing.<sup>22</sup>

This report is based on formal and informal interviews conducted between September 2017 and July 2018 with about 170 interlocutors. Crisis Group carried out research mostly in government-controlled parts of Donetsk and Luhansk regions on or near the contact line, speaking to residents of settlements up to 40km from either side of the line, regional and local officials, military and law enforcement personnel, military support volunteers, local and international humanitarian, security and human rights experts, and rebel units. Additional interviews with Ukrainian officials, and national and international humanitarian, human rights and security experts were conducted in Kyiv and Moscow. Senior members of the so-called Donetsk People’s Republic (DPR) provided limited opportunity to carry out field research there; Crisis Group was unable to conduct research in the so-called Luhansk People’s Republic (LPR).

Partly for reasons of access, this report’s analysis is heavily weighted toward the Ukrainian government’s actions – and so are the recommendations it contains. Crisis Group aims to make the most of Kyiv’s openness and encourage steps that will ease the eventual restoration of Ukraine’s territorial integrity.

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<sup>21</sup> Crisis Group Briefing, forthcoming.

<sup>22</sup> “Захарченко предупредил Россию, что ‘ДНР’ берет курс на сближение с ней. Вплоть до единого пространства” [“Zakharchenko warns Russia that the ‘DPR’ is opting for closer ties – even a single space”], *OstroV*, 8 May 2018; Crisis Group interviews, Kremlin adviser, Moscow, April 2018; Donetsk city residents, Kramatorsk, October 2018; Luhansk city resident, Starobilsk, December 2018; Horlivka native, Kramatorsk, May 2018; interviews with fifteen Donetsk city residents, April–June 2018.

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## II. Kyiv’s Policies Toward Conflict-affected Civilians

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The division between areas controlled by Kyiv and by the Russian-backed armed formations began in earnest in late 2014, after nearly six months of fighting and some 4,000 deaths. In October 2014, after a ceasefire gave way to deadly battles at Donetsk Airport with alleged heavy Russian participation, Kyiv passed legislation granting citizens who had fled from areas outside its control – a group then numbering over 400,000 – the right to register as internally displaced persons (IDPs) and receive cost-of-living subsidies.<sup>23</sup>

In November, Kyiv announced the withdrawal of all government funding and services from areas outside its control by December, and the cessation of social payments, including pensions, to residents of those territories not registered as IDPs.<sup>24</sup> The government described the measure as a vital precaution: no state funds could be allowed to reach the nascent Kremlin-backed groups that had taken control of government institutions, including pension funds and banks.<sup>25</sup> By December, the number of registered IDPs had doubled, largely on account of older citizens hoping to retain their pensions.<sup>26</sup>

Kyiv insists that it had no alternative to withdrawing its services from areas outside its control, and many international actors agree.<sup>27</sup> Yet the political context of the move seems to have coloured Donbas residents’ perceptions of it. It coincided with a vigilante blockade – abetted by prominent officials – that, among other things, prevented the transport of vital medicines across the contact line and was soon followed by tight official restrictions on individual travel.<sup>28</sup> Many residents of areas outside Kyiv’s control felt betrayed by these moves, even as some acknowledged their belief that the government’s continued provision of services would have been logistically unfeasible. A foreign analyst visiting Donetsk city in November 2014 recalled a young interlocutor’s reaction: “We’re not ‘our own’ to them anymore”, he said.<sup>29</sup> Comments from supporters of the measures reinforced the perception that Kyiv no

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<sup>23</sup> For details on Russia’s role in the fighting, see Crisis Group Europe Briefing N°79, *Russia and the Separatists in Eastern Ukraine*, 5 February 2016. IDP policy information can be found at Кабінет Міністрів України, постанова від 1 жовтня 2014 р. No. 509, Київ, Порядок оформлення та видачі довідки про взяття на облік внутрішньо переміщеної особи [Cabinet of Ministers of Ukraine, Order, 1 October 2014, No. 509, “Procedure for processing and issuing certification of registration as an internally displaced person”], zakon5.rada.gov.ua/laws/show/509-2014-%D0%BF.

<sup>24</sup> Кабінет Міністрів України, постанова від 7 листопада 2014 р. No. 595, Київ [Cabinet of Ministers of Ukraine, Order, 7 November 2014, No. 595, Kyiv].

<sup>25</sup> UN Office of the High Commissioner of Human Rights, Report on the Human Rights Situation in Ukraine, 15 November 2014, p. 5.

<sup>26</sup> See “Ukraine Situation UNHCR Operational Update”, 31 December 2014, p. 2.

<sup>27</sup> In February 2018, the European Court of Human Rights (ECHR) rejected a complaint from a group of Donetsk residents that Kyiv was discriminating against them by, among other things, blocking their access to Ukrainian courts in their place of residence. This ruling lends juridical weight to Kyiv’s position that withdrawing its institutions was an act of necessity, not prejudice. “ECHR finds no violation in case of Donetsk pensioners’ complaints about access to a court”, European Court of Human Rights, press release, 13 February 2018.

<sup>28</sup> Shaun Walker, “Ukraine ‘punishes’ civilians in Donbas with travel permits and drugs blockade”, *The Guardian*, 26 January 2015.

<sup>29</sup> Crisis Group interview, international analyst, Kyiv, March 2018.

longer viewed those living outside government-controlled areas as fellow Ukrainian citizens. “All those left in the occupied territories have made their choice and refused to leave”, Semen Semenchenko, head of the Donbas volunteer battalion and an MP from the Samopomich party, said in December.<sup>30</sup>

#### A. *Gaps in IDP Policy*

Despite tentative progress, Kyiv’s policies toward people who prior to the conflict lived in areas now outside government control have grown increasingly controversial, and potentially damaging to prospects for reintegration. Policymaking has been hampered by a lack of financial resources and an understandable failure to anticipate or, perhaps, even accept the protracted nature of the conflict. Still, Kyiv’s policy missteps are more than the product of difficult circumstances. Several among Ukraine’s political establishment and civil society, as well as international observers, say the Ukrainian government’s approach toward this population over the past nearly four years has been characterised by a worrying degree of neglect.

In theory, the driving force behind these policies should be the Ministry of Temporarily Occupied Territories and Displaced Persons. Since starting work in June 2016, its key figures have made strong, often fiery statements on the need to support IDPs and their host communities, continue pension payments to residents of areas outside government control, and offer incentives for these areas’ residents to remain part of Ukraine.

But the ministry’s defenders and detractors alike say too many of its contributions have been rhetorical. Some of the ministry’s leaders, as well as some sympathetic members of other official bodies, say its hands are tied by its limited budget and staff, and by the lack of resolute determination elsewhere in government to prioritise the needs of conflict-affected citizens.<sup>31</sup> On the other hand, some civil society and international aid workers, as well as members of the Donetsk and Luhansk regional administrations, and residents of areas close to the contact line, question whether the ministry is serious about its mission.<sup>32</sup> Critics cite, among other things, leaders’ infrequent visits to the conflict zone and the establishment in August 2018 of a civil society council from which prominent legal aid organisations were omitted. One international aid worker described the ministry as “a smoke screen” whose primary purpose was to show the international community that Kyiv was concerned about its conflict-affected citizens.<sup>33</sup> In interviews with Crisis Group, some ministry staff

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<sup>30</sup> Walker, “Ukraine ‘punishes’ civilians”, op. cit.

<sup>31</sup> Crisis Group interviews, international aid worker, Sievierodonetsk, May 2018; George Tuka, deputy minister for temporarily occupied territories; official in rival ministry; international aid worker, Kyiv, all September 2018.

<sup>32</sup> Crisis Group interviews, member of Luhansk regional administration, Sievierodonetsk, September 2017; Olga Gvozdyova, Donbas SOS, Kyiv, September 2017; aide to ruling party deputy, Kramatorsk, September 2017; Kramatorsk residents, October 2017 and May 2018; town head, Luhansk region, December 2017; psychosocial worker, Lysychansk, December 2017; opposition parliamentarian, Kyiv, March 2018; community activist and aid worker, Kurakhove, May 2018; aid workers/local residents, Avdiivka, May 2018.

<sup>33</sup> Crisis Group interview, international legal support worker, Kyiv, September 2018.

downplayed the importance of the policies they promote and suggested that national security and military needs should take firm precedence over aid to civilians.<sup>34</sup>

Ukraine now has 1.5 million registered IDPs, the vast majority listed as living in eastern regions near the conflict zone and in Kyiv.<sup>35</sup> In practice, about half are believed to live at their pre-conflict homes in areas outside government control.<sup>36</sup> Many in this disproportionately elderly group insist that they are too old, or too attached to their homes, to start new lives elsewhere – or that their house and land are their only sources of livelihood and security.<sup>37</sup> Many have been driven back to their homes in part by their inability to afford housing on the government-controlled side of the divide.<sup>38</sup> Together, monthly pensions and IDP subsidies are often insufficient to cover rent and other necessities in government-controlled areas – particularly given that the influxes of IDPs, civil-military personnel and international aid workers have driven up rental prices in these parts of Donetsk and Luhansk regions.<sup>39</sup> There was no national affordable housing program until the fall of 2017, only municipal programs frequently marred by delays and embezzlement allegations.<sup>40</sup>

In late 2017, the government introduced a program by which it subsidises 50 per cent of housing costs. Yet even the remaining half is unaffordable for most elderly and unemployed. A city official in Sievierodonetsk said he could hardly blame those – roughly half of the city’s registered IDPs – who lived elsewhere.<sup>41</sup> Asked about the

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<sup>34</sup> Crisis Group interviews, ministry staff, Kyiv, October 2017 and March 2018; Fiona Frazer, head of UN Human Rights Monitoring Mission in Ukraine, Kyiv, September 2017; Olesya Tsybulko, former adviser to minister of temporarily occupied territories, Kyiv, October 2017; Yuriy Hrymchak, deputy minister of temporarily occupied territories, Kyiv, March 2018; international aid worker, Sievierodonetsk, May 2018.

<sup>35</sup> “Ukraine: UNHCR Operational Update, 01-30 April 2018”, Relief Web, [reliefweb.int/report/ukraine/ukraine-unhcr-operational-update-01-30-april-2018](http://reliefweb.int/report/ukraine/ukraine-unhcr-operational-update-01-30-april-2018).

<sup>36</sup> Crisis Group interviews, Sievierodonetsk city council, September 2017; Mariupol city council, May 2018. See also the Right to Protection reports, “Crossing the line of contact”, January-June 2018, at [vpl.com.ua/en/materials/5396](http://vpl.com.ua/en/materials/5396).

<sup>37</sup> A HelpAge International survey of 100 elderly people affected by the conflict found that nearly half had stayed put when hostilities began because, in their words, they had nowhere else to go or felt they were too old to uproot themselves. In the words of one respondent: “You can’t transplant an old tree”. The survey was conducted in the fall of 2015. “Older people in humanitarian crises: calling for change”, HelpAge International, 11 May 2016.

<sup>38</sup> Crisis Group conversations, Kramatorsk and Sievierodonetsk residents, September-December 2017; Crisis Group conversation, OSCE Special Monitoring Mission staff, December 2017. In a February 2018 International Organization for Migration phone survey of IDPs who had returned to separatist-held Donetsk, 64 per cent said they had come back to avoid rental expenses. National Monitoring System on the Situation of Internally Displaced Persons, March 2018, p. 8.

<sup>39</sup> The figure of \$52 represents the minimum monthly state pension as of early 2018. IDPs who have reached retirement age since the start of the conflict often have no access to the documentary proof of their work history needed to register for their pensions, and thus end up receiving the minimum monthly sum. See “Пенсионные новации-2018. Большинство останется без повышения пенсий, а многие потеряют право на ее получение”, Strana.ua, 11 January 2018; UN World Food Programme, Study on Social Protections and Safety Nets in Ukraine, 2017, p. 11.

<sup>40</sup> Crisis Group conversations, Kramatorsk and Sievierodonetsk residents, September-December 2017; Crisis Group interview, Yulia Naumenko, April 2018. See also UN High Commissioner for Refugees, “Durable Solutions and Social Housing for IDPs: International Policies and Ukrainian Experience”, 5 July 2017.

<sup>41</sup> Crisis Group interview, deputy mayor, Sievierodonetsk, August 2017.

slow start on affordable housing, a member of the Ministry of Temporarily Occupied Territories said it had been unavoidable: when the war began, Ukraine’s financial problems had forced the government to choose between “housing people or restoring our tanks”. He said it had been right to choose the latter: the country got an army it could be proud of, while the IDPs who remained in government-controlled territory were those with the skills to support themselves and enrich the places where they were living.<sup>42</sup>

Freed from rental costs, registered IDPs residing in areas outside government control can gain a small but – in light of growing economic insecurity – often crucial financial boost from travelling to government-held areas to collect their state subsidies. Some combine Ukrainian government pensions with the Russian-subsidised pensions disbursed by the DPR and LPR: while they have a financial advantage over those without IDP status, who must rely on pensions from the Kremlin-backed armed groups, even recipients of double pensions often struggle. Studies by international aid workers in 2017 and 2018 have found the share of people 60 or older in areas outside government control who are food-insecure ranging from one in three to one in five, meaning that their incomes do not cover both a daily supply of quality food and other survival needs, including medicine.<sup>43</sup> A late 2017 study found that a majority of food-insecure people in the conflict zone cited reduced income from pensions as a major contributor to these circumstances.<sup>44</sup>

The fact that half of IDPs hold this status for the sake of their pensions – while in fact living in uncontrolled areas – is the subject of bitter political and social controversy. Most IDPs who returned home did so in 2015 as levels of fighting in many areas declined and their financial resources dwindled. In June 2016, Kyiv responded to this shift with Order 365, a package of legislation that establishes mandatory checks on IDPs’ places of residence. It revokes the IDP status of people spending more than 60 days at a time in areas outside Kyiv’s control, and effectively strips those found to have violated procedures of their right to social payments for two to six months.<sup>45</sup> The then-minister of social policy, and his successor since August 2016 Andriy Reva, who later infamously suggested that Ukrainians had trouble making ends meet due to overeating, said the move was needed to prevent rebel fighters and other criminals from intercepting pension payments.<sup>46</sup>

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<sup>42</sup> Crisis Group interview, Ministry of Temporarily Occupied Territories official, Kyiv, March 2018.

<sup>43</sup> Crisis Group interviews, independent researcher based in Donetsk, Kyiv, April 2018; OSCE Special Monitoring Mission staff based in Donetsk, Maiorsk, July 2018. See also Ukraine Food Security and Livelihood Cluster, Joint Food Security Assessment, September 2017; Ukraine Food Security and Livelihood Cluster, Food Security and Socio-Economic Trend Analysis – Eastern Ukraine, March 2018.

<sup>44</sup> Ukraine Food Security and Livelihoods Cluster, Joint Food Security Assessment, September 2017.

<sup>45</sup> “Деякі питання здійснення соціальних виплат внутрішньо переміщеним особам” [Some issues concerning provision of social payments to internally displaced persons], Cabinet of Ministers of Ukraine, Order No. 365, 8 June 2016.

<sup>46</sup> “Пенсионеров незаконно лишают статуса и социальных выплат” [“Pensioners are being illegally deprived of their status and social payments”], OstroV, 24 February 2016; “Постановление 365: заявления общественных организации и ответ министра [Order 365: statements by civic organisations and the minister’s response]”, Mediaport, 26 August 2016; “Українці едят много,

In 2016, this package of legislation saw the government revoke the IDP status and, by extension, the pensions of roughly 460,000 people; state expenditures on pensions for people from areas outside Kyiv’s control fell by over 50 per cent.<sup>47</sup> Rights groups say that along with the many IDPs residing at their pre-conflict homes in areas not controlled by Kyiv many were in fact resident in government-held areas and had fallen victim to surprise home visits, for which they were absent, or inaccurate official records on front-line crossings.<sup>48</sup>

The number of IDPs receiving pensions declined further in 2017, and continued to fall in the first six months of 2018.<sup>49</sup> Officially, as of May 2018 650,400 residents of uncontrolled territories were not receiving pensions because they had failed to register as IDPs, returned home after receiving IDP status, left Ukraine or died.<sup>50</sup> This number is over half of the 1,278,200 pensioners who were, as of August 2014, registered in areas now outside government control. In an indication of how crucial many consider their pensions to be, roughly 1.2 million have appealed to authorities at some point during the conflict to get suspended pensions resumed; some of these have had payments restored through court proceedings.<sup>51</sup>

Many say this situation could have been avoided had the government taken greater pains to adhere to international commitments and Ukrainian laws. In June 2016, following the order’s adoption, the Ministry for Social Policy set up a working group, consisting of representatives of the Ministry for Temporarily Occupied Territories, the Luhansk regional government, Kyiv city social services and domestic legal protection organisations, which held four meetings to discuss potential amendments to the order.

In August 2016, these legal support organisations published an open letter to Prime Minister Volodymyr Hroisman, stating that the ministry had heeded neither their concerns nor those of the regional government.<sup>52</sup> They argued further that both the order’s procedures and the practice of linking pensions to IDP status contradict-

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поэтому тратят на еду больше чем немцы'- Рева [“‘Ukrainians eat too much, which is why they spend more than Germans on food’ – Reva”], *Sensor.net*, 11 August 2017.

<sup>47</sup> “В ПФУ рассказали о выплатах пенсии переселенцам” [“Pension fund discusses pension payments for the displaced”], *Donetskiye Novosti*, 17 June 2018.

<sup>48</sup> While the order linking pensions to IDP status took effect in 2014, the Security Service of Ukraine (SSU) did not begin issuing electronic travel permits to cross the line of separation until 2015. Rights groups argue that many had pensions cut as a result of SSU records showing they had not received permits since the new system took effect – and that this group of people included pensioners who were residing in government-controlled territory and had not crossed the line recently. See Anton Gorodetsky, “Казки від уряду: платити не можна кидати” [“Fairytale from the government: we can’t abandon you – or pay you”], *Donbas SOS*, 18 April 2018.

<sup>49</sup> Алла Котляр, “Невыплата пенсий как символ лицемерия государства” [Alla Kotlyar, “Non-payment of pensions as a symbol of government hypocrisy”], *Zerkalo Tyzhnia*, 7 July 2018.

<sup>50</sup> See “В ПФУ рассказали о выплатах пенсии переселенцам” [“Pension fund discusses pension payments for the displaced”], *Donetskiye Novosti*, 17 June 2018.

<sup>51</sup> Kotlyar, “Non-payment of pensions”, *op. cit.*

<sup>52</sup> “Звернення громадських організацій з приводу розробки змін до деяких постанов Кабінету Міністрів України, що стосуються реалізації прав внутрішньо переміщених осіб” [“Appeal by civic organisations regarding the development of amendments to some resolutions by the Cabinet of Ministers of Ukraine concerning the rights of internally-displaced persons”], available at [www.donbasssos.org/wgminsoc\\_220816](http://www.donbasssos.org/wgminsoc_220816).

ed national law and international legal precedent.<sup>53</sup> Ukrainian law specifies that citizens are entitled to their pensions regardless of their physical location. In 2013, the European Court of Human Rights found in favour of a Ukrainian citizen whose pension had been terminated after he took up residence abroad, declaring that the government had violated Article 14 of the European Convention on Human Rights, on non-discrimination, as well as Article 1 of Protocol 1, on enjoyment of property rights.<sup>54</sup>

International actors proceeded to echo this position in their dealings with the government, with mixed reactions. In early 2017, responding to numerous UN exhortations to renew pension payments for residents of uncontrolled areas, the social policy minister commented that he had “never seen such brazen interference in Ukraine’s internal affairs”. Many residents of uncontrolled areas, he went on to say, “receive two pensions – ours and ‘theirs’. This isn’t a secret to anyone but our friends at the UN”.<sup>55</sup> His position is that of the Cabinet of Ministers overall – that there is no way to de-link pensions from IDP status as long as Ukraine lacks control over financial transactions in uncontrolled territories, which it will until Russia fulfils its Minsk obligations.<sup>56</sup> Reva has promised that once Kyiv regains control of these areas, the pension fund’s debts to residents will be repaid in full, though an April 2018 government decree called for a separate, still unclear procedure for repaying debts to IDP pensioners.<sup>57</sup>

Some independent observers share the government’s stance.<sup>58</sup> Yet a majority of leading domestic and international legal and humanitarian workers, as well as many officials, say pension renewal is not only a legal imperative but also an achievable – and increasingly unavoidable – task. In May 2018, Ukraine’s Supreme Court decided in favour of a plaintiff who had sued to reinstate her pension after she had moved back to her home in the uncontrolled areas, losing her IDP status. Echoing arguments by legal aid groups, the court determined that the residence checks foreseen by Order 365 contradicted the Ukrainian constitution, national legislation on pension provision, the European Convention on Human Rights, the European Social Charter and the UN Guiding Principles on Internal Displacement, as well as legal

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<sup>53</sup> “Пропозиції до проекту постанови Кабінету Міністрів України ‘Деякі питання здійснення соціальних виплат внутрішньо переміщеним особам’”, available at [www.donbasssos.org/wgminsoc\\_220816](http://www.donbasssos.org/wgminsoc_220816).

<sup>54</sup> See European Court of Human Rights, Case of Pichkur v. Ukraine (Application no. 10441/06) Judgment, Strasbourg, 7 November 2013.

<sup>55</sup> “Хай Путіну виставляють претензії – міністр відповів на закиди про невивлату пенсій в ОРДЛО” [“Minister responds to accusations about non-payment of pensions in the occupied territories: let them address their complaints to Putin”], Radio Svoboda, 6 February 2017.

<sup>56</sup> Crisis Group discussions, Donetsk Oblast Administration, Kramatorsk, July 2018; Ministry of Internal Affairs staff, Kyiv, September 2018.

<sup>57</sup> “Андрій Рева: Одразу після звільнення окупованих територій місцеве населення отримуватиме пенсії за весь період з початку припинення виплат” [“Andriy Reva: Immediately after liberation of the occupied territories, the local population will receive their pensions for the entire period following cessation of payments”], Ministry of Social Policy, 2 March 2018;

Зміни, що вносяться до постанови Кабінету Міністрів України від 8 червня 2016 р. No. 365 [Amendments to Cabinet of Ministers Decree No. 365 of 8 April 2016], Cabinet of Ministers Decree No. 335, 25 April 2018.

<sup>58</sup> Crisis Group discussion, International Renaissance Foundation, Kyiv, September 2018.



precedent from the European Court and Ukraine’s Constitutional Court.<sup>59</sup> The Supreme Court upheld the decision in September; that judgment will now provide a legal blueprint for the thousands of similar cases on file.<sup>60</sup>

Legal experts say the verdict leaves Kyiv with no choice but to pass legislation de-linking pension eligibility from IDP status. Some are hopeful that the decision could revive a draft law that has been languishing in parliament since July 2017.<sup>61</sup> Draft 6692, submitted by a cross-party group of deputies, would guarantee conflict-affected citizens’ right to receive pensions on government-controlled territory regardless of IDP status or place of permanent residence, obligate the pension fund to locate citizens’ pension records electronically in cases where citizens have lost hard copies of necessary documents, and remove all limitations on the state’s obligation to reimburse people for pensions that have gone unpaid for any amount of time. For citizens who are too immobile to travel to government-controlled territory, the law foresees a procedure allowing them to designate a trustee to claim pensions on their behalf.<sup>62</sup>

Still, large obstacles remain in the way of bringing legislation and practice into line with the court’s verdict. Faced with questions about prospects for renewing pensions for residents of uncontrolled areas, officials regularly respond that the pension fund faces a deficit – roughly \$5 billion – and is financed through the state budget. Asked what was behind resistance to Draft 6692, one prominent official replied simply, “money”.<sup>63</sup> Yet advocates of the law insist that lack of money is hardly an argument against it, since the government takes pains to make budgetary funds available for other, arguably less socially vulnerable groups such as veterans of the Afghan war and their families.<sup>64</sup> A policymaker with intimate knowledge of pension policy characterised the gridlock on the issue as largely the product of financial woes, but also of a lack of political will to confront these difficulties. While she said she believed Kyiv had both a moral and legal duty to pay pensions to residents of the conflict zone, she expressed doubt that “any changes will be made under the current government”.<sup>65</sup>

The political inertia on the issue may come partly from polarisation and bias. On one hand, powerful sections of the political establishment are inclined to imply, usually behind closed doors, that Ukraine, with all its problems, should not prioritise a

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<sup>59</sup> Supreme Court of Ukraine, Рішення іменем України У зразковій справі про припинення виплати пенсії внутрішньо переміщеній особі [Judgment of Ukraine in the model case on cessation of pension payments to internally displaced persons], 3 May 2018, Kyiv, case No. 805/42/18, proceeding No. Pz/9901/20/18, [reyestr.court.gov.ua/Review/73869341](http://reyestr.court.gov.ua/Review/73869341).

<sup>60</sup> Crisis Group interview, Right to Protection staff, Kyiv, September 2018.

<sup>61</sup> Crisis Group interviews, Daria Tolkach, Right to Protection, Kyiv, September 2018; international humanitarian worker, Kyiv, September 2018.

<sup>62</sup> “Проект Закону про внесення змін до деяких законів України щодо права на отримання пенсій окремим категоріям громадян” [Draft law on amendments to certain laws of Ukraine on the rights of individual categories of citizens to receive pensions], Draft 6692, registered 12 July 2017. A potential alternative or complement to the trustee system would be for the International Committee of the Red Cross to distribute pensions in areas outside government control. The Red Cross presented a proposal for such a procedure to the Trilateral Contact Group’s working group on economic issues in Minsk in April 2018, but it has yet to be endorsed.

<sup>63</sup> Crisis Group interview, Kyiv, September 2018.

<sup>64</sup> Crisis Group interview, Daria Tolkach, Right to Protection, Kyiv, September 2018.

<sup>65</sup> Crisis Group interview, ministerial official, Kyiv, September 2018.

population whose economic productivity and patriotism they consider questionable.<sup>66</sup> This view is evident, to a greater or lesser extent, within sections of that establishment that bill themselves as patriotic and pro-Western, and arguably contains echoes of a line that has circulated in some Ukrainian media since 2014 – a twentieth-century Ukrainian poet’s assertion that without Donbas and its population of “sausage-eaters ... there will be a few million less of us, but we’ll be a nation”.<sup>67</sup>

A Kyiv official with a human rights mandate said many conflict-affected citizens suffer from what she called a “gimme, gimme” mentality.<sup>68</sup> A young member of the ruling coalition and advocate of EU integration, despite lamenting the lack of effective government outreach to residents of areas outside its control, said the conflict had “allowed the better part of our people to come together and move the country forward”.<sup>69</sup> Another parliamentarian from the ruling coalition said many residents of areas outside government control embodied the value system from which Ukraine was trying to escape – “the values of the Russian world, where everybody owes them something – their pension or something else”.<sup>70</sup>

Some outspoken individuals, including certain military or security personnel and civic activists providing funds and supplies for front-line troops, venture that those in areas outside government control are being justly punished for being collaborators – a term they extend to anyone who, in their view, did not actively oppose Russian intervention in their region.<sup>71</sup> “They need to learn their lesson”, said one recipient of a presidential award for organising material aid for troops. “The memory of this suffering needs to become part of their bedtime stories, so that their descendants will grow up knowing that if they call out for Uncle Putin, things will be bad”.<sup>72</sup>

On the other side of the political spectrum, many of the most vocal supporters of pension renewal and more proactive outreach to conflict-affected citizens are broadly viewed as potential Kremlin colluders. Many are former allies of the former president, Viktor Yanukovich. Their support bases are mostly in south-eastern parts of the country adjacent to the conflict zone; this area saw unsuccessful insurgencies in 2014 that were backed in part by figures close to the Kremlin. These politicians have positioned themselves as guardians of people who they say have fallen victim to the

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<sup>66</sup> Crisis Group interviews, head of parliamentary faction, Kyiv, September 2017; deputy minister, Kyiv, March 2018.

<sup>67</sup> See “Отрежьте Донбасс, это раковая опухоль” [“Cut Donbas off, it’s a cancerous growth”], *Publichnye Lyudi*, 28 September 2017. The poet’s epithet for Donbas residents was *kolbasny*, a term without a precise English translation that literally means “salami-like”. It is pejorative, implying vulgar manners and taste. In English, those who espouse the view that Kyiv should disregard Donbas tend to describe its residents in less colourful language – often simply as “pro-Russian”. See, for example, Alexander Motyl, “Kiev should give up on the Donbass”, *Foreign Policy*, 2 February 2017.

<sup>68</sup> Crisis Group interviews, government ministry officials, Kyiv, September 2018.

<sup>69</sup> Crisis Group interview, national parliamentarian from ruling coalition, Kyiv, March 2018.

<sup>70</sup> Crisis Group interview, national parliamentarian from ruling coalition, Kyiv, March 2018. The “Russian world” – *russkiy mir* – is a concept predicated on linguistic, cultural and historical identity. It found embodiment in the Kremlin’s establishment in 2007 of a foundation of the same name, the mission of which is, in part, to reconnect “the Russian community abroad with their homeland”. Public discourse in Ukraine often uses the term ironically.

<sup>71</sup> Crisis Group interviews, youth activists, Kramatorsk, August 2017; military support volunteers, Kramatorsk, September 2017.

<sup>72</sup> Crisis Group interview, military support volunteer and civic activist, Mariupol, May 2018.

state’s pursuit of elusive promises of European integration at the expense of peace, economic security and ties with Russia – a category in which they include Donbas pensioners. These officials are in many cases believed to have close links with Russian politicians and businessmen.<sup>73</sup>

These circumstances give some members of the political establishment grounds, or at least a pretext, to frame a wide range of public discourse on the rights of conflict-affected Ukrainian citizens as a challenge to Ukraine’s national interests, rather than an inherent aspect of them. Several officials dismissed Draft 6692 as an attempt at sabotage by pro-Russian agents, aimed at getting Kyiv to foot the bill for Russia’s occupation.<sup>74</sup> Some civil society advocates for conflict-affected citizens’ rights complain that people whose patriotism they question are hijacking their talking points.<sup>75</sup>

Yet inaction on pensions will only hurt Ukraine’s long-term interests. Kyiv’s limits on pension access have already prompted or exacerbated discontent with the state among many conflict-affected citizens. In an August 2016 report, the UN Human Rights Monitoring Mission in Ukraine stated that some IDPs considered the government’s recent measures “a form of collective punishment”.<sup>76</sup> Pensioners often speak in bitter terms about interrupted payments: “We’ve worked for Ukraine our whole lives”, some say.<sup>77</sup> Younger residents of uncontrolled territories, including some vehemently opposed to the Kremlin-backed armed groups, voice anger at what they see as their state’s betrayal of older community members.<sup>78</sup>

Some civil society members also argue that pension policies have tainted Ukrainian society’s views of conflict-affected citizens, although public opinion data have shown a majority of Ukrainians are in favour of the state paying these pensions.<sup>79</sup> A psycho-

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<sup>73</sup> For example, the Opposition Bloc’s Natalia Korolevska, who has said Kyiv’s pension policies toward Donbas constitute “a crime against its own people”, has been investigated by Ukraine’s Prosecutor General for allegedly providing funds to Ihor Plotnitskyi, the former leader of the so-called Luhansk People’s Republic. She herself has ridiculed the prosecutor’s claims. See “Генпрокуратура подозревает Королевскую в финансировании терроризма” [“Prosecutor General suspects Korolevska of financing terrorism”], *Khvylya*, 5 January 2015; “Наталья Королевская: правительство продолжает незаконно лишать украинцев пенсий” [“Natalia Korolevska: the government is continuing to illegally deprive Ukrainians of their pensions”], Opposition Bloc, 14 June 2017. Several members of the Opposition Bloc and affiliated parties admit ties with Russian business and political figures, but deny that these links influence their political positions. The clearest example of this phenomenon is Minsk envoy Viktor Medvedchuk, whose daughter is Putin’s goddaughter. See Oliver Carrol, “The return of the godfather: how Putin’s best friend in Ukraine is staging an improbable comeback”, *The Independent*, 30 August 2018.

<sup>74</sup> Crisis Group interviews, former national defence adviser, Kyiv, March and July 2018; Donetsk civil-military administration, Kramatorsk, July 2018.

<sup>75</sup> Crisis Group interviews, IDP rights activist, Sievierodonetsk, September 2017; civic activist, Lviv, May 2018; freelance journalist based in Donetsk, Kyiv, May 2018; freelance journalist covering conflict, Kyiv, September 2018.

<sup>76</sup> UN Office of the High Commissioner of Human Rights, Report on the Human Rights Situation in Ukraine, 16 May to 15 August 2016, p. 30.

<sup>77</sup> Crisis Group interviews, pensioners, Sievierodonetsk, December 2017.

<sup>78</sup> Crisis Group discussions, Olga Gvozdyova, Donbas SOS, Kyiv, September 2017; freelance journalist based in Donetsk, Kyiv, April 2018.

<sup>79</sup> See “Большинство украинцев поддерживают выплату пенсий жителям Донецка и Луганска” [“A majority of Ukrainians support paying pensions to residents of Donetsk and Luhansk”], *Novosti Donbasa*, 27 June 2018.

social worker, after expressing anger at Russia’s intervention in Donbas, said Kyiv’s pension policies were “inciting hatred” toward residents of uncontrolled areas by painting them as potential criminals or collaborators.<sup>80</sup> An IDP rights activist has written that these policies have allowed Kyiv to “economise on the most socially vulnerable segments of society in the short term, and to leave Ukrainians with the long-term impression that people fleeing war have somehow been ‘tricking the state’”.<sup>81</sup> In more pragmatic terms, failure to ensure access to pensions now could risk a slew of lawsuits at the European Court of Human Rights, which legal experts say will almost certainly decide in most plaintiffs’ favour given legal precedent. This outcome would ultimately be costlier for Ukraine, as the European Court would likely award extra damages for mental or physical suffering.<sup>82</sup>

### B. *Crossing the Contact Line*

The lack of durable solutions for IDPs, on one hand, and many Ukrainians’ eagerness to retain ties on both sides of the contact line due to social and financial needs, on the other, mean that an average of one million individual crossings occur each month. This number is a significant increase over 2016, when the average monthly rate was about 700,000 crossings, which was in turn a doubling of the 2015 rate.<sup>83</sup>

The large number of crossings should be an opportunity for Ukrainian authorities to show residents of areas outside their control that their country is efficient and rights-oriented, a country fighting for, not against them. As things stand, conditions at Kyiv-controlled crossing points vary greatly – from smooth and even friendly, in the case of the lightly travelled Hnutove crossing, to degrading, in the case of the pedestrian-only crossing at Stanytsia Luhanska, the only one in Luhansk region, which consists of precarious wooden walkways over a river that the disproportionately elderly travellers typically have to wait hours to clamber across. At even the best-run crossing points, landmines, as well as shooting and shelling by forces on either side, kill or injure civilians. Long waiting times, often in extreme cold or heat, frequently lead to hospitalisation or death.<sup>84</sup> Aid agencies make most improvements

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<sup>80</sup> Crisis Group discussion, psychosocial worker, Lysychansk, December 2017.

<sup>81</sup> Gorodetsky, “Fairytales from the government”, op. cit.

<sup>82</sup> Crisis Group interviews, Daria Tolkach, Right to Protection, Kyiv, September 2018; Thomas Hill, Norwegian Refugee Council, Kyiv, September 2018. See reference to non-pecuniary damage in Article 41 of the European Convention on Human Rights, “Just satisfaction”, at [www.coe.int/en/web/execution/article-41](http://www.coe.int/en/web/execution/article-41).

<sup>83</sup> UN OCHA, 2018 Humanitarian Response Plan, op. cit.; “Twelve million people crossed the line of contact in 2017”, Foundation 101, 27 February 2018.

<sup>84</sup> In January 2018, a pensioner died when a shell hit his bus as he was preparing to enter Kyiv’s section of Donetsk region. In December 2016, a man died after being hit by gunfire at the Kyiv-controlled Maiorsk checkpoint in Donetsk. See OSCE, “Spot Report by the OSCE Special Monitoring Mission to Ukraine: Shelling in Olenivka”, 28 April 2016. Ukrainian border police called the incident a separatist “provocation”; according to social media rumours a Ukrainian Army officer shot the man by accident. “Україна і сепаратисти обвиняють друг друга в расстреле мирних жителів на блок-посту ‘Майорск’” [“Ukraine and separatists accuse each other of shooting civilians at Maiorsk checkpoint”], *Strana*, 14 December 2016. This past April four civilians died and eight received injuries from 122mm mortar fire at the same crossing point, where they were sleeping in their cars waiting for it to open. A UN report attributed the shelling to the Ukrainian Armed

to facilities. Stories abound of border personnel chiding pensioners for their choice to continue travelling back and forth across the line rather than “deciding which side they’re on already”.<sup>85</sup>

Authorities insist that they must strike a balance in outfitting the crossing points: they should be safe and comfortable, but devoid of the durable infrastructure that might signal to commuters that the line is any kind of border.<sup>86</sup> They also argue that long waiting times are largely the rebels’ fault – a claim that humanitarian workers as well as ordinary residents back up: they say facilities on the other side of the line are direly under-equipped and often badly run – while also noting that de facto authorities, unlike Kyiv, fail to advertise the role of humanitarian responders in providing services there.<sup>87</sup> Yet these issues should not stop Kyiv from improving citizens’ lives, and citizens’ perceptions of their government, where possible.

The political will to do so appears absent on both sides. Plans to open a new crossing in the fall of 2017 along the 150km stretch of front line in Luhansk region, which would reduce overcrowding at Stanytsia Luhanska, fell through when de facto authorities failed to construct their facility.<sup>88</sup> Members of the Luhansk People’s Republic said they could not open their side of the crossing due to landmines as well as ceasefire violations by Kyiv; one Kyiv official said this failure showed that Moscow wanted people to be stuck with the pedestrian-only crossing “so that everybody can see how terrible Ukraine is”.<sup>89</sup> Yet humanitarian workers also argued that Kyiv’s attitude toward pensioners residing in uncontrolled territories could play a role in the continued challenges of crossing in Luhansk region.<sup>90</sup>

The views of some officials about those crossing the line indeed indicate prejudice. A deputy minister, for example, said in July that pensioners she had met at Stanytsia Luhanska “unfortunately sort of like the conflict” as it allowed them to receive two pensions. She argued this demographic had thus become an obstacle to conflict resolution – demonstrating a degree of cynicism for which no one is able to offer any factual basis.<sup>91</sup> In the words of a pensioner quoted in a recent UN report, if entering government-held territory were not a requirement for receiving pensions, “we would still go there ... but to meet with relatives, to purchase food, not to be hu-

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Forces, although neither side has claimed responsibility. Office of the UN High Commissioner for Human Rights, Report on the Human Rights Situation in Ukraine, 15 February-16 May 2018, p. 11. See the monthly “Crossing the line of contact” reports from Right to Protection, available at [vpl.com.ua/uk](http://vpl.com.ua/uk).

<sup>85</sup> The quote is from a Crisis Group conversation with a border policeman at Novotroitske crossing, May 2018. Crisis Group interviews, psycho-social worker, Lysychansk, December 2017; pensioners, Stanytsia Luhanska, December 2017; independent researcher, Stanytsia Luhanska, April 2018; see also Office of the UN High Commissioner for Human Rights, Report on the Human Rights Situation in Ukraine, 16 August-15 November 2017, pp. 23, 30.

<sup>86</sup> Crisis Group interview, Donetsk Region Civil-Military Administration official, July 2018.

<sup>87</sup> Crisis Group interviews, Right to Protection staff, Novotroitske/Mariupol, May 2018; OSCE Special Monitoring Mission monitors, Maiorsk, July 2018.

<sup>88</sup> Crisis Group interview, OSCE SMM member, December 2017.

<sup>89</sup> Crisis Group interview, Yuriy Hrymchak, deputy minister for temporarily occupied territories, Kyiv, 26 March 2018.

<sup>90</sup> Crisis Group interviews, international security expert, Bakhmut, May 2018; international aid worker, Sievierodonetsk, May 2018.

<sup>91</sup> Crisis Group interview, national official, Kyiv, July 2018.

miliated”.<sup>92</sup> Authorities would do better to view those crossing as potential allies in peacebuilding and to treat them accordingly: as one international security expert put it, “these are the people who do not accept the division of their communities”.<sup>93</sup>

### C. *The 2017 Trade Blockade*

The March 2017 cessation of trade across the line of contact has deepened the rift between areas outside Kyiv’s control and the rest of Ukraine – and, to a lesser degree, between Kyiv and government-controlled Donbas. Between 2014 and 2017, Kyiv facilitated movement of commodities on the grounds that coal from areas outside its control was vital to energy security, while the entities producing it – largely owned by Donetsk city oligarchs who had relocated to Kyiv – were registered in government-controlled areas and employed thousands on both sides. But in January 2017, a pro-Kyiv vigilante group blocked rail and road arteries to prevent movement of goods across the contact line or, as they called it, “trade in blood”. When police attempts to break up the blockade failed, DPR members seized Kyiv-registered businesses and required them to “re-register” under their jurisdiction.<sup>94</sup> On 15 March, President Petro Poroshenko announced his reluctant legalisation of the blockade, humanitarian shipments excepted.

While Poroshenko and government officials warned the move would ravage the economy, that has not transpired. Instead, the ill effects have been local, making the bad humanitarian situation in Donbas worse. The number of food-insecure residents in the region doubled in 2017, rising to over a million. Much of the increase occurred after the blockade, mostly in parts of Donetsk region outside government control, due partly to reduced aid distribution. Aid from local and international humanitarian actors decreased by nearly half between February and March, largely due to the expulsion of the charitable fund of Rinat Akhmetov, one of the Kyiv-allied oligarchs whose assets the DPR had seized.<sup>95</sup> It was also a result of higher unemployment and lower income due in part to the closure or insolvency of factories that had depended on trade with Kyiv-controlled areas.

Aid organisations report that households in areas outside Kyiv’s control increasingly have to cut food spending to cover other expenses due to falling income.<sup>96</sup> Locals

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<sup>92</sup> Office of the UN High Commissioner for Human Rights, Report on the Human Rights Situation in Ukraine, November 2017-February 2018, p. 23.

<sup>93</sup> Crisis Group interview, security expert, Kyiv, July 2018.

<sup>94</sup> See “Главари ‘Л/ДНР’ угрожают отобрать украинские предприятия из-за блокады” [“People’s Republic’ warlords threaten to seize Ukrainian enterprises due to blockade”], *Unian*, 27 February 2017.

<sup>95</sup> Food and Security Livelihoods Cluster Meeting Minutes, 1 March 2018, 10:00, Sievierodonetsk, p. 3; Crisis Group correspondence, cluster coordinator, April 2018.

<sup>96</sup> A late 2017 survey of front-line households on both sides of the line of separation found that the average household in Kyiv-controlled areas had 0.9 employed residents, while households in separatist areas had an average of 0.7 employed members. Nearly 12 per cent of households in separatist-held areas and 5 per cent in Kyiv-controlled areas reported loss of employment within the past year; 25 and 13 per cent, respectively, reported reduced income, including due to salary arrears resulting from industrial enterprises becoming insolvent. Ukraine Food Security and Livelihoods Cluster, Joint Food Security Assessment, September 2017, p. 6.

also cite reduced access to foodstuffs produced elsewhere in Ukraine, many of them cheaper and higher-quality than their Russian and Belarusian replacements.<sup>97</sup>

The deepening humanitarian crisis has disproven a key claim of blockade supporters – that Russia and international organisations would fill any gap in supply that the blockade caused. The World Food Programme (WFP) ceased operations in Ukraine in February 2018, citing limited financial resources, poor access to areas outside Kyiv’s control and Ukraine’s status as a food-exporting nation.<sup>98</sup> Food from Russia, meanwhile, is widely alleged to be sold at marked-up rates by local rebel leaders and their associates, putting it out of reach for much of the population.<sup>99</sup> In April 2018, a Moscow-based analyst close to those involved in talks in Minsk rebuffed reports of food insecurity, saying such things were “impossible to measure”.<sup>100</sup>

Some of the blockade’s defenders argue that weakening the economies in areas outside Kyiv’s control will hasten the entities’ collapse and the territories’ return to Ukraine.<sup>101</sup> On this front, evidence is mixed. Residents of parts of Donetsk region outside government control say mass unemployment, which the blockade exacerbates, provokes deep public dissatisfaction.<sup>102</sup> A possible uptick in early 2018 of detention of private citizens who post about unemployment on social media suggests that these sentiments are widespread enough to worry the de facto authorities.<sup>103</sup> Yet accounts from factory workers laid off after the blockade took effect imply that economic hardship has strengthened a siege mentality in these areas. While not necessarily feeding support for de facto leaders, whose economic policy is broadly considered inadequate, this mentality may reinforce some people’s enthusiasm for separation from Ukraine.<sup>104</sup>

In sum, Kyiv should take steps to lift the blockade and negotiate the return of Ukrainian-registered businesses to territories beyond its control: while Moscow shares responsibility for the misery of those living in these areas, Kyiv’s blockade only increases its own share of that – and feeds a myth that will become reality. One official argued that such negotiations will now be exceedingly difficult given the

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<sup>97</sup> Crisis Group interview, OSCE Special Monitoring Mission officers, August 2017; Ukraine Food Security and Livelihoods Cluster, op. cit., p. 4; Crisis Group interviews, Donetsk city residents, October 2017; Donetsk city researcher, January 2018. Ukrainian food items are still available in some stores thanks to profitable smuggling businesses that the blockade has given birth to, but prices have risen considerably. See “Trade with Russian-occupied Donbas persists, despite blockade”, *Kyiv Post*, 29 November 2017.

<sup>98</sup> World Food Programme Ukraine Country Brief, February 2018; Crisis Group interview, international humanitarian worker, Kyiv, August 2018.

<sup>99</sup> Crisis Group interview, OSCE monitor, Sievierodonetsk, December 2017; Crisis Group discussions, Donetsk-based researcher, January-March 2018.

<sup>100</sup> Crisis Group discussion, political expert, Moscow, April 2018.

<sup>101</sup> See, for example, the comments by National Security and Defence Council head Oleksandr Turchynov, “Убийцы украинцев не спрячутся ни в Донецке, ни в РФ. Пусть дрожат и ждут” [“The killers of Ukrainians can’t hide in Donetsk or in the Russian Federation: Let them tremble and wait”], *Liga.net*, 17 February 2017.

<sup>102</sup> Crisis Group interviews, Donetsk and Luhansk city residents, October-December 2017.

<sup>103</sup> Crisis Group discussions, Donetsk-based researcher, January-March 2018.

<sup>104</sup> Crisis Group discussion, residents of Antratsyt (Luhansk region, outside government control), December 2017.

opaque inner workings of the entities that now control these assets.<sup>105</sup> If true, this should serve as a cautionary tale: bridges, once burned, can be hard to repair.

#### D. *Life on Kyiv’s Front Line*

Up to 200,000 people live within 10km of Kyiv’s front line, governed by civil-military administrations, dependent on humanitarian aid and exposed to artillery and small-arms fire. Some remain out of fear of losing their houses to military use, for which there are no compensation procedures in place. Others lack the funds to relocate due to a dearth of affordable alternative housing and, in some cases, a lack of IDP subsidies.<sup>106</sup> Still others consider it their duty to stay behind and help their older or more vulnerable neighbours, or continue teaching at half-empty schools, or otherwise try to keep some vestige of their communities alive.<sup>107</sup>

Civilians’ relations with locally stationed troops and security officials have greatly improved since the low point of 2015, when there were widespread reports of pillage, sexual violence and other ill treatment by members of volunteer battalions, which they themselves deny. Some, like the infamous Tornado battalion, have been dissolved. In 2017, in a sign of Kyiv’s willingness to hold some battalion members accountable for abuses, twelve former Tornado members were convicted of offenses including beatings, torture and sexual assault, committed in 2015, and given sentences ranging from suspended five-year terms to eleven years.<sup>108</sup> Other volunteer groups have been formally incorporated into the National Guard and other regular Ukrainian forces, but some still operate their own firing ranges and wear their own insignia.<sup>109</sup> Villagers often report friendly or at least civil relations with soldiers, including members of former volunteer units, who bring food, fuel and treats for children.<sup>110</sup>

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<sup>105</sup> Crisis Group interview, Heorhiy Tuka, deputy minister for temporarily occupied territories and internally displaced persons, Kyiv, September 2018.

<sup>106</sup> These are limited to settlements outside government control, the official list of which omits some insecure areas where government services do not function. See “Кабінет Міністрів України, Постанова від 1 жовтня”, 2014 р. N°509, Київ [Cabinet of Ministers of Ukraine, Order N°509 of 1 October 2014, Kyiv]; “50 на 50 – или есть ли шанс получить жилье?” [“50-50’ – or, do we have a chance of getting housing?”], Donbass SOS, 12 December 2017; Crisis Group interviews, international aid worker, Sievierodonetsk; IDP rights advocate, Sievierodonetsk; human rights advocate, Kramatorsk, August 2017; Right to Protection staff, Kyiv, April 2018.

<sup>107</sup> Crisis Group interviews, schoolteachers, Avdiivka, September 2017; community activist, town head, municipal education official, Shchastia, December 2017; pensioners, Stanytsia Luhanska, December 2017; pensioner, Nyzhnoteple, December 2017; Опытне resident and humanitarian worker, Avdiivka, May 2018. See also Crisis Group Europe Briefing N°81, *Ukraine: The Line*, 18 July 2016.

<sup>108</sup> “In Ukraine, both sides to appeal verdicts in Tornado battalion case”, Radio Free Europe/Radio Liberty, 10 April 2017. For discussion of evidence of the defendants’ alleged guilt, see UN Office of the High Commissioner of Human Rights, Report on the Human Rights Situation in Ukraine, 16 February to May 2017, p. 20. The defence has appealed the April 2017 verdict, calling for charges to be dropped.

<sup>109</sup> Crisis Group observations, September-December 2017.

<sup>110</sup> Crisis Group interviews, rights advocate, Kramatorsk, August 2017; international organisation representative, Sievierodonetsk, August 2017; schoolteachers, Avdiivka, September-October 2017; pensioner, Ocheretyne, October 2017.



Yet the day-to-day interests of civilians and soldiers remain largely at odds due to inadequate civilian protection practices. Anecdotes circulate of soldiers risking their lives to shield civilians from incoming fire or offering civilians free, safe accommodation elsewhere.<sup>111</sup> Yet individual acts of kindness and heroism are a poor substitute for policy squarely aimed at ensuring the safety of inhabitants. Some international observers say the shift to a more streamlined command structure has brought a palpable new enthusiasm, at least rhetorical, for international humanitarian law, though it remains to be seen whether a deeper practical shift is afoot.<sup>112</sup>

For a variety of reasons, Kyiv less frequently locates military objectives within or near densely populated areas than the Kremlin-backed armed groups, residents and researchers aver that it nonetheless does so. Military spokespersons and commanders insist that troops are stationed only outside population centres, but civilians often complain that military positions are hundreds of metres from homes and schools – close enough that an 122mm Grad rocket fired toward one of these positions from the other side could easily hit them instead.<sup>113</sup>

In some areas of intense fighting, including those where Ukrainian troops are making small territorial gains, there may be tens, not hundreds, of metres between soldiers and the remaining civilians. In February 2018, in the village of Travneve in Luhansk region, a front-line settlement controlled by Ukrainian forces since the preceding December, a researcher reported seeing members of the Donbas Battalion, which has been incorporated into the National Guard, positioned next door to inhabited houses on a residential street and hand-firing mortars.<sup>114</sup> In May 2018, aid workers in Avdiivka said troops in nearby front-line villages were maintaining more distance from civilians than in previous years – largely because there were fewer civilian objects and residents left. Yet these increases are often a matter of metres – not enough to significantly reduce the risk of civilians suffering from incoming fire.<sup>115</sup>

The February 2018 addition of new settlements to the list of places whose residents are eligible for subsidies that could aid in relocation is a positive but inadequate step when it comes to civilian protection: international humanitarian law calls on parties to avoid placing military personnel and equipment in densely populated areas and, should this prove unfeasible, take all possible measures to evacuate civilians.<sup>116</sup> It does not oblige civilians to volunteer to leave their homes.

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<sup>111</sup> Crisis Group interview, humanitarian worker and local resident, Avdiivka, May 2018.

<sup>112</sup> Crisis Group interview, international security expert, Mariupol, May 2018.

<sup>113</sup> Crisis Group interviews, Civil Military Cooperation of the Armed Forces of Ukraine representatives, Kramatorsk, July 2018; international organisation representatives, Sievierodonetsk, December 2017, Mariupol, May 2018, Sievierodonetsk, May 2018, Avdiivka, May 2018; independent researcher, Zaitseve, June 2018; schoolmaster, Novoluhanske, July 2018. See also the UN Human Rights Monitoring Mission in Ukraine’s quarterly reports, 2016-2018.

<sup>114</sup> Observation by independent researcher, Travneve, February 2018. Researcher provided video footage of the event.

<sup>115</sup> Crisis Group interview, aid workers, Avdiivka, May 2018.

<sup>116</sup> See International Committee of the Red Cross, International Humanitarian Law Database, Customary IHL, Rule 23, “Each party to the conflict must, to the extent feasible, avoid locating military objectives within or near densely populated areas”, at [ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule23](http://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule23); and Rule 24, “Each party to the conflict must, to the extent feasible,

Freedom of movement is another concern for front-line dwellers. While Ukrainian legislation provides for the right of those living within 5km of the front line to cross without obtaining official travel permits, troops may block crossings with or without warning. In some cases, these closures complicate access to schools, hospitals, workplaces and shops for residents whose closest population centres are on the other side of the line. Closures also impede access to services in government-controlled areas: ambulances, repair technicians and humanitarian workers have trouble reaching many front-line villages that are closed to non-military traffic.<sup>117</sup>

The lack of a clear mechanism for compensating civilians for property damaged, destroyed or appropriated for military purposes also feeds discontent.<sup>118</sup> To date, plaintiffs have filed over 150 court cases concerning property damaged by hostilities. Judges have found in the plaintiff's favour in dozens of these cases, but no one has yet received any reimbursements; higher courts often overturn verdicts citing lack of government funds or the absence of a legal mechanism for compensation. Parliamentarians have introduced several bills outlining such procedures, but the votes are repeatedly pushed back. Legal experts say there is no political will to pass these measures, with many officials viewing them as a luxury the country cannot afford.<sup>119</sup>

The situation for civilians whose homes have been appropriated by the military is even more complex than for those whose property has been damaged by live fire: the law stipulates that the military must supply homeowners with documentation certifying confiscation of property so that they can receive compensation – but in practice they provide no such papers nor do legal procedures exist for them to do so. The policy gaps risk leaving many dependent on international aid for years to come.<sup>120</sup> As with holes in pension provision, these gaps could also lead to future headaches for Kyiv in the form of European Court of Human Rights cases, where verdicts would likely call for compensating moral as well as material damages.<sup>121</sup> The government should promptly pass laws ensuring compensation for those affected – with support from the donor community as needed.

Residents of areas near the front line are also at risk of ill treatment at the hands of the police and state security services, widespread allegations of which persist.<sup>122</sup>

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remove civilian persons or objects under its control from the vicinity of military objectives”, at [ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule24](https://databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule24).

<sup>117</sup> See Office of the UN High Commissioner for Human Rights, Report on the Human Rights Situation in Ukraine, November 2017-February 2018, p. 19.

<sup>118</sup> According to the UN, 40,000 civilian houses had been damaged or destroyed by hostilities by the end of 2017, not counting those damaged by military use. UN OCHA, 2018 Humanitarian Response Plan, *op. cit.*, p. 9. See also “People in eastern Ukraine living without housing or compensation”, Norwegian Refugee Council, 26 September 2017; Crisis Group interview, Yulia Naumenko, lawyer with Ukrainian Helsinki Human Rights Union, April 2018; Crisis Group interview, civic activist, Kurakhove, May 2018.

<sup>119</sup> Crisis Group interview, Yulia Naumenko, lawyer with Ukrainian Helsinki Human Rights Union, April 2018.

<sup>120</sup> Norwegian Refugee Council, *op. cit.*

<sup>121</sup> Crisis Group interview, Yulia Naumenko, lawyer with Ukrainian Helsinki Human Rights Union, April 2018.

<sup>122</sup> See, for example, UN Human Rights Council, “UN expert says persistent claims of torture and impunity in Ukraine”, 11 June 2018; Amnesty International, Ukraine 2017/2018 (online); U.S. Department of State, Ukraine 2017 Human Rights Report (online).

“The fact that there could be a war here was the first shock for us”, a civil servant in a front-line village said, speaking on condition of anonymity, “but the second shock was when our security services started coming to our homes at night”.<sup>123</sup> Human rights monitors from the UN as well as several domestic humanitarian and legal protection organisations note that while the rate and severity of illegal detentions has decreased since 2015, Security Service officers continue to enjoy impunity for such acts, which can be prompted by suspicions of collaboration with the rebels – or by conversations among civilians about troop movements or heavy weapons spotted in their towns.<sup>124</sup> Residents of areas outside government control face a double threat in that Security Service officers may pressure them to become informants, placing them at serious risk of ill treatment by the Russian-backed armed formations upon their return home.<sup>125</sup>

Some military and security personnel in front-line areas, including among civil-military authorities, say they are suspicious of many locals’ loyalties – while often offering shaky evidence for their claims. “We’re constantly on edge because most of the population here is for the other side [the Russian-backed armed formations]”, said one Security Service member, “and they’re waiting for [those forces] to come and liberate them”. Asked what threat the town’s largely elderly population posed, he said they could be spying.<sup>126</sup> A commander in the Donbas Battalion described the civilians of Travneve as separatists in a February 2018 public Facebook post, because the elderly women requested access to a market across the contact line in DPR-controlled Horlivka, where they hoped to sell some of the food soldiers had brought them. “We don’t give an eff about them”, he wrote.<sup>127</sup>

Ukrainian officers from the Joint Center for Control and Coordination, as well as Ukrainian Civil-Military Cooperation staff, were more positive about civilians but noted that their community outreach efforts focused on pre-adolescent children who had not yet been indelibly shaped by their parents’ “aggressive” and “pro-Russian views”. As evidence of the latter, they cited many children’s aversion to people in military uniform, saying this fear was the product of parents’ slander.<sup>128</sup> They characterised many locals as deficient not only politically but socially, saying they

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<sup>123</sup> Crisis Group interview, civil servant, Luhansk region, December 2017.

<sup>124</sup> Crisis Group interviews, UN Office of the High Commissioner of Human Rights staff, Kramatorsk, August 2017; civil servant, Luhansk region, December 2017; humanitarian aid worker and resident, Avdiivka, May 2018; Maryinka native, Kurakhove, May 2018.

<sup>125</sup> Office of the UN High Commissioner for Human Rights, Report on the Human Rights Situation in Ukraine, 16 August-15 November 2017, p. 25; Crisis Group correspondence, Donetsk-based independent researcher, April 2018.

<sup>126</sup> Crisis Group interview, Stanytsia Luhanska, December 2017.

<sup>127</sup> Vyacheslav Vlasenko Facebook post, 27 February 2018, [www.facebook.com/permalink.php?story\\_fbid=1794897994145785&id=100008768047763](https://www.facebook.com/permalink.php?story_fbid=1794897994145785&id=100008768047763). An independent researcher who spent time with the battalion described the commander as well respected within the forces. Crisis Group correspondence, March 2018.

<sup>128</sup> Crisis Group interviews, Joint Centre for Command and Control officers, Kramatorsk, September 2017; Crisis Group field observation with Kramatorsk Civil-Military Cooperation personnel, Donetsk region, October 2017.

“choose to sit in the village and receive aid”, or “sell themselves” or their children, rather than relocate.<sup>129</sup>

Raising troops’ morale, improving their psychological care and training them in community outreach techniques could not only improve relations between them and civilians, but also have positive knock-on effects upon civilian safety. Troops often complain that they are bored and “not allowed to work” – meaning, not permitted to fight as much as they would like to.<sup>130</sup> In worst-case scenarios, researchers have observed soldiers using downtime to experiment with weapons within close range of civilians or to fire large-calibre weapons without permission.<sup>131</sup> One demobilisation expert suggested that units could use downtime for community outreach purposes, to get a better sense of civilians’ safety and humanitarian needs and reduce the risk of low-level conflict between the two groups. Yet she added that given the military command’s apparent reluctance to confront issues of troop morale, her ideas belonged to “the realm of fantasy” – a characterisation other observers shared.<sup>132</sup>

Crisis Group found no residents of government-controlled areas who identified as separatists, but also few who subscribed to the military and security officers’ ideas of patriotism. Many stated: “This isn’t our war”; almost all insisted that the conflict was not a battle of ideals but a convenient source of income for corrupt individuals on both sides. Few bore any animosity toward or harboured suspicion of residents of areas outside Kyiv’s control: “They didn’t want this war”. Several men expressed anger at suggestions that they ought to serve in the armed forces: “How am I supposed to go kill my neighbours?”; “I’ll never fight my own people”. A man from a front-line town where soldiers took over most homes told Crisis Group that Security Service officers “took me out to the field for a so-called conversation” and accused him of separatism in response to his request for compensation for himself and his neighbours. He said the experience had convinced him that “there isn’t really much of a difference between the two sides” in the conflict. “I’ll never be a separatist”, he insisted, “but my country is pushing me away”.<sup>133</sup>

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<sup>129</sup> Crisis Group field observation with Kramatorsk Civil-Military Cooperation personnel, Donetsk region, October 2017.

<sup>130</sup> Crisis Group interview, veterans’ rights expert, August 2018. In interviews in October 2017 and March 2018 respectively, a foreign military adviser and Ukrainian military journalist gave similar assessments.

<sup>131</sup> Crisis Group correspondence, independent researcher, March 2018; Crisis Group interview, humanitarian worker and resident, Avdiivka, May 2018; Crisis Group interview, veterans’ rights expert, August 2018.

<sup>132</sup> Crisis Group correspondence, independent researcher, March 2018; Crisis Group interview, veterans’ rights expert, August 2018.

<sup>133</sup> Crisis Group interviews, community activists, Avdiivka, May 2018; psychosocial worker, Ly-sychansk, December 2017; community activist, Shchastia, December 2017; Antratsyt residents, Sievierodonetsk, December 2017; Luhansk city residents, Novoaidar, December 2017; Shchastia resident, Novoaidar, December 2017; Luhansk city resident, Starobilsk, December 2017; Marinka native and community activist, Kurakhove, May 2018; Donetsk city resident; Kyiv, April 2018; Donetsk city residents, Mariupol, May 2018.

### **III. Public Opinion and the Future of Eastern Ukraine**

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The circumstances of the last few years have left many Donbas residents angry, or at least deeply disaffected, with those who purport, with such violence, to have their interests at heart. The same refrains come up again and again in everyday conversations with residents on both sides of the line: “This is just a game and we’re caught in the middle”; “I don’t care whether Russia takes us or Ukraine does – I just want this to be over”; “Nobody wants us”.<sup>134</sup>

Kyiv shows little appetite for engagement with these views. Officials offer a range of reasons why they consider them unimportant: they come from Russian and separatist propaganda, or innate anti-Ukrainianism; those who espouse them will see the light when exposed to Kyiv’s narrative of the conflict, or are so exhausted that they will accept whatever arrangement comes their way post-liberation, or will cross the eastern border and become Russia’s problem.<sup>135</sup>

Regardless of the merit of these arguments, Kyiv cannot afford to close its ears to conflict-affected citizens’ grievances if it wants to reintegrate these people peacefully and sustainably. If Moscow decides to loosen its grip on Donbas, many shell-shocked residents may indeed tolerate whatever Kyiv puts before them. But toleration is not the same as active buy-in. Many officials are fond of saying Donbas lacked active, progressive citizens before the war, which made the region susceptible to invasion.<sup>136</sup> This analysis is deeply questionable, but those who adhere to it must recognise the benefits of creating every condition for active citizenry in the region now.

The first step is for Kyiv to acknowledge that residents’ disillusionment stems – at least in part – from lived experience. For people in government-controlled front-line settlements, this experience includes seeing their country’s forces sometimes firing in the direction of their neighbours across the line, or firing from positions in their villages and thus exposing them to return fire. For those in areas outside Kyiv’s control, it includes suffering from shelling of civilian areas that Kyiv has taken inadequate steps to avoid, and seemingly endless hurdles to retaining rights conferred by Ukrainian citizenship. For all alike, it includes having their judgment, patriotism and fitness for polite society questioned after four years of misery that most other Ukrainians have not endured. Such feelings are not unanimous: many excuse Kyiv for its failures given the strength, covert approach and implausible denials of its opponent. Yet these feelings can be found across the social and political spectrum, in Kremlin sympathisers as well as in people who loathe and have suffered at the hands of the separatists and their Kremlin backers.

Kyiv can afford to, and should, acknowledge the validity of these grievances – and take immediate steps to address some of the key ones. Its priority must be to im-

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<sup>134</sup> Crisis Group conversations, aid workers/residents, Avdiivka, May 2018.

<sup>135</sup> Crisis Group interviews, opposition parliamentarian, Kyiv, September 2017; political analyst, Kyiv, September 2017; military expert, Kyiv, September 2017; civil-military official, Avdiivka, October 2017; opposition politician, Kyiv, March 2018; opposition politician, Kyiv, April 2018; state security operative, Sievierodonetsk, May 2018.

<sup>136</sup> Crisis Group interviews, opposition parliamentarian, Kyiv, October 2017; parliamentarian from ruling coalition, Kyiv, March 2018; opposition parliamentarian, Kyiv, March 2018; government adviser, April 2018; patriotic activist Ruslan Skalun, Mariupol, May 2018.

prove the safety and security of all civilians, and to reduce the extent of damage and displacement. It should restore pension payments for residents of areas outside its control, with international aid; if necessary, donors should provide funds expressly for this purpose. It should develop and activate a mechanism for compensating front-line dwellers for damaged or appropriated property, again, with targeted donor aid if necessary. It should pursue disengagement in the area of Stanytsia Luhanska to enable restoration of the bridge, while it negotiates opening of new crossing facilities, and prioritise affordable housing in IDP host communities. It needs to either offer front-line dwellers viable relocation options with full financial support or stop positioning soldiers in villages. It needs to make its troops conform to its insistence that they always fire defensively. It needs to pass laws that will facilitate reintegration by offering the credible prospect of amnesty.

Once it is armed with objective evidence of a changed approach toward its citizens in areas outside its control, Kyiv should broaden and deepen its communication with them by all feasible means. In July 2018, the Cabinet of Ministers adopted the Strategy for the Informational Reintegration of Donetsk and Luhansk regions by 2020, which aims to expand access to Ukrainian television and radio in uncontrolled areas as well as front-line areas under government control where coverage is poor. This step is promising, but Kyiv must ensure that the media it broadcasts treats civilians as real people with valid grievances rather than members of a passive herd who, as one government document puts it, were “misled and ‘taken captive’ by Russian politics”.<sup>137</sup>

Media outreach should focus on three main issues: first, providing the clearest, most accurate information possible on how to get access to Ukrainian government benefits, acquire official documentation and, if residents choose, relocate to government-held areas. Kyiv should take extra care to tailor this outreach to the technical and physical limitations of the most vulnerable conflict-affected citizens, including those of restricted mobility, sight or hearing – something the July strategy makes note of. Secondly, it should, when data allows, report civilian casualties not only in Kyiv-held areas but on the other side of the contact line as well – without assigning blame, offering excuses or providing information that puts its own forces at risk: Kyiv needs to acknowledge, publicly and consistently, that it values civilians’ lives regardless of where they live. Thirdly, outreach needs to tackle the issue of amnesty, reassuring residents that its application will be wide-ranging enough to enable broad reconciliation but no less effective in securing justice for the conflict’s victims.

Outreach efforts ought to acknowledge that it is not only how Kyiv talks to people in Donbas that matters, but how it talks to the rest of the country and to its international partners *about* them. Kyiv has done an effective job advertising the bravery with which its troops have confronted Moscow’s military machine. It should now apply this same energy toward presenting and encouraging media to present a clear picture of life in the conflict zone, drawing attention to humanitarian needs on both sides of the line and shortages in aid funding – both to attract international attention and to show the region’s residents that they are a national priority.

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<sup>137</sup> Стратегія інформаційної реінтеграції Донецької та Луганської областей, Схвалено розпорядженням [Strategy for the informational reintegration of Donetsk and Luhansk oblasts], Cabinet Ministry Order No. 539, 26 July 2018, p. 5.

#### **IV. Conclusion**

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Ukraine faces overwhelming odds in its fight for its security and territorial integrity. It did not choose this fight, nor should it be blamed for being unprepared to wrestle with the legal, humanitarian and public relations fallout of the conflict: any of these challenges would have tested more economically and politically developed states. Yet Ukraine’s government needs to pause and ask how the alienation of millions of citizens will affect the country’s chances of peaceful reintegration – or the leadership’s stated goal of building an inclusive, rights-based political system that distinguishes Ukraine from the neighbour whose shadow it is trying to escape.

The evidence suggests that alienating conflict-affected Ukrainians will only make these goals more distant. When self-identified patriots living in areas outside Kyiv’s control wonder aloud whether the state views them as Ukrainians; or those in Kyiv-controlled front-line areas ask whether there is a fundamental difference in the behaviour of Ukrainian and Russian-backed forces; when people on both sides say the conflict has nothing to do with their interests or that nobody wants them as citizens – then there is a problem that is not exclusively of Moscow’s making. Convincing people in Donbas that Ukraine wants them – not just the territory on which they reside – will not guarantee peaceful or imminent reintegration, but it is a minimal condition that Kyiv can and should meet.

**Brussels/Kyiv, 1 October 2018**

**Appendix A: Map of Eastern Ukraine**





## Appendix B: About the International Crisis Group

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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 70 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](http://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 chaired 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, Algiers, Bangkok, Beirut, Caracas, Gaza City, Guatemala City, Hong Kong, Jerusalem, Johannesburg, Juba, Mexico City, New Delhi, Rabat, Tbilisi, Toronto, Tripoli, Tunis, and Yangon.

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**October 2018**

## Appendix C: Reports and Briefings on Europe and Central Asia since 2015

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### Special Reports

*Exploiting Disorder: al-Qaeda and the Islamic State*, Special Report N°1, 14 March 2016 (also available in Arabic and French).

*Seizing the Moment: From Early Warning to Early Action*, Special Report N°2, 22 June 2016.

*Counter-terrorism Pitfalls: What the U.S. Fight against ISIS and al-Qaeda Should Avoid*, Special Report N°3, 22 March 2017.

### Balkans

*Macedonia: Defusing the Bombs*, Europe Briefing N°75, 9 July 2015.

### Russia/North Caucasus

*Chechnya: The Inner Abroad*, Europe Report N°236, 30 June 2015 (also available in Russian).

*North Caucasus: The Challenges of Integration (IV): Economic and Social Imperatives*, Europe Report N°237, 7 July 2015 (also available in Russian).

*The North Caucasus Insurgency and Syria: An Exported Jihad?*, Europe Report N°238, 16 March 2016 (also available in Russian).

*Patriotic Mobilisation in Russia*, Europe Report N°251, 4 July 2018.

### South Caucasus

*Nagorno-Karabakh's Gathering War Clouds*, Europe Report N°244, 1 June 2017.

*Abkhazia and South Ossetia: Time to Talk Trade*, Europe Report N°249, 24 May 2018 (also available in Russian).

### Ukraine

*The Ukraine Crisis: Risks of Renewed Military Conflict after Minsk II*, Europe Briefing N°73, 1 April 2015.

*Russia and the Separatists in Eastern Ukraine*, Europe Briefing N°79, 5 February 2016.

*Ukraine: The Line*, Europe Briefing N°81, 18 July 2016.

*Ukraine: Military Deadlock, Political Crisis*, Europe Briefing N°85, 19 December 2016.

*Can Peacekeepers Break the Deadlock in Ukraine?*, Europe Report N°246, 15 December 2017.

*Ukraine: Will the Centre Hold?*, Europe Report N°247, 21 December 2017.

### Turkey

*A Sisyphean Task? Resuming Turkey-PKK Peace Talks*, Europe Briefing N°77, 17 December 2015 (also available in Turkish).

*The Human Cost of the PKK Conflict in Turkey: The Case of Sur*, Europe Briefing N°80, 17 March 2016 (also available in Turkish).

*Turkey's Refugee Crisis: The Politics of Permanence*, Europe Report N°241, 30 November 2016 (also available in Turkish).

*Managing Turkey's PKK Conflict: The Case of Nusaybin*, Europe Report N°243, 2 May 2017 (also available in Turkish).

*Turkey's Syrian Refugees: Defusing Metropolitan Tensions*, Europe Report N°248, 29 January 2018 (also available in Turkish).

*Turkey's Election Reinvigorates Debate over Kurdish Demands*, Europe Briefing N°88, 13 June 2018.

*Russia and Turkey in the Black Sea and the South Caucasus*, Europe Report N°250, 28 June 2018.

### Central Asia

*Syria Calling: Radicalisation in Central Asia*, Europe and Central Asia Briefing N°72, 20 January 2015 (also available in Russian).

*Stress Tests for Kazakhstan*, Europe and Central Asia Briefing N°74, 13 May 2015.

*Kyrgyzstan: An Uncertain Trajectory*, Europe and Central Asia Briefing N°76, 30 September 2015.

*Tajikistan Early Warning: Internal Pressures, External Threats*, Europe and Central Asia Briefing N°78, 11 January 2016.

*The Eurasian Economic Union: Power, Politics and Trade*, Europe and Central Asia Report N°240, 20 July 2016 (also available in Russian).

*Uzbekistan: In Transition*, Europe and Central Asia Briefing N°82, 29 September 2016.

*Kyrgyzstan: State Fragility and Radicalisation*, Europe and Central Asia Briefing N°83, 3 October 2016 (also available in Russian and Kyrgyz).

*Uzbekistan: Reform or Repeat?*, Europe and Central Asia Briefing N°84, 6 December 2016.

*Uzbekistan: The Hundred Days*, Europe and Central Asia Report N°242, 15 March 2017.

*Central Asia's Silk Road Rivalries*, Europe and Central Asia Report N°245, 27 July 2017 (also available in Chinese and Russian).

*The Rising Risks of Misrule in Tajikistan*, Europe and Central Asia Briefing N°86, 9 October 2017 (also available in Russian).

*Rivals for Authority in Tajikistan’s Gorno-Badakhshan*, Europe and Central Asia Briefing N°87, 14 March 2018 (also available in Russian).

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