

II. Armed conflict and the peace process in Ukraine

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Since the annexation of Crimea in March 2014 and the breakout of armed conflict in eastern Ukraine shortly thereafter, Ukraine has been the focus of Europe's main territorial conflict. The initial causes of this conflict and the extent to which it represents a civil war, with primarily domestic origins, or a foreign intervention by Russia remain intensely contested—although new evidence emerged in 2019 of Russia's military involvement and political subversion in Ukraine.¹ In November 2019 the International Court of Justice found unanimously that it has jurisdiction on the basis of antiterrorism and anti-discrimination treaties to hear a lawsuit filed by Ukraine against Russia for its support of pro-Russian separatists.² In this chapter, the status of the armed conflict in 2019 is defined as a low-intensity internationalized, subnational armed conflict.³

Since April 2014 the armed conflict between Ukrainian Government forces and Russian-backed separatists has led to about 13 000 deaths (at least 3330 civilians and approximately 9670 combatants).⁴ Since 2018 battle-related deaths and civilian casualties in the Donbas region have been much lower than in earlier years: according to the Armed Conflict Location & Event Data Project (ACLED) there were 405 combat-related deaths in 2019 (down from 886 in 2018).⁵ However, ACLED also recorded an increase of 12 per cent in the number of political violence events since 2018. Most of the 14 852 political violence events in 2019 (the second highest in the world after Syria), were clashes between the military forces of Ukraine and the United Armed Forces

¹ For a discussion on the initial causes of the conflict in Ukraine, and the extent to which it represented a civil war (now downgraded to a subnational armed conflict), with primarily domestic origins, or a foreign intervention by Russia, see Wilson, A., 'External intervention in the Ukraine conflict: Towards a frozen conflict in the Donbas', *SIPRI Yearbook 2016*, pp. 143–57; Clem, R. S., 'Clearing the fog of war: Public versus official sources and geopolitical storylines in the Russia–Ukraine conflict', *Eurasian Geography and Economics*, vol. 58, no. 6 (2017), pp. 592–612; Bowen, A. S., 'Coercive diplomacy and the Donbas: Explaining Russian strategy in eastern Ukraine', *Journal of Strategic Studies*, vol. 42, no. 3–4 (2019), pp. 312–43; and Freedman, L., *Ukraine and the Art of Strategy* (Oxford University Press: 2019). Also see Walker, S., 'New evidence emerges of Russian role in Ukraine conflict', *The Guardian*, 18 Aug. 2019; and Shandra, A. and Seely, R., 'The Surkov leaks: The inner workings of Russia's hybrid war in Ukraine', Royal United Services Institute Occasional Paper, July 2019.

² van den Berg, S., 'In Ukraine victory, top UN court rejects Moscow's bid to block case', Reuters, 8 Nov. 2019.

³ For conflict definitions and typologies, see chapter 2, section I, in this volume.

⁴ Office of the United Nations High Commissioner for Human Rights (OHCHR), *Report on the Human Rights Situation in Ukraine: 16 August to 15 November 2019* (OHCHR: 2019), p. 8; and OHCHR, *Report on the Human Rights Situation in Ukraine: 16 November 2018 to 15 February 2019* (OHCHR: 2019), p. 6.

⁵ ACLED, 'Data export tool', [n.d.].

of Novorossiia (the militias and armed volunteer groups affiliated with the unrecognized political union called Novorossiia).⁶

In addition, during 2019 at least 5.2 million people continued to be caught up in a protracted humanitarian crisis in eastern Ukraine, of whom 3.5 million were in need of humanitarian assistance, and about 800 000 people were internally displaced.⁷ Eastern Ukraine also has some of the world's worst landmine contamination.⁸

In November 2018 a new dimension to the conflict opened on the Sea of Azov, where a naval incident resulted in the Russian capture of 3 Ukrainian vessels and 24 crew members.⁹ Maritime tensions continued to simmer in the region throughout 2019. In February 2019 the European Union imposed sanctions on eight Russians connected with the November incident, while in May 2019 the International Tribunal for the Law of the Sea ordered Russia to release the sailors and ships.¹⁰ Although Russia did not recognize the tribunal's authority in this matter, it released the sailors as part of a prisoner exchange in September 2019 (see below) and the three vessels in November.¹¹

In June 2019 four men, three suspected of having close ties to Russian military and intelligence agencies and one Ukrainian separatist fighter, were found responsible for the shooting down of Malaysian Airlines Flight 17 in 2014 and were charged in the Netherlands with murder. The trial is expected to begin in March 2020, but none of the accused are likely to be present, as Russia did not accept the findings of the Dutch-led investigation.¹²

The internationalized nature of the conflict

The conflict in Ukraine is driven by and also helps to drive the wider geopolitical confrontation between Russia and Western powers.¹³ In March for example, Russia marked the five-year anniversary of its 'unification' with Crimea and announced plans to deploy nuclear-capable bombers to the

⁶ Kishi, R. et al., *Year in Review* (ACLEd: 2 Mar. 2020).

⁷ UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 'Ukraine, situation reports', [n.d.]; and Congressional Research Service, 'Ukraine: Background, conflict with Russia, and US policy', Report R45008, 19 Sep. 2019, p. 12.

⁸ UN OCHA, 'Eastern Ukraine one of the areas most contaminated by landmines in the world', 4 Apr. 2019. On the impact of landmines, also see chapter 13, section I, in this volume.

⁹ *The Economist*, 'Sea of troubles: Explaining the naval clash between Russia and Ukraine', 1 Dec. 2018. Also see *SIPRI Yearbook 2019*, pp. 78–79.

¹⁰ International Tribunal for the Law of the Sea, 'Case concerning the detention of three Ukrainian naval vessels', 25 May 2019.

¹¹ BBC, 'Russia returns Ukrainian boats seized off Crimea', 18 Nov. 2019.

¹² Government of the Netherlands, 'Suspects to be prosecuted for the downing of flight 17', Press release, 19 June 2019; and Krammer, A. E., 'Four to face murder charges in downing of Malaysia airlines flight 17', *New York Times*, 19 June 2019.

¹³ For a detailed analysis of the roles of external actors in and around Ukraine, see Wittke, C. and Rabinovych, M., 'Five years after: The role of international actors in the "Ukraine Crisis"', *East European Politics*, vol. 35, no. 3 (2019), pp. 259–63.

Black Sea peninsula, describing the deployment as a response to the United States Aegis Ashore missile defence system in Romania.¹⁴ The Russian military build-up in Crimea included a naval base, aviation and air defence forces, and around 30 000 troops.¹⁵

The internationalized nature of the conflict is also exemplified by the supply of arms and military assistance to the two sides in eastern Ukraine. Ukraine claimed that Russian-backed separatist forces in the Donbas region have about 35 000 troops, including ‘over 2,100 Russian regular military, mostly in key command and control positions’—a significant decline since the peak year US estimate of about 12 000 Russian troops in eastern Ukraine in 2015. A further 87 750 Russian military personnel were said to be based on the Russian side of the border.¹⁶ Russia has consistently denied Ukrainian and Western accusations that it sends troops and weapons to fight Ukrainian forces in the region. However, several reports have identified weapons being used in the conflict that could have come only from Russia, and President Vladimir Putin has acknowledged the presence of Russian mercenaries.¹⁷

The Ukrainian Government in turn is receiving arms and training from the USA and some other member states of the North Atlantic Treaty Organization. The USA has supplied Ukraine with \$1.5 billion in security assistance since 2014, plus an average of \$320 million a year in non-military aid.¹⁸ While the Obama administration refused to supply lethal military equipment, this policy changed under US President Donald J. Trump’s administration, which has supplied Javelin anti-tank missiles and sniper rifles to Ukraine.¹⁹ During 2019 US military aid to Ukraine became central to an impeachment inquiry into Trump’s possible abuse of power for political gain. The inquiry focused

¹⁴ Reuters, ‘Russia decides to deploy nuclear-capable strategic bombers to Crimea: RIA’, 18 Mar. 2019. On perceptions of legitimacy surrounding the annexation of Crimea, see O’Loughlin, J. and Toal, G., ‘The Crimea conundrum: Legitimacy and public opinion after annexation’, *Eurasian Geography and Economics*, vol. 60, no. 1 (2019), pp. 6–27.

¹⁵ Kuimova, A. and Wezeman, S. T., ‘Russia and Black Sea security’, SIPRI Background Paper, Dec. 2018; Tucker, P., ‘US intelligence officials and satellite photos detail Russian military buildup on Crimea’, *Defense One*, 12 June 2019; and UNIAN Information Agency, ‘Ukraine intel assesses size of Russia’s military force amassed in occupied Crimea’, 21 June 2019.

¹⁶ Remarks by Ukraine’s representative to the UN Security Council, 8461st meeting, S/PV.8461, 12 Feb. 2019, p. 23; and Reuters, ‘Some 12,000 Russian soldiers in Ukraine supporting rebels: US commander’, 3 Mar. 2015.

¹⁷ Walker (note 1); Grove, T. and Strobel, W., ‘Special report: Where Ukraine’s separatists get their weapons’, Reuters, 29 July 2014; and RBC, [Putin admitted to the presence of Russians “resolving military issues” in Donbas], 17 Dec. 2015 (in Russian).

¹⁸ Congressional Research Service (note 7), pp. 30–32.

¹⁹ Marzalik, P. J. and Toler, A., ‘Lethal weapons to Ukraine: A primer’, Atlantic Council, 26 Jan. 2018; and Sisk, R., ‘NATO commander backs sending more Javelins to Ukraine’, *Military.com*, 3 Oct. 2019. On arms transfers to Ukraine, also see chapter 9, section II, in this volume.

on a \$400 million aid package (that includes \$250 million for military aid), part of which was frozen in July before being released in September.²⁰

Three training missions for the Ukrainian security forces have been operating since 2015: the Joint Multinational Training Group-Ukraine (Canada, Denmark, Lithuania, Poland, Sweden, United Kingdom and USA), Operation Orbital (UK) and Operation UNIFIER (Canada).²¹

Presidential and parliamentary elections

In the run-up to Ukrainian presidential elections in March and April, there were allegations of irregularities and warnings of Russian interference. However, according to international observers the elections were carried out in accordance with democratic standards and without major irregularities.²² In the second round of the vote the opposition candidate, Volodymyr Zelensky, won a landslide victory and pledged to find a peaceful solution to the conflict in eastern Ukraine as well as outlining an ambitious reform programme.²³ In an early test for the Ukrainian president-elect, in April Russia introduced a policy making it easier for certain residents of separatist-controlled eastern Ukraine to obtain Russian passports, prompting Zelensky to call for more international sanctions against Russia. In July Russia expanded these procedures to cover all residents of Donetsk and Luhansk regions.²⁴

Zelensky consolidated his presidential victory by winning snap parliamentary elections in July; his newly formed party, Servant of the People, won 60 per cent of the seats, making it the first party in independent Ukraine to win an outright majority.²⁵ The political changes in Ukraine also

²⁰ Zengerle, P., 'Trump administration reinstates military aid for Ukraine', Reuters, 12 Sep. 2019; *The Economist*, 'The backstory to impeachment: From Paul Manafort to Donald Trump's fateful phone call', 12 Oct. 2019; and US Government Accountability Office, 'Decision, Office of Management and Budget—withholding of Ukraine security assistance', 16 Jan. 2020.

²¹ 7th Army Training Command, 'Joint Multinational Training Group-Ukraine', [n.d.]; Forces Network, 'UK to extend training mission in Ukraine', 5 Nov. 2019; and Government of Canada, 'Operation UNIFIER', [n.d.].

²² Organization for Security and Co-operation in Europe (OSCE), 'Ukraine, Presidential election, 31 March 2019: Statement of preliminary findings and conclusions', 1 Apr. 2019; and Ukrainian Election Task Force, 'Foreign interference in Ukraine's democracy', May 2019.

²³ *Kyiv Post*, 'Quick wins, big promises: Zelensky's agenda for parliament, government', 6 Sep. 2019; and *The Economist*, 'Hope and fear: Can Volodymyr Zelensky live up to the expectations he has created?', 26 Sep. 2019. On the status of the reform programme in Ukraine, see Gressel, G., 'Guarding the guardians: Ukraine's security and judicial reforms under Zelensky', European Council for Foreign Relations Policy Brief, Aug. 2019.

²⁴ Korsunskaya, D. and Polityuk, P., 'Russia offers passports to east Ukraine, president-elect decries "aggressor state"', Reuters, 24 Apr. 2019; and RadioFreeEurope/RadioLiberty, 'Putin widens citizenship offer to all residents of Ukraine's Donetsk, Luhansk regions', 18 July 2019.

²⁵ Congressional Research Service (note 7); and Wilson, A., 'Shock to the sistema: Ukraine's youthful new government', European Council for Foreign Relations commentary, 4 Sep. 2019.

brought renewed expectations that it might be possible to break the deadlock in the Donbas region.²⁶

The peace process

The peace process is structured around a set of measures known as the Minsk agreements, which were signed in 2014 and 2015 by Russia, Ukraine and the Organization for Security and Co-operation in Europe (OSCE)—known as the Trilateral Contact Group, which has four working groups (economic, humanitarian, political and security)—and representatives of the separatist-controlled areas of eastern Ukraine.²⁷ The Trilateral Contact Group meets every two weeks in Minsk, but with few concrete results. A broader international grouping, the Normandy Four (France, Germany, Russia and Ukraine), meets regularly at various levels (foreign ministers, diplomatic advisers, political directors etc.), but the meeting in December 2019 (see below) was the first at the level of heads of state since October 2016.

An important characteristic of the Trilateral Contact Group and the Normandy Four is the absence of the USA. In July 2017 the Trump administration appointed a special representative for Ukraine negotiations (Kurt Volker), which provided Ukraine with an important policy bridge to the USA. One of the damaging effects of drawing Ukraine into US domestic politics (via the impeachment inquiry) was the resignation of key US officials, including Volker, in September 2019.²⁸

According to the OSCE Special Monitoring Mission to Ukraine—an unarmed civilian monitoring mission established in 2014—the peace deal and ceasefire reached in February 2015, as part of the Minsk II Agreement, was violated almost daily in 2019.²⁹ With no effective body to adjudicate and sanction non-compliance with the Minsk agreements, many of the most significant measures remain largely unfulfilled.³⁰ There have also been frequent discussions and suggestions to deploy a United Nations peacekeeping operation in eastern Ukraine as part of the process for breaking

²⁶ International Crisis Group, *Rebels Without a Cause: Russia's Proxies in Eastern Ukraine*, Europe Report no. 254 (International Crisis Group: Brussels, 16 July 2019).

²⁷ On the negotiation and implementation of the Minsk agreements, see Wittke, C., 'The Minsk agreements—more than “scraps of paper”?', *East European Politics*, vol. 35, no. 3 (2019), pp. 264–90; and Landwehr, J., 'No way out? Opportunities for mediation efforts in the Donbas region', *East European Politics*, vol. 35, no. 3 (2019), pp. 291–310.

²⁸ Baker, P., 'Kurt Volker, Trump's envoy for Ukraine, resigns', *New York Times*, 27 Sep. 2019; and Mackinnon, A. and Gramer, R., 'State department expected to scrap post of Special Envoy to Ukraine', *Foreign Policy*, 7 Nov. 2019.

²⁹ The Special Monitoring Mission to Ukraine makes weekly and ad hoc reports on the crisis in Ukraine; see <<https://www.osce.org/ukrainecrisis>>. On the conflict and crisis management in Ukraine, see *SIPRI Yearbook 2017*, pp. 137–138, 146–49; Wilson (note 1); and Anthony, I., Perlo-Freeman, S. and Wezeman, S., 'The Ukraine conflict and its implications', *SIPRI Yearbook 2015*, pp. 55–98.

³⁰ See e.g. Congressional Research Service (note 7), pp. 15–19.

the Minsk stalemate, but the UN Security Council and its permanent members have been divided on the scope of any mandate.³¹

At a meeting of the Trilateral Contact Group on 17 July 2019, parties committed to another ceasefire in eastern Ukraine. The Ukrainian Government also announced measures to facilitate transit to and from the separatist-controlled areas, including repair of the Stanytsia Luhanska bridge (the sole border crossing point in the Luhansk region).³² However, as was the case in earlier ceasefires, it broke down almost immediately, with six Ukrainian military personnel killed within three weeks of the ceasefire.³³ Prisoner exchanges are also governed by the Minsk II Agreement. A major exchange took place in September when each side released 35 individuals, including the 24 Ukrainian sailors taken captive by Russia in November 2018.³⁴ Further prisoner exchanges took place at the end of the year.³⁵

More substantially, on 1 October President Zelensky announced that his government had accepted the so-called ‘Steinmeier formula’ (named after German President Frank-Walter Steinmeier, who proposed a formula for implementing part of the Minsk agreements in 2016 while foreign minister of Germany). The formula entails eastern Ukraine holding local elections in separatist-controlled districts, and if OSCE observers recognize the voting process as free and fair, then a special self-governing status for the territories would be initiated, eventually enabling Ukraine to resume control of its eastern border with Russia.³⁶ While this formula continues to receive a mixed reaction in Ukraine, Zelensky’s acceptance of it (and the prior endorsement by Russia) creates a new opportunity for further negotiations aimed at resolving the conflict.³⁷ However, several hurdles regarding

³¹ Lawson, E., ‘Considering a UN peacekeeping mission in the Donbas’, Conference report, Royal United Services Institute, Feb. 2019.

³² OSCE, ‘OSCE Chair Lajčák welcomes new recommitment to ceasefire in eastern Ukraine and plans for urgently needed repairs to Stanytsia Luhanska bridge; urges sides to honour and implement them’, Press release, 18 July 2019.

³³ Ukrinform, ‘Six Ukrainian soldiers killed, nine wounded during “harvest ceasefire”’, 7 Aug. 2019.

³⁴ Grytsenko, O., ‘What we know about 35 Ukrainian political prisoners released from Russia’, *Kyiv Post*, 7 Sep. 2019; and Bennets, M., ‘Families reunite in Russia-Ukraine prisoner exchange’, *The Guardian*, 7 Sep. 2019.

³⁵ Agence France-Presse, ‘Ukraine and Russia-backed separatists exchange 200 prisoners’, *The Guardian*, 29 Dec. 2019.

³⁶ On decentralization efforts in Ukraine more broadly, see Romanova, V. and Umland, A., ‘Decentralising Ukraine: Geopolitical implications’, *Survival*, vol. 61, no. 5 (2019), pp. 99–112.

³⁷ International Crisis Group, ‘A possible step toward peace in eastern Ukraine’, Statement, 9 Oct. 2019. On public attitudes to potential diplomatic solutions, see Haran, O. et al., ‘Identity, war, and peace: Public attitudes in the Ukraine-controlled Donbas’, *Eurasian Geography and Economics*, vol. 60, no. 6 (2019), pp. 684–708.

sequencing and implementation of the formula remain.³⁸ For example, prior to holding elections, bilateral disengagement of Ukrainian and Russian-backed separatist troops along the front line needs to occur. Despite both sides agreeing to do so, it remains to be seen how or if it will happen, although by the end of the year troops had been disengaged in three eastern towns: Petrivske, Stanytsia Luhanska and Zolote.³⁹

A meeting of the leaders of France, Germany, Russia and Ukraine in Paris on 9 December 2019 provided further impetus—the first Normandy Format meeting at that level for more than three years. While a comprehensive path towards peace did not emerge, the leaders agreed to implement a ‘full and comprehensive’ ceasefire by the end of the year, to disengage military forces in three unspecified additional regions by the end of March 2020 and to hold further talks in four months.⁴⁰ The final communiqué also endorsed the Steinmeier formula.

Thus, at the end of 2019 despite the promising new opening following political change in Ukraine, fundamental disagreements endured among the parties about the nature of the conflict and their involvement in it, as well as the implementation of existing agreements. It remains to be seen if this pragmatic approach—where the two sides take small steps (prisoner release, disengagement in certain locations etc.) to test the good faith of the adversary—can overcome these fundamental disagreements in 2020.

³⁸ See e.g. the critique by Gressel, G., ‘Ukraine prisoner swap: A sign of hope or desperation?’, European Council on Foreign Relations commentary, 26 Sep. 2019; D’Anieri, P., ‘War, state and society in Ukraine’, *Eurasian Geography and Economics*, vol. 60, no. 6 (2019), pp. 647–55; and Melvin, N., ‘Ukraine talks: A peaceful outcome or a peaceful sellout?’, Royal United Services Institute commentary, 6 Dec. 2019.

³⁹ BBC, ‘Ukraine and Russia agree to implement ceasefire’, 10 Dec. 2019.

⁴⁰ President of Russia, ‘Paris “Normandy” Summit common agreed conclusions’, 9 Dec. 2019; Higgins, A., ‘In first meeting with Putin, Zelensky plays to a draw despite a bad hand’, *New York Times*, 9 Dec. 2019; and Utkin, S., ‘Why the Normandy Summit was not a waste of time’, Carnegie Moscow Center, 12 Dec. 2019.