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Civil society in developing a strategy for reintegration of Donbass

Resume. Russia's hybrid war (HW) against Ukraine in Donbass has been going on for 5 years already. The analysis of various sources shows that the ways of de- occupation and reintegration of the occupied territories of Donetsk and Luhansk oblasts of Ukraine are considered not only by the State authorities and our foreign partners, but they are also discussed by the representatives of nongovernmental organizations and the experts.

The article presents the results of the work of a group of Ukrainian experts for the project "Introduction of the International Interim Administration in the Temporarily Occupied Territories of Donetsk and Luhansk Oblasts as Part of a Peacekeeping Strategy for Ukraine" ("The Project"). This work led to an idea not only of a peacekeeping mission, which would create security conditions for the implementation of the Minsk agreements, but to a two-component peacekeeping mission that would consist of the security part and the administrative and management part. The term "International Interim Administration" (IIA) has been defined. The political position of Ukraine regarding the possible composition of the IIA has been justified. The priority objectives of the IIA and the conditions which would allow forming the legitimate bodies of local government in the occupied territories of Donbass have been identified.

Key words: international interim administration, reintegration, temporarily occupied territories, hybrid war.

Formulation of the problem. It was the civil society that was one of the linchpins that allowed Ukraine to withstand during the hot phase of the HW waged by Russia in 2014-2015. Volunteer units, volunteer movement, support of the Armed Forces by society allowed to withstand the very first difficult times of

Russia's war against Ukraine. Peace talks within the framework of the Minsk and Normandy formats do contribute to containing the intense fighting and the advancement of the aggressor with the collaborators, but they do not answer the main question: when will the real peace come? And, actually, when will Ukraine restore its territorial integrity? What are we willing to pay for this?

Although there is no response to these questions yet, there is an urgent need to develop strategies and plans for the reintegration of occupied territories. The implementation of some components of this reintegration can and should start now, before de-occupation, in the context of countering the hybrid war.

The position of Ukraine and its civil society is clear - we must fight for the de-occupation and reintegration of these territories.

Recent researches and publications analysis. The issue of more active involvement of the United Nations to resolve the situation in the occupied region, in particular through the deployment of a multinational peacekeeping mission under the UN auspices [1] has become more urgent task. The proposal for a mission in Donbass is considered as a path to peace, as well as a test for the true intentions of Kremlin [2].

German Foreign Minister Heiko Maas stressed that Ukraine and Russia still have differences in the parameters of the UN peacekeeping forces deployment in Donbass, but their vision of its implementation is still "very far apart" [3, 4].

Kurt Volker, the US Special Envoy for Ukraine, said he would defend the idea of the peacekeeping operation for Ukraine and considers this mission the only opportunity to achieve peace and hand over the occupied part of Donbass to Ukraine. He stressed that UN peacekeeping missions are very expensive and often create "frozen conflicts", but the operation in the Eastern Ukraine will differ in format from all previous operations [5],

This agenda was discussed at a round table "War, Peace and Reintegration: Internal Political Risks in the Coming Year" which was held in Dnipro on May 31, 2018. This discussion was held within the framework of the public marathon "Why Should We Be Together?" Experts, local authorities, public activists, ATO participants and volunteers discussed what a safe reintegration is, what its components are, and what steps have to be done right now to return not only "territories and buildings" but also people [6].

A group of experts of Ukrainian analysis centres worked out "The Project" [7].

On June 15, 2018 at the conference "The Ukrainian society in a time of war: the present challenges and perspectives of peacekeeping" in Mariupol, the prospects of reintegration of the temporarily occupied territories were considered [8].

The objectives of the article is to present the results of the work of experts of Ukrainian analysis centres, namely, the project "Introduction of the International Interim Administration in the Temporarily Occupied Territories of Donetsk and Luhansk Oblasts as part of a Peacekeeping Strategy for Ukraine" and to identify the ways of further development of the project proposed.

Presenting main material. The reintegration of Donbas is one of the most important tasks that Ukraine and its society is faced. We are talking about the reintegration in a time of war when Russia has not any intention either to stop the war or to recognize its participation in it. The Russian Federation (RF) uses this HW to restore its influence on Ukraine in order to achieve its strategic geopolitical goal to subdue Ukraine and to change its policy in favour of Russia's interests.

It is possible to confront these challenges only if the efforts of the state and society were combined and supported by the citizens, public associations and international assistance mechanisms. Coordination of efforts and establishing cooperation is the only way to develop specific mechanisms and approaches which could produce results.

It is important: to build horizontal networks of cooperation both at the local and at the regional level, to coordinate this cooperation; to take the fullest possible advantage of the opportunities we have for cooperation in the information and security domains, infrastructure, etc. In the context of cooperation, it is necessary to provide the platforms on which the work in the liberated territories and in the territories bordering the occupied Crimea would be built. Based on these platforms it is necessary to work with the people in the occupied territories - to make it clear that we need these people, that Ukraine regards them as those who have suffered from aggression and as the hostages who must be released. And who will be released [9]. "The project" developed by a group of experts of Ukrainian analysis centres is illustrative in this regard [7]. The expert group worked from September 2017 until April 2018 in the format of a discussion club. The experts sought themselves to analyse the existing concepts of restoration of peace to find the common thing that could unite the supporters of these concepts and to formulate the framework conditions for a peaceful settlement of the conflict in Donbas, taking into account the problems of a military-civilian administration and the humanitarian nature. The experts considered an important goal of their work is not only a formal restoration of peace in the region, but also the preventing recurrences of the conflict in the future [10].

This work resulted in the idea of a peacekeeping mission, which would create security conditions for the implementation of the Minsk agreements, and consists of a two-component peacekeeping mission: the security part and of the administrative and management part. Only such a mission, in the authors' view, can minimize the risks of conflict conservation in the conditions where one of the parties does not recognize its participation in it. It also can provide the conditions for the psychological rehabilitation of the local population that has been subjected to total anti-Ukrainian propaganda for more than 5 years.

The authors of the concept in their work relied on the provisions of UN Charter, UN Security Council Resolution 2202 [11], the Budapest Memorandum and the UN experience of resolving the international conflicts by peacekeeping contingents and the IIA.

The experts in the concept of the IIA to resolve the conflict:

state that all the measures set out in the Minsk Agreements of February 2015 have not been fully implemented on any issue; the time limits identified in them expired long ago and have not been extended;

point out that since the signing of the Minsk Agreements, not only the geopolitical situation has changed, but also the political and legal assessment of the events in the Eastern Ukraine. The Minsk "measures" provide mechanisms for resolving an internal civil conflict, but this is not really the case either in nature or in law. The Law of Ukraine "On Peculiarities of the State Policy on Ensuring the State Sovereignty of Ukraine in the Temporarily Occupied Territories in Donetsk and Luhansk oblasts" recognized Russia as an aggressor-state, and the territories of certain regions of Donetsk and Luhansk oblasts - occupied by Russia [12];

warn that the Minsk agreements following the military defeats of Kyiv are viewed as unfair by the majority of the Ukrainian society and parliamentarians, therefore their implementation in their present form, as

Russian occupation of the Donbas continues and the international guarantees of restoring the territorial integrity of Ukraine are absent, can result in significant negative socio-political consequences for the whole state;

remind that because of the lack of progress in the implementation of the Minsk Agreements, Ukraine faces with daily negative effects and great risks in the social, economic and environmental contexts, and as time goes by, the greater threats they pose not only to Donbass, but also to the whole Ukraine and even to Europe;

recognize that during 5 years total anti-Ukrainian propaganda in the occupied territories have created serious risks of fear and rejection of the return of the Ukrainian authorities among the local population;

emphasize that Russia doesn't recognize itself as a party to the conflict and Ukraine doesn't recognize the so-called "DNR" - "LNR". Under such conditions is more likely that any military or police mission could be faced the problem of been unrecognized by both sides of the conflict at the territory where the mission is established according to a mandate.

Taking all this into account, in order to create conditions for security and political settlement within the Minsk process, experts propose to create an effective international mechanism for conflict resolution, which will serve as a guarantee of the restoration of peace and territorial integrity of Ukraine in Donbass - the International Interim Administration under auspice of UN. IIA will include both a peacekeeping contingent and a temporary civilian administration. Civil administration should consist of representatives of the countries guaranteeing the territorial integrity of Ukraine under the Budapest memorandum.

The IIA is a UN multi-profile integrated mission, the ultimate goal of which is the de-occupation and subsequent reintegration of the occupied territories into Ukraine. The IIA consists of a military contingent, a police contingent and the civilian personnel for socio-economic management of the occupied territories.

Political position of Ukraine. The peacekeeping and police contingents of the IIA in the occupied territories cannot include representatives of the states which have the state border with Ukraine. Representatives of Ukraine necessarily belong to all structures of civilian control in the territory of the IIA. De-occupation and reintegration of the currently occupied territories cannot be a condition for determining the foreign policy of Ukraine.

Security. The priority objectives of the IIA in the occupied territory are demilitarization of all armed formations and the establishment of control along the State border of Ukraine and the RF in the occupied territory. Participation and permanent presence of representatives of the relevant government authorities of Ukraine in the contingent of the IIA at the border of Ukraine and the RF are mandatory. The police forces in the occupied territory are formed in accordance with the UN Security Council resolution.

Civil administration. The IIA takes over the social and economic management of the occupied territories of Donbass, as effective control over these territories is established ahead of the local elections. The IIA facilitates the return of the internally displaced persons to the occupied territories, the restoration of all their material and non-material rights. The IIA facilitates the return of the internally displaced persons to the occupied territories, the restoration of all their material and non-material rights.

Media and freedom of speech. The IIA contributes to the extent possible to ensuring the technical and physical access and functioning of the Ukrainian media in the territory of the IIA. All media in the occupied territory following the takeover by the IAA operate in accordance with Ukrainian legislation requirements. The IIA restricts the activities of political parties and political campaigning in the occupied territory before the campaign period for local government elections begins. **Legal system.** Ukraine as a state, the local communities of villages, settlements, cities located in the occupied territories, State and local government bodies and other public-law entities retain the right of ownership, other real property rights, including real estate and the land. IIA guarantees the restoration of property rights that were violated in 2014, as of 2014.

With regard to the citizens living in the occupied territory without Ukrainian citizenship, the IIA is guided by the current Ukrainian Law for such case. The IIA contributes establishing of pre-trial and judicial investigation bodies in the occupied territory in accordance with Ukrainian legislation. All crimes committed by members of illegal armed groups in the occupied territory motivated by political, ethnic, religious resentment, war crimes, crimes against humanity will be transferred to the UN military criminal tribunal which will be established separately. All crimes committed in the occupied territories are investigated under the Criminal Code of Ukraine. All persons who committed the crimes will be brought to justice in accordance with the legislation of Ukraine and the norms of international law. Ukraine enacts special laws on amnesty and collaborationism (on forgiveness) which will be applied in the occupied territory. Ukraine agrees to amnesty for Ukrainian citizens - members of illegal armed groups in the occupied territory of Donbass who did not commit crimes against humanity, war crimes, are not involved in establishing illegal armed groups, provided that they did not commit other crimes under the Criminal Code of Ukraine.

Elections. After achieving the goal of stable security, namely the complete ceasefire, getting total control over the border of Ukraine and the RF in the occupied territories by IIA, the demilitarization of all illegal armed groups and ensuring a legal regime for social and economic activity, the stable work of the mass media in accordance with the legislation of Ukraine, the IIA organizes and holds local government elections in accordance with Ukraine Law. After setting up the legitimate local government bodies in the occupied territories the authority of the IIA is terminated and transferred to the local government bodies.

Conclusions and perspectives of further research. In our opinion, the civilian component in UN peacekeeping mission in Donbass is a key element because:

the legitimate institutions of state power in uncontrolled by Ukraine territories of Donbass were completely destroyed in 2014;

since 2014, the functions of administrative and socio-economic administration in the occupied territory are carried out by illegitimate militaristic bodies ruled by Russia and which are not even recognized by it and which do not have international subjectivity;

the RF still fails to recognize itself as a party to the conflict and denies its responsibility for administration over the occupied territories of Donbass.

The experts believe that resolving the problems of military and civilian nature of the occupied territories during the transition period by the UN Neutral Mission will create real conditions for resolving the conflict, civil reconciliation and social and psychological rehabilitation of the residents of Donbass.

Moreover, the proposed concept allows not to exclude the members of the UN Security Council and the Normandy format, which are also NATO members, from the process of a direct conflict resolution. If the Kremlin's condition is the absence of NATO countries among peacekeepers, their participation in the civil component of the IIA is quite logical and advisable.

In addition, participation of guarantor countries of territorial integrity of Ukraine which signed the Budapest memorandum (except for Russia) in the civilian component of the IAA indicates implementing their guarantees at least in a such modality, and therefore to preserve the significance of this historical document for the further process of nuclear non-proliferation.

Further research should be devoted to monitoring the situation in the temporarily occupied territories of Donetsk and Luhansk oblasts.

References:

President of Ukraine held a phone conversation with the UN Secretary-General. The date is on 19.06.2018. URL: <https://www.president.gov.ua/news/prezident-ukrayini-proviv-telefonnu-rozmovu-z-generalnim-sek-48258> (Accessed 02 September 2018).

Poroshenko: Proposal for peacekeepers in the Donbass is a test of the authenticity of the intentions of the Kremlin // The date is on 30.06.2018. Site Zik URL:

https://zik.ua/news/2018/06/30/poroshenko_propozytsiya_shchodo_myrovtvortsiv_na_donbasi_tse_test_na_spravzhnist_1356299 (Accessed 02 September 2018).

Ukraine and Russia still have differences in the issue of deploying peacekeepers in the Donbass - Maas // Site UNIAN. URL: <https://www.unian.ua/war/10149311-ukrajina-ta-rosiya-vse-shche-mayut-rozhodzhennya-v-pitanni-rozgotannya-mirotvorciv-na-donbasi-maas.html> (Accessed 02 September 2018).

Ukraine, Russia fail to agree on U.N. peacekeeping mission // Site Reuters. URL: <https://www.reuters.com/article/us-ukraine-crisis/ukraine-russia-fail-to-agree-on-un-peacekeeping-mission-idUSKBNU726I> (Accessed 02 September 2018).

Volker: The peacekeeping mission in the Donbass will be different from everyone else

// Site. URL: <https://www.pravda.com.ua/news/2018/04/14/7177646/> (Accessed 02 September 2018).

War, peace, reintegration: political risks of the year. Outcomes of the public marathon in the Dnipro // Site. URL:

http://ucipr.org.ua/index.php?option=com_content&view=article&id=968:v-yna-mir-re-ntegrac-ya-pol-tichn-riziki-roku-p-dsumki-gromadskogo-marafonu-u-dn-pr&catid=16&lang=ua&Itemid=186 (Accessed 02 September 2018).

Introduction of the International Provisional Administration in the temporarily occupied territories of the Donetsk and Luhansk oblasts as part of a peacekeeping strategy for Ukraine: concept / Serhiy Harmash, Valeriy Kravchenk, Yevhen Yaroshenko and other. Kiev, 2018, 18 p.

Ukrainian society in the conditions of war: the challenges of the present and prospects of peacemaking: materials of the 2nd All-Ukrainian Scientific and Practical Conference, Mariupol, June 15, 2018, Mariupol: DonNUU, 2018, 316p.

Reintegration of Donbass in conditions of hybrid war. As? The date is on 31.05.2017.

// Site Ukrinform. URL: <https://www.ukrinform.ua/rubric-politics/2239019-reintegracia-donbasu-v-umovah-gibridnoi-vijni-ak.html> (Accessed 09 June 2018).

Myrotvorcha stratehiia dlia Ukrainy. Prezentatsiia proektu // Site Ukrinform. URL: <http://newsvideo.su/video/8949202> (Accessed 25 December 2018).

Resolution 2202 (2015) adopted by the United Nations Security Council at its 7384th meeting, on 17 February 2015. // Site IAS Consultant. URL: <http://consultant.parus.ua/?doc=09GGF980EA> (Accessed 02 September 2018).

Zakon Ukrainy 18.01.2018 JVe 2268-VIII "Pro osoblyvosti derzhavnoi polityky iz zabezpechennia derzhavnoho suverenitetu Ukrainy na tymchasovo okupovanykh terytoriiakh u Donetskii ta Luhanskii oblastiakh" [On peculiarities of the state policy on ensuring the state sovereignty of Ukraine in the temporarily occupied territories in the Donetsk and Luhansk oblasts] // Sait Verkhovnoi Rady Ukrainy URL: <http://zakon3.rada.gov.ua/laws/show/2268-19> (Accessed 15 March 2018).

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