

TARTU UNIVERSITY
Faculty of Social Sciences
Johan Skytte Institute of Political Studies

Lance Allen Bradley

STATE-(RE)BUILDING IN THE DONBAS 2015-2021:
HOW AND WHY DE FACTO STATES DO THINGS DIFFERENTLY

MA Thesis

Supervisor: Prof. Dr. Eiki Berg

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This thesis would not have been possible without the assistance of my supervisor Prof. Dr. Eiki Berg, the methodological guidance of Kristina Muhhina, PhD, and the encouragement and support of friends, family, and colleagues. Thank you!

I would like to dedicate this work those who have lost their lives or otherwise suffered from physical injury, psychological trauma, and displacement since the Russian-fueled conflict in the Donbas began in 2014.

Україна не буде колонією Москви!

Authorship Declaration

I have prepared this thesis independently. All the views of other authors, as well as data from literary sources and elsewhere, have been cited.

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Lance Bradley, January 8, 2023.

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Abstract (English):

Academic literature on *de facto* states has observed and described post-conflict state-building in all *de facto* states in Eurasia. This body of research has highlighted shared commonalities shared between non-recognized states in their endeavors to build and maintain state-like structures. These commonalities can be viewed as defining of *de facto* statehood. The present research adds to the existing scholarship by testing these criteria in the youngest *de facto* states to see if they can account for and explain observed behavior. To do so, this research first compares state-building in the non-recognized “DLPR” to Ukrainian state-*re*building in government-controlled territory of Donetsk and Luhans’k oblasts. The stark differences in state-(re)building on either side of the conflict line are then contextualized and explained by process-tracing the *de facto* independence / lack of recognition to shortcomings in state-building in the *de facto* “People’s Republics”. The starkest differences revealed in the comparative analysis include the poor economic rebuilding, weak institution building, weak independence due to excessive meddling of a foreign power, and violent and authoritarian control in the Donbas *de facto* states. Overall, this thesis strengthens *de facto* state scholarship which proved useful in the analysis and also identifies gaps in *de facto* state research that need bridging and further development.

Sisukokkuvõte (Eesti keel):

Rahvusvaheliselt tunnustamata (*de facto*) riike käsitlev akadeemiline kirjandus on uurinud ja kirjeldanud konfliktijärgset riigi ülesehitamist kõikides *de facto* riikides Euraasias. Antud teadustöö raames on kirjeldatud tunnustamata riikide püüdlusi ehitada ja säilitada riigisarnaseid struktuure, sarnaselt peremees-riigi katsetega taastatada sõjast laastatud taristu. See teadustöö otsib sarnasusi ja erisusi nendes ülesehitus/taastamisprotsessides ning analüüsib põhjuslikke seoseid soorituste edukuse vahel. Selleks võetakse vaatluse alla Donetsk ja Luganski “rahvavabariikide” ülesehitustööd ning võrreldakse neid Ukraina riigi taristu taastetöödega Ukraina valitsuse poolt kontrollitud territooriumitel Donetsk ja Luhanski oblastites. Sarnasuste ja erisuste kontekstualiseerimisel ja selgitamisel kasutatakse protsessi-jälgimise meetodit. Magistritöö tulemusel leiti mitu peamist lahknevust tunnustamata Donbassi *de facto* riigi ülesehitamise jõupingutuste ja Ukraina valitsuse kontrolli all oleva territooriumite vahel. Nii võib tõdeda, et separatistlike piirkondade ülesehitustööid varjutas võõrriigi ulatuslik sekkumine, laialdane vägivald ning autoritaarne kontroll, mistõttu kannatasid institutsioonilooime, ja majandusstruktuuride toimimine. Töö tulemused lisavad olulise panuse *de facto* riikide uurimisse, ennekõike ülesehitustööde probleemide valguses ning sõltuvuses välisriigi kohalolekust.

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List of Abbreviations

ATO	Anti-Terror Operation
CISR	Center for Strategic Studies and Reforms
“DLPR”	Donetsk and Lugansk “People’s Republics”
“DPR”	Donetsk “People’s Republic”
DRA	Deutsch-Russischer Austausch, e.V.
DRC	Danish Refugee Council
DSPU	State Border Guard Service of Ukraine
FDI	Foreign Direct Investment
FSB	Federal Security Services (Russia)
GDP	Gross Domestic Product
GITOC	Global Initiative against Transnational Organized Crime
HRMMU	United Nations Human Rights Monitoring Mission in Ukraine
ICG	International Crisis Group
ICRC	International Committee of the Red Cross
IDP	Internally Displaced Person
IMF	International Monetary Fund
JCCC	Joint Center for Control and Co-ordination
KKV	King, Koehane, and Verba
“LPR”	Lugansk “People’s Republic”
MSSD	Most-Similar-Systems Design
NAKO	Independent Defense Anti-Corruption Committee
Nefco	Nordic Environment Finance Corporation
NRC	Norwegian Refugee Council
OHCHR	Office of the United Nations High Commissioner for Human Rights
OSCE	Organization for Security and Co-operation in Europe
OUN	Organization of Ukrainian Nationalists
SMM	OSCE Special Monitoring Mission
UN	United Nations
UNICRI	UN Interregional Crime and Justice Research
USD	United States Dollar
ZOiS	Centre for East European and International Studies

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1. Introduction

Post-Cold War conflicts, or ‘new wars,’¹ are fought differently and have different results. These conflicts can often result in messy or incomplete outcomes. As opposed to Clausewitz’s description of war as having an inherent dynamic of violent escalation,² modern wars often have external mediators to reduce violence leading to ‘low intensity’ wars.³ According to a modern understanding of Clausewitz, this outside influence in modern wars can increase “state-disintegrating” outcomes.⁴ The state in its original form ceases to exist because the violent conflict does not “formally come to an end through peace agreements but rather military victories followed by ceasefires,”⁵ creating new borders. Kaldor, in her conceptualization of ‘new wars,’ highlights the influence of varying state and non-state actors in ‘new’ post-Cold War armed conflicts.⁶ Münkler, who expanded on this notion as a key scholar within German academia, explained how ‘new wars’ last longer and become dormant.⁷ In post-communist Eurasia, these dormant conflicts are often referred to as ‘frozen conflicts’.⁸ The ‘freezing’ of conflicts can lead to territory and peoples being controlled by state-like actors that enjoy little to no recognition abroad: de facto states. De facto states are particularly abundant where Russia intervenes in supporting secessionists, and the latest Russian-instigated de facto states at the center of this research are the Donetsk and Lugansk “People’s Republics” (“DLPR”)⁹ in Eastern Ukraine.

Post-conflict rebuilding of physical infrastructure and public institutions (state-building) as well as of social capital (nation-building) usually occur after high-intensity fighting subsides, but before lawful conflict resolution has been reached. Rebuilding, then, is not a unidimensional task to be fulfilled by the winning side of a conflict, but rather a multidimensional process which takes place in different ways and at varying degrees of intensity, based on what the entities leading the rebuilding effort are and who they are aligned

¹ Term coined by Mary Kaldor, *New and Old Wars: Organized Violence in a Global Era* (Cambridge: Polity, 1999), as well as other authors in the late 1990’s and early 2000’s.

² Carl von Clausewitz, *Vom Kriege* (Hamburg: Nikol Verlag, 2019).

³ Herfried Münkler, *The New Wars* (Cambridge: Polity, 2005), 13.

⁴ *Ibid.* 8

⁵ Kristin M. Bakke, et al., “Convincing State-Builders? Disaggregating Internal Legitimacy in Abkhazia,” *International Studies Quarterly* 58, no 3 (2014): 592. <http://www.jstor.org/stable/24014618>

⁶ Kaldor, *New and Old Wars*.

⁷ Münkler, *The New Wars*, 12-13.

⁸ Anton Bebler ed., *“Frozen Conflicts” in Europe* (Opladen: Barbara Budrich Publishers, 2015); Thomas D. Grant, “Frozen Conflicts in International Law,” *Cornell International Law Journal* 50, no. 3 (2017): 361-414; James J. Coyle, *Russia’s Border Wars and Frozen Conflicts* (Cham: Pelgrave Macmillan, 2018).

⁹ The Russian transliteration is used for the official Russian title of the de facto states.

with. This research is interested in the differences in rebuilding as a function of international status, of (non-)recognition. Specifically, this research looks at *how* unrecognized de facto states differ in their rebuilding efforts from fully-recognized states and *why* their effectiveness differs, with a specific focus on state-building. The analysis looks to verify whether or not de facto statehood itself can sufficiently explain the differences in the outcomes of the rebuilding efforts of the de facto Donbas “People’s Republics” in comparison to the territories of Donets’k and Luhans’k oblasts¹⁰ that remained under Ukrainian control.

In Eurasian de facto states in particular, one can observe that frozen conflicts have not produced short-lived states, but rather relatively stable governing structures maintained over decades. In this sense, understanding varying (in)effectiveness of post-conflict rebuilding in unrecognized ‘states’ is relevant. *How* governing powers rebuild can depend on many outside factors. When analyzing state-(re)building in the Donbas, the non-recognition of the de facto states holds the most obvious explanatory power of discrepancies vis-à-vis Ukrainian-controlled territory. This research aims to better understand the relationship between non-recognition and post-conflict state-building.

In looking for answers as to *why* de facto states ‘do things differently,’ the conventional scholarship to consult is de facto state research. State-like actors refusing or unable to fit the standards of international law are interesting cases studies as they represent a challenge for international affairs. Scholarly attention to these anomalies started blossoming after the fall of the Soviet Union, when separatists in many places throughout the former Soviet-controlled territory¹¹ began to fight against their internationally recognized parent states and to declare independence (in several cases devoid of recognition). Political scientists and scholars of international law have since observed and described specific characteristics of facto statehood. They have expanded de facto state research in terms of bandwidth, but it still lacks analytical depth in some respects. The research at hand takes a closer look at conventional descriptions and definitions of de facto states and puts them to the test in relation to the “DLPR”. To do so, it first proceeds as most studies of de facto states do, describing the developments in the de facto states at hand. It then employs the (presumably unique) conventional characteristics of de facto states to see if they can account for the discrepancies

¹⁰ All Ukrainian transliterations follow ALA-LC guidelines

¹¹ Other non-Eurasian de facto states also exist, most notably Cyprus and Somaliland are important in modern de facto state research.

in rebuilding in the “DLPR” in comparison to their Ukrainian-controlled counterparts. This research assumes a non-recognized declaration of independence as the starting point for underperformance in post-conflict rebuilding. This thesis adds depth to de facto state research by applying characteristics of de facto statehood as analytical tools for explaining the outcomes of post-conflict rebuilding and the exact mechanisms that lead to different outcomes compared to “normal” states. The relevance of such research will prevail for as long as de facto states exist.

Violence is ubiquitous in the creation of de facto states, and the cause for the need to rebuild. Physical rebuilding and other factors of state-(re)building are essential for gaining and maintaining legitimacy and necessary for any state to endure – recognized or not. The case of the Donbas is specifically relevant today as Russia’s war of aggression in Ukraine rages on. It destabilizes the region and provides breeding ground for the creation of more non- or partially recognized states. For de facto state research, this case study and analysis can strengthen definitions of de facto statehood and provide new insight into which findings and assumptions may need to be revisited in future research or for policy-making.

2. Theoretical Background

The most important terminology for this research includes ‘*de facto statehood*’ and the concepts of ‘*rebuilding*’ and ‘*state-building*’. Furthermore, collecting definitional features of de facto states is paramount to later explain *why* de facto states do things differently. De facto state research the basis for this research and the inspiration for the research question, how and why de facto states state-build differently. As much as the study of de facto states gave impetus to this research, a goal of this research is to narrow down and strengthen central aspects of de facto state definitions by testing their accuracy, authority, and explanatory significance. The concept of rebuilding, as simple as it may seem, needs to be looked at through an empirical lens to impose explicit boundaries to the scope of this research. Rebuilding can otherwise become too broad of a concept, including aspects only distantly related to state-building. The literature on rebuilding by Jabareen,¹² defined explicitly in the context of ongoing-conflict, provides an applicable basis. To further narrow down the scope, this research only examines state-(re)building, instead of simultaneously attempting to analyze aspects of nation-building. State-building features are extracted from Jabareen’s

¹² Yosef Jabareen, “‘Post-Conflict Reconstruction’ and ‘Ongoing Conflict Reconstruction’ of Failed States,” *International Journal of Politics Culture and Society* 26, No. 2 (2013): 107-125. DOI 10.1007/s10767-012-9118-3.

research and adapted to this research by considering definitions of state-building from literature on de facto states. Other aspects of rebuilding, i.e. nation-building, play an important role in de facto state research¹³ but are excluded here due to time and scope restraints.

2.1. De facto statehood

De facto state research established itself as a specific research field in the post-Cold War period. Conflicts fought after the end of the so-called “bipolar world order” are often complex, low-level, prolonged, and fit into the classification of ‘new wars’ which are fought differently and lead to different and often messy outcomes.¹⁴ Such outcomes can, in part, be due to external intervention. Particularly in Eurasia, where Russia intervenes as a (post)-colonial power, these messy outcomes in unresolved conflicts have actively resulted in the establishment of the following de facto states: Abkhazia, Transnistria, South Ossetia, and, most recently, the Lugansk and Donetsk so-called “People’s Republics.”¹⁵ Simply put, a de facto state is an “unrecognized [...] entities that have achieved de facto independence, often through warfare, but not international recognition.”¹⁶ In many cases, de facto states have “all the same attributes of statehood *except* external recognition,”¹⁷ concluding that “Westphalian sovereignty can exist in the absence of international legal sovereignty.”¹⁸ A detailed definition comes from Pegg and his study of de facto states: “secessionist entities that control territory, provide governance, receive popular support, persist over time, and seek widespread recognition of their proclaimed sovereignty yet fail to receive it.”¹⁹ Here, Pegg goes further than discussing the engenderment of de facto states and begins describing what de facto states are constituted of. As de facto state research progressed, descriptions of de facto states from varying perspectives led to an array of definitional features of the essence of de facto statehood. Some descriptions remained true over time and maintained accuracy in multiple cases, meaning they are linked to non-recognition as opposed to case-specific features. These

¹³ Pål Kolstø and Susan Høivik, *Political Construction Sites: Nation-building in Russia and the Post-Soviet States* (New York: Routledge, 2000); Pål Kolstø and Helge Blakkisrud, “Living with Non-recognition: State- and Nation-building in South Caucasian Quasi-states,” *Europe-Asia Studies* 60, 3 (2008): 483-509. DOI 10.1080/09668130801948158; Magdalena Dembińska, “Legitimizing the Separatist Cause: Nation-building in the Eurasian de facto States,” *Nationalities Papers* (2022): 1-18. DOI 10.1017/nps.2022.33.

¹⁴ Münkler, *The New Wars*, 12-13.

¹⁵ Nagorno-Karabakh to a lesser extent with border disagreements in part due to Soviet policies and with Russia’s involvement primarily as a mediator rather than an active conflict party.

¹⁶ Nina Caspersen, “Separatism and Democracy in the Caucasus,” *Survival* 50, 4 (2008): 113.

¹⁷ *Ibid.*, 120.

¹⁸ Oisín Tansey, “Does Democracy need Sovereignty?,” *Review of International Studies* 37, no. 4 (2011): 1515-1536. DOI 10.1017/S0260210510001087.

¹⁹ Scott Pegg, *International Society and the de facto State* (Aldershot: Ashgate, 1998).

definitional features of de facto states that affect domestic politics and society are relevant for the analysis at hand. Furthermore, de facto state research has accurately identified that some de facto states, especially outside of Eastern Europe and the Northern Caucasus, differ drastically from others. This research asserts that de facto states can be separated into categories of patron-dependent states (Republic of Abkhazia, Donetsk People's Republic, Lugansk People's Republic, Republic of Artsakh, Pridnestrovian Moldovan Republic, Turkish Republic of Northern Cyprus, Republic of South Ossetia, Sahrawi Arab Democratic Republic), patron-independent states (Somaliland) and semi-recognized states (Republic of Kosovo, State of Palestine, Republic of China (Taiwan)). In this research, sources and definitions are taken almost solely from the first group, patron-dependent states, as it is the largest group of de facto states, collectively the most-studied, and most relevant to this case.

Due specifically to their unrecognized status, de facto states are described as weak state-builders.²⁰ An immediate problem non-recognized states face is their exclusion from institutions of global governance. Cooperative organizations regulating trade, diplomatic relations, and humanitarian aid function almost solely between partners in states with full international recognition and/or United Nations (UN) membership status, with few exceptions such as Israel, Kosovo, Palestine, and Taiwan. Being excluded from these institutions "den[ies] such entities various opportunities to participate in the international community or benefit from international exchange."²¹ The "economic cost of non-recognition," as Pegg calls it,²² renders legal trade impossible. De facto states therefore suffer from a lack of investment, limited global market access, and do not take part in sufficient economic monitoring; in sum, their economies are weak, informal, and illicit,²³ infamous for criminality²⁴ and black markets.²⁵ De facto states have been classified as "rentier-client states", combining rentier economies and patron-client relations, meaning that their economic success is both linked to foreign rents (primarily natural resource export and remittances) and

²⁰ Pål Kolstø, "The Sustainability and Future of Unrecognized Quasi-States," *Journal of Peace Research* 43, no. 6 (2006): 747-764. DOI 10.1177/0022343306068102.

²¹ Scott Pegg, "Twenty Years of de facto State Studies: Progress, Problems, and Prospects," *Oxford Research Encyclopedia of Politics* (2017). DOI 10.1093/acrefore/9780190228637.013.516.

²² Pegg, *International Society and the de facto State*, 59.

²³ Nina Caspersen, "Unrecognized States: The Struggle for Sovereignty in the Modern International System," *Nationalities Papers* 41 (2013): 675-683. taken from Martha C Johnson and Meg Smaker, "State Building in De Facto States: Somaliland and Puntland Compared," *Africa Today* 60, no. 4 (2014): 3-23.

²⁴ Kolstø, "The Sustainability and Future of Unrecognized Quasi-States," 753.; Danilo Mandić, *Gangsters and Other Statesmen: Mafias, Separatists, and Torn States in a Globalized World* (Princeton: Princeton University Press, 2021).

²⁵ Charles King, "The Benefits of Ethnic War: Understanding Eurasia's Unrecognized States," *World Politics* 53 (2001): 524-552.

direct aid from their patron state.²⁶ External rent is therefore central to secessionist economic models,²⁷ and, specifically in Eurasia, direct payments from Russia are the main source of internal legitimacy.²⁸ But at the same time, this economic choke-hold dampens both independence²⁹ and state-building capacity.³⁰ Dembińska and Campana discuss this dilemma: internal legitimacy stems from patron-state funded (relative)³¹ economic security, but economic dependence on the patron state also undermines the legitimacy of the de facto government.³² These weak state-builders have to strike a balance with their patron states.

The balance between dependency on a single patron and establishing internal legitimacy has been a focus of de facto state research, and although there are patterns, there are not rules. Internal legitimacy has been classified in three dimensions, of which de facto states (should) strive to achieve all of them: state legitimacy, regime legitimacy, and institutional legitimacy.³³ State-legitimacy is largely explained with nation-building factors: residents accept the foundational myth of the state and the “rules of the game.”³⁴ Regime legitimacy is simply about people’s trust in the governing powers, the people in government.³⁵ Institutional legitimacy is about trust and experiences with institutions, such as security or judicial arms of the government; in short, if a trustworthy and functional bureaucracy exists.³⁶ De facto states need to build up internal legitimacy in order to be considered successful state-builders.

The three most important ‘sources’ of legitimacy, are democratic participation, economic goods, and security³⁷ and this is where one would expect de facto regimes to focus all resources. Democratic participation could theoretically be granted from the de facto regimes themselves, but the provision of security and economic growth are nearly inconceivable without a strong patron-state. This is especially true in de facto states where Russia is the

²⁶ Vladimir Kolossov and John O’Loughlin, “After the Wars in the South Caucasus State of Georgia: Economic Insecurities and Migration in the ‘De Facto’ States of Abkhazia and South Ossetia,” *Eurasian Geography and Economics* 52, 5 (2011): 631-654.

²⁷ Kamil Calus, “An Aided Economy: The characteristics of the Transnistrian economic model,” *OSW Commentary*, no. 108, 2013. taken from Ion Marandici and Alexandru Leșanu, “The Political Economy of the Post-Soviet De Facto States: A Paired Comparison of Transnistria and the Donetsk People’s Republic,” *Problems of Post-Communism*, 68, 4 (2021): 339-351, DOI 10.1080/10758216.2020.1785317.

²⁸ Kolossov and O’Loughlin, “After the Wars in the South Caucasus State of Georgia.”

²⁹ Nina Caspersen, “Playing the Recognition Game: External Actors and De Facto States,” *The International Spectator* 44, 4 (2009): 47-60, DOI 10.1080/03932720902251146.

³⁰ Kolossov and O’Loughlin, “After the War in the South Caucasus State of Georgia.”

³¹ Relative to the parent state.

³² Dembińska and Campana, “Frozen Conflicts and Internal Dynamics of De Facto States,” 266.

³³ Bakke, et al., “Convincing State-Builders?,” 593.

³⁴ *Ibid.*

³⁵ *Ibid.*

³⁶ *Ibid.*

³⁷ *Ibid.*

patron: “all political players in these de facto states have consistently favored retaining strong relations with Russia, since any weakening of patron support would put the very survival of the statelet in question.”³⁸ This is where patron-client relations come into play and all main sources of legitimacy for de facto states are affected by these relations.

Democracy is not only a source of internal legitimacy, but also for external recognition. Democratic practices, especially when more successful than in the parent state, is thought to increase chances of recognition.³⁹ Nevertheless, “democratizing the state while it is being built is exceptionally challenging,”⁴⁰ and can almost only be successful if a conflict is resolved, allowing the demilitarization of politics.⁴¹ Furthermore, Russia’s influence “in the early years after de facto independence may arguably be interpreted as the instinctively repressive behavior of an authoritarian regime.”⁴² This points to negative side-effects of patron-state dependency, but Kolstø also points out that states with a rather weak sense of independence may instead focus their attention on joining their patron state (search-and-replace method) and therefore neglect sources of internal legitimacy.⁴³

Providing ‘economic goods’ in a de facto state also has its difficulties. Legal trade with unrecognized states is impossible and de facto states are also often small and cannot achieve autarky. Poor relations between parent states and separatist entities have led to (temporary) economic blockades of de facto states which had devastating effects on existing economic and established trade infrastructure in Transnistria,⁴⁴ Abkhazia,⁴⁵ and Nagorno-Karabakh.⁴⁶ A unilateral declaration of de facto independence can have a domino effect that leads to a loss of working capital, personnel, and financial security.⁴⁷ The lack of legal options leads to more patron-state dependence and a centralization of economic power. Patron-states provide loans and financial aid through back-door mechanisms which provide the necessity of grouping

³⁸ Pål Kolstø, “Authoritarian Diffusion, or the Geopolitics of Self-Interest? Evidence from Russia’s Patron-Client Relations with Eurasia’s *De Facto* States,” *Europe-Asia Studies* (2020): 4.

³⁹ Caspersen, “Separatism and Democracy in the Caucasus.”

⁴⁰ Johnson and Smaker, “State Building in De Facto State,” 5.

⁴¹ Terrence Lyons, “Transforming institutions of War: Post-conflict Elections and the Reconstruction of Failed States,” in *When States Fail: Causes and Consequences*, ed. Robert I. Rotberg, (Princeton: Princeton University Press, 2004), 294.

⁴² Kolstø, “Authoritarian Diffusion, or the Geopolitics of Self-Interest,” 5.

⁴³ Kolstø and Blakkisrud, “Living with Non-recognition,” 506.

⁴⁴ Anatol Gudim, “Evolution of the Transnistrian Economy: Critical Appraisal,” *CISR Report* (2001): 1.

⁴⁵ Joshua Kucera, “Report details increasing trade between Georgia, Abkhazia, South Ossetia,” *Eurasianet*, May 24, 2018.

⁴⁶ David Saha et al., “The Economic Effect of a Resolution of the Nagorno-Karabakh Conflict on Armenia and Azerbaijan,” *Berlin Economics* (2018): 8.

⁴⁷ Gudim, “Evolution of the Transnistrian Economy: Critical Appraisal.”

central banks and large enterprises together. This leads to a banking system closely related to the state and abused for ‘political clientelism’ which reflects “colonial or semi-colonial relationship because key monetary policy enforcers in an ‘independent’ state are members appointed by another state”⁴⁸ which clearly puts internal legitimacy in question. The centralization leads to a reliance on a limited group of enterprises discouraging privatization and investment.⁴⁹ A saving grace in Russian-backed de facto states is the access to cheap gas and electricity which creates ‘fake competitiveness’ in global markets.⁵⁰ All in all, de facto states fight an uphill battle in providing economic goods to their population and increasing dependence on a patron-state is the only way to create economic improvements at all.

Providing security in insecurity is one of the most difficult tasks in de facto states,. “Deprived of the protection enjoyed by even the weakest and most dysfunctional internationally recognized state, they are totally dependent on Russia for security.”⁵¹ This is another instance of necessary reliability, because capacity for defense, including border control and domestic security, is a prerequisite for ‘stateness,’⁵² and without it, there are no means to deter the parent state.⁵³ “A typical result is a state that is top-heavy on military and security expenditures and/or has largely outsourced its security needs to an external patron.”⁵⁴ The patron therefore secures the status quo vis-à-vis the parent states, but within de facto states crime can often run rampant and goes unpunished.⁵⁵ In total, a shared feature is the lopsidedness of de facto state budgets: “within the international system’s ‘protective norm of nonintervention’, de facto states must prioritize security, [...] military, [...]and police”.⁵⁶ De facto state leaders fear being forcibly reintegrated or losing internal legitimacy, resulting in high military and security expenditures⁵⁷ and highly militarized societies⁵⁸ at the expense of the population. Similar to the provision of democratic participation and economic goods,

⁴⁸ Tufan Ekici, *The Political and Economic History of North Cyprus: A Discordant Polity* (Wayne: Palgrave Macmillan, 2019), 240.

⁴⁹ Gudím, “Evolution of the Transnistrian Economy: Critical Appraisal,” 7-9.

⁵⁰ *Ibid.*, 8.

⁵¹ Kolstø, “Authoritarian Diffusion, or the Geopolitics of Self-Interest,” 4.

⁵² Kolstø and Blakkisrud, “Living with Non-recognition,” 506.

⁵³ Pegg, “Twenty Years of de facto State Studies.”

⁵⁴ *Ibid.*

⁵⁵ For more see Thomas de Waal, *Uncertain Ground: Engaging with Europe’s De Facto States and Breakaway Regions* (Washington, DC: Carnegie Endowment, 2018). as well as Mandić, *Gangsters and Other Statesmen*.

⁵⁶ Johnson and Smaker, “State Building in De Facto State,” 5.

⁵⁷ Pegg, “Twenty Years of de facto State Studies.”

⁵⁸ Donnacha Ó Beacháin, Georgio Comai and Ann Tsurtsumia-Zurabashvili, “The Secret Lives of Unrecognised States: Internal dynamics, external relations, and counter-recognition strategies,” *Small Wars & Insurgencies* 27, 3 (2016): 443. DOI 10.1080/09592318.2016.1151654.

security in de facto states often takes on a weak form and is dependent on the money and will of the patron state.

The dependency on a patron, centralization of power, and militarization of society have many effects throughout the political sphere in de facto states. De facto states often have a government with presidential dominance and weak checks and balances between other government arms.⁵⁹ Scholars dispute the reasons for this, but Pegg notes that this strict political hierarchy and excessive military spending observed in de facto states are not generally seen as best practice.⁶⁰ Furthermore, de facto states typically embody other features that help define them, such as stoking nationalist sentiment,⁶¹ ethnic homogenization,⁶² military glorification.⁶³ These factors can also be criticized, but these are more closely related to nation-building and are therefore less important for the research at hand.

In conclusion, the day-to-day developments in de facto states are challenging. Traditional forms of transnational economic and political relations generally disintegrate. The wants and needs of the local population are challenging to meet and impossible without a dedicated patron. The definitional features of de facto states, as they relate to state-building, include lack of investment and spending, informal and criminal economies, economic dependency on patron state, high military spending, problems providing internal and external security, and centralized government. On top of these challenges, de facto states need to strike a balance between surviving with help from their patron-state while not compromising their de facto sovereignty. Together, these features of de facto states and the challenges they face reflect Kolstø's perception that unrecognized states are weak state-builders,⁶⁴ and therefore justifies the assumption in this research that the status of the "DLPR" as non-recognized states will result in slower economic, physical, political recovery and weaker aspects related to internal and external security.

2.2. Rebuilding

Rebuilding is a deceptive term, easily understood but difficult to define. Yosef Jabareen defines rebuilding in a holistic manner, with both includes aspects of state- and nation-

⁵⁹ Ó Beacháin, Comai, and Tusrtsumia-Zurabashvili, "The Secret Lives of Unrecognised States," 445.

⁶⁰ Pegg, "Twenty Years of de facto State Studies."

⁶¹ Daniel Byman and Charles King, "The Mystery of Phantom States," *The Washington Quarterly* 35, 3 (2012): 43-57, DOI 10.1080/0163660X.2012.703580.

⁶² Pegg, "Twenty Years of de facto State Studies."

⁶³ Ibid.

⁶⁴ Kolstø, "The Sustainability and Future of Unrecognized Quasi-States."

building, though he classifies them differently.⁶⁵ Only aspects related to state-building are considered for the research at hand, but the nation-building aspects could be used for other similar research endeavors. His definition is particularly fitting for de facto state research because he includes the particularities of rebuilding in post-conflict as well as on-going conflict scenarios, both also in relation to ‘failed states’. Rebuilding, especially of vital infrastructure and institutions, generally begins as soon as direct local crossfire subsides, but almost never only after a conflict officially concludes. Particularly when looking at cases of ‘modern wars’, rebuilding may only ever occur in officially ongoing conflicts. For the Donbas and any other Russian-backed de facto state, rebuilding has only taken place during the time when the conflict had not officially subsided. Jabareen’s research is largely a guide to proper state-building and post-conflict rebuilding as well as monitoring provisions based on American aid effort in conflict regions. This is relevant because both the territory under Ukrainian control and territory claimed by the “DLPR” received aid from abroad and this can have both positive and negative effects on rebuilding. For example, Ukraine has received significant aid from Western countries since 2014 which the Luhansk and Donetsk oblasts were able to profit from while aid in the de facto states only comes from Russia and is often tied to specific requirements. Jabareen’s definition and description of rebuilding is very exact, including first four “themes” of rebuilding, (1) political, (2) economic, (3) social, and (4) general provision of security.⁶⁶ Jabareen, as well as Fukuyama⁶⁷ clearly put general provision of security as the number one priority because without it “the entire state-building mission appears to be destined to failure, as security provides the necessary environment for the success of reconstruction”.⁶⁸ For the research at hand, all four themes will be considered, but social rebuilding is of less importance as it relates more to nation-building. Jabareen provides principles and mechanisms to operationalize successful rebuilding. All of these provisions will be considered, but the determination of successful or unsuccessful rebuilding will be made based on the data provided from either side of the contact line in the Donbas. These principles and mechanisms include: (1) prioritization of indigenous needs, (2) integrative management of (international) relief and reconstruction operations, (3) equal distribution of resources, (4) selectivity for aid allocation, (5) local ownership, (6) partnership with local authorities, (7) sustainable rebuilding, (8) careful assessment, (9) clear, measurable, and

⁶⁵ Yosef Jabareen, “‘Post-Conflict Reconstruction’ and ‘Ongoing Conflict Reconstruction’ of Failed States.”

⁶⁶ Ibid.

⁶⁷ Francis Fukuyama, “Liberalism versus state-building,” *Journal of Democracy* 13, 3 (2007).

⁶⁸ Jabareen, “Post-Conflict Reconstruction”, 122.

strategically-focused results/goals, (10) flexibility, (11) accountability, (12) multi-scale reconstruction from the bottom to the top.⁶⁹ These parameters from Jabareen provide clues as to what to look for and how to classify rebuilding, but aspects of purely local rebuilding will have to be added as seen fit. Jabareen's parameters also include the power to not only describe rebuilding, but also assess it which is necessary for this research in order to compare both sides of the contact line in the Donbas with one another.

2.3. State-Building and State-Rebuilding

When speaking of state-building and state-rebuilding, they are, by definition the same. For the sake of this research, state-building is used in the context of de facto states as they are building state-like structures that have never previously existed in such a format. State-rebuilding is used when referring to the Ukrainian government and their policies and tactics to rebuild and reintegrate the portion of the Donbas that remained under their control after 2014. State-(re)building will be used when speaking about the concept of state-building and state-rebuilding in both contexts.

Literature on state-building exists in many contexts. Studies of political history of state-engagement described the successes, difficulties, and particularities of state-building in early 'modern' states such as France and Japan.⁷⁰ Nearing in on de facto states, there are also studies of forced state-building on behalf of colonizers in their colonies.⁷¹ Foreign aid as a factor in state-rebuilding in post-conflict contexts was looked at by Jabareen, but also in Afghanistan⁷² and Bosnia.⁷³ Furthermore, discussions around state-building also exist in essentially all de facto state literature, and, for relevancy, this research focuses on these accounts. Successful state-building results in internal legitimacy, something both vitally important for the existence and survival of any (de facto) state, but still debated by scholars

⁶⁹ Ibid., 121.

⁷⁰ For example, see Sarah Hanley, "Engendering the State: Family Formation and State Building in Early Modern France," *French Historical Studies* 16, no 1 (1989); Mark Ravina, "State-Building and Political Economy in Early-modern Japan," *The Journal of Asian Studies* 54, no. 5 (1995): 997-1022.

⁷¹ For example, see Jan Pierskalla, Alexander De Juan, and Max Montgomery, "The Territorial Expansion of the Colonial State: Evidence from German East Africa 1890-1909," *British Journal of Political Science* 49, no. 2 (2019): 711-737; Christophe Bonneuil, "Development as Experiment: Science and State-Building in Late Colonial and Postcolonial Africa, 1930-1970," *Osiris* 15 (2000): 258-281.

⁷² Neamat Nojumi, *American State-Building in Afghanistan and Its Regional Consequences* (Lanham: Rowman & Littlefield, 2016).

⁷³ Marcus Cox, "State Building and Post-Conflict Reconstruction: Lessons from Bosnia," *Centre for Applied Studies in international Negotiations (CASIN) Report* (2001).

and not clearly defined in the literature.⁷⁴ Discussions around internal legitimacy often drift into the sphere of nation-building because they both influence each other and have overlapping features. Here it is important to highlight that nation-building, although not directly analyzed in this research due to capacity constraints, is certainly also occurring on the Donbas region. If state-(re)building is occurring, then nation-building is necessarily also occurring, and without it, the statehood project would fail.⁷⁵ Without successful rebuilding efforts a nation cannot be created, but similarly without a national identity a population may have trouble supporting decisions of those in charge of rebuilding. While this research recognizes that nation-building is happening, as well as nation-rebuilding in the territories controlled by Ukraine, there are definitions of state-building that clearly separate it from nation-building and allow for this research to focus solely on attributes of state-(re)building and these are used in this research.

Kolstø and Blakkisrud looked at state-building from within de facto state research and classify it as “the establishment of the administrative, economic and military groundwork of functional states”.⁷⁶ Some aspects to focus on in a state-to-be include “capacity for defense, border control, and control over territory”,⁷⁷ “economic development, consolidation of state institutes, and the establishment of a permanent population”⁷⁸ and “economic and social conditions”⁷⁹ including collecting taxes and providing social security.⁸⁰ While these aspects need to be built in the Donbas de facto states, many of them also need to be rebuilt or brought back to a functioning state on Ukrainian territory as well. Fulfilling these duties in said areas create ‘stateness’⁸¹ in states that otherwise are not recognized as such. Mimicking recognized states and being successful in state-building benchmarks is necessary to gain internal legitimacy. This generic definition is broken down as follows:

- Aspects belonging to administration include the (re)building of functional state institutions capable of collecting and distributing tax money⁸², state-funded physical

⁷⁴ For literature on internal legitimacy, see Eiki Berg and Martin Mölder, “Who is Entitled to “Earn Sovereignty”? Legitimacy and Regime Support in Abkhazia and Nagorno-Karabakh,” *Nations and Nationalism* 18 (2012): 527-545.

⁷⁵ Dembińska and Campana, “Frozen Conflicts and Internal Dynamics of De Facto States”, 268.

⁷⁶ Pål Kolstø and Helge Blakkisrud, “Living with Non-Recognition: State- and Nation-building in South Caucasian Quasi-States,” *Europe-Asia Studies* 60, 3 (2008): 483-509, DOI 10.1080/09668130801948158.

⁷⁷ *Ibid.*, 485.

⁷⁸ *Ibid.*, 506.

⁷⁹ *Ibid.*, 493.

⁸⁰ *Ibid.*

⁸¹ *Ibid.*, 484.

⁸² *Ibid.*, 493.

reconstruction of infrastructure⁸³ destroyed during conflict (including foci and efficiency of said reconstruction), and democratic processes.⁸⁴

- The military groundwork refers to the provision of security on the borders as well as creating a monopoly of violence domestically⁸⁵.
- Lastly, a functioning economy is analyzed by looking at recovery of key economic infrastructure, economic output, trade relations and dependency on foreign humanitarian aid.⁸⁶

State-building is often assumed to be more difficult than state-rebuilding because de facto state “governments” need to prove that they are “not only able to kill and to destroy but also to build and invest,”⁸⁷ because managing a war requires wholly different structures and perspective than building a state (q.v. the Taliban in Afghanistan). Furthermore, de facto states have more to prove than their parent state. This is because citizens living in de facto states often specifically compare their situation to that of those living in the territory controlled by their parent state⁸⁸ and it is their legitimacy which is questioned and unrecognized abroad, not that of the parent state. More generally speaking, for all sides dealing with post-conflict reconstructions, “postwar societies face material destruction and disrupted or diminished economic growth (...) aggravated by low foreign investment”⁸⁹. Based on de facto state research, expectations in the economic sphere are even worse⁹⁰. Continuing “if the postwar era is characterized by empowered warlords, mafias, violence, crime, or corruption, public goods provision may suffer as tax revenues decline”.⁹¹ This is a further aspect expected to be of more significance in a de facto regime⁹². Furthermore, in an ongoing-conflict scenario, things look even worse: “continued violence in a postwar society may jeopardize public good provisions, in turn, diminishing internal legitimacy”⁹³ and specifically looking at state-building in the “DLPR” “postwar violence in de facto states may

⁸³ Ibid., 484.

⁸⁴ Ibid., 485.

⁸⁵ Ibid., 484.

⁸⁶ Ibid., 493-498.

⁸⁷ Klaus Schlichte, *In the Shadow of Violence: The Politics of Armed Groups* (Frankfurt: Campus Verlag, 2009), 96.

⁸⁸ Bakke, et al., “Convincing State-Builders?,” 597.

⁸⁹ Ibid., 594.

⁹⁰ Ibid., 594.

⁹¹ William Reno, “Mafiya Troubles, Warlord Crises,” in *Beyond State Crisis? Postcolonial African and Post-Soviet Eurasia in Comparative Perspective*, ed. Mark Beissinger and Crawford Young (Washington, D.C.: Woodrow Wilson Center Press, 2002).

⁹² Bakke, et al., “Convincing State-Builders?,” 594.

⁹³ Ibid.

be damaging to economic growth”.⁹⁴ This helps connect de facto state research with Jabareen’s parameters for rebuilding which specifically examine states in ongoing conflict scenarios. The de facto border between Ukrainian-controlled territory and the Donbas de facto states did not significantly move after the Spring of 2015, but the conflict, including missile launches, physical destruction, and death of soldiers and civilians continued throughout the entire time-period looked at in this research. This means that both sides of the contact line were not only faced with post-conflict state-(re)building, but, even more difficultly, state-(re)building in an ongoing conflict.

Much of the state-(re)building task is not solely up to local actors but is (heavily) influenced by partners of the local actors. While recognized states often have access to more and varying foreign aid from multiple partners, de facto states often rely on a single patron state. While patron state support can realize the continuation of a de facto state’s existence, it is often tied to favors and requirements. Reliance on a single patron can also reduce internal legitimacy,⁹⁵ “but the reality is that de facto states need external support in order to build the kind of entities that they hope will earn them recognition”.⁹⁶ Particularly in a post-conflict context, de facto states need all the help they can get to build a state from scratch, but “these entities are not spoilt for choice”.⁹⁷ This can sometimes be a reluctant embrace of a patron state which explains why de facto states are often called “coerced puppets” and this naturally affects the state-building effort, removing decisions from the hands of the local population.⁹⁸ Other cases show de facto states voluntarily embracing the leadership of a patron state,⁹⁹ the Donbas “People’s Republics” mostly embraces Russia as a patron state. Pragmatism is a central term in describing a de facto state’s necessary perspective in relation to their patron state,¹⁰⁰ as well as passivity. Russia, on the other hand, as a well-versed patron state with many such statelets under its wing, takes an expectedly active role in its patron-client relations and is most interested in advancing its own goals in its client states. This directly affects state-building decisions in the de facto states reliant on Russia as a patron.

⁹⁴ Ibid.

⁹⁵ Kristin M. Bakke, et al., “Dynamics of state-building after war: external-internal relations in Eurasian *de facto* states,” *Political Geography* 63 (2018): 161.

⁹⁶ Caspersen, “Playing the Recognition Game,” 48.

⁹⁷ Ibid., 49.

⁹⁸ Ibid., 50.

⁹⁹ Ibid.

¹⁰⁰ Ibid., 50-51.

In conclusion, state-(re)building is a complex task but can be broken down into a few main factors. A functioning state, military, and economy are the minimal requirements of state-building. All factors have varying degrees of functionality and are measured in chapter four. Any institutions managing state-(re)building in an ongoing conflict context have increased difficulties in doing so. Furthermore, it is expected that de facto states must endure specific difficulties due to their non-recognition and subsequential dependence on a patron state that is likely to push its own agenda.

3. Methodology

This research has two analytical layers. Firstly, a comparative analysis showing *how* state-(re)building in the Donbas occurred, is necessary to determine what the Donbas de facto states did differently to their Ukrainian-controlled counterparts. Most Similar Systems Design (MSSD) provides the logic for the comparative analysis. This could result in, for example, one side clearly being more effective in rebuilding physical infrastructure or clearly less effective in establishing a functional tax regime. In total, all discrepancies in state-(re)building will be presented. This is a necessary step because there is currently no existing research which clearly presents and compares the successes and mishaps of the rebuilding effort in Ukrainian-controlled Donbas and non-government-controlled territories. The discrepancies established, whatever the de facto “people’s republics” did differently than Ukrainian-controlled governments, are of interest for this research. De facto state research will then be used to explain *why* de facto states produced different outcomes. Research on de facto statehood claims that de facto states are generally weak state-buildings, therefore leading to the hypothesis that de facto statehood is responsible specifically for negative discrepancies in the “DLPR”. The link between de facto statehood and the discrepancies from the comparative analysis are established using process-tracing. This method can establish a minimally sufficient explanation for an outcome by linking characteristics of de facto states (via relevant decisions and decision makers) to the different state-building results of the “DLPR”.

3.1. Comparative Analysis: Most Similar Systems Design

MSSD assumes that “comparing similar cases that bring about different outcomes will make it easier for the researcher to control factors that are not the causal agent and isolate the

independent variable.”¹⁰¹ Using process-tracing in the central analysis means this research does not speak of ‘independent’ variables, but the logic is similar; what MSSD refers to as the independent variable is the ‘trigger’ for the series of events that will be process-traced, the de facto declaration of independence. A central critique of MSSD is the near impossibility of finding two similar-enough cases to justify its usage. In the case at hand, this is a non-issue. In Eastern Ukraine, ‘borders’ were created solely based on the outcomes of conflict and were not based on previously existing ethnic, political, or geographic demarcations. The war left infrastructure destroyed on either side of what would later become the line of contact, meaning that both sides had to deal with physical rebuilding and the traumas of war. Due to the united history of the Donbas, MSSD is a logical tool to comparatively analyze the region. In order to establish what exactly each side of the contact line did state-(re)building differently, this research looks at documents from the Organisation of Security and Co-Operation in Europe (OSCE), the Office of the United Nations High Commissioner for Human Rights (OHCHR), the Human Rights Monitoring Mission in Ukraine (HRMMU), the Ukrainian government, local ministries and news sources that report the destruction of infrastructure, the rebuilding of infrastructure, the (re)building of local administrations, the (re)building of the military and security forces, and (re)building of the economy. Due to the united history of the Donbas, one would expect to find no discrepancies in the (re)building effort. If, however, the comparative analysis concludes that there are significant discrepancies between the conflicting governing powers in the Donbas, then it should logically be related to the non-recognition of the Donbas de facto states, as that is the only major difference between either side.

Although technically looking at both Luhans’k and Donets’k oblasts and Lugansk and Donetsk “People’ Republics”, this research considers each side one entity and the case study in the second analysis refers to both the Lugansk and Donetsk “People’s Republics” as the construction of these two de facto states is almost identical.

3.2. Second Analysis: Process Tracing

Being, or rather becoming, a de facto state is not insignificant. It is a political upheaval previously unknown in the modern history of the Donbas. Due to the assumed significance of non-recognition, it is expected that exactly this factor, the declaration of (de facto)

¹⁰¹ Jay Steinmetz, *Politics, Power, and Purpose: An Orientation to Political Science* (Hays: Fort Hays State University Press, 2021).

independence of the Donetsk and Luhansk “people’s republics,” is what led to the discrepancies found in the comparative analysis of this research. De facto state research informs assumptions about the negative quality of state-building in the “People’s Republics.” Therefore, the declaration of (de facto) independence is the starting point and the trigger which provokes the domino effect of mechanisms that are process-traced to the differing outcomes in the (re)building effort.

The goal of process-tracing is to establish a minimally sufficient explanation for why an outcome has been produced in a specific case.¹⁰² In order to do so, one shows how a trigger, through multiple related parts (causal links), leads to an outcome.¹⁰³ There are three types of process-tracing; this research utilizes ‘explaining-outcome process-tracing’ by looking at an in-depth case study and seeking explain the puzzling outcome. In this case, the question of *why* there are discrepancies in state-(re)building despite historical indistinguishability of the regions on either side of the contact line is the puzzling outcome. The comparative analysis establishes which discrepancies exist. Process-tracing is used to test the hypothesis and link de facto statehood to negative discrepancies in rebuilding. Process-tracing is the most relevant method because it is an approach that is extremely detailed and can portray complicated, inter-linked and self-reinforcing paths better than more traditional social science methods. This research relies on the work of Beach and Pedersen (2013)¹⁰⁴ as a process-tracing guideline.

Process-tracing first theorizes a causal mechanism linking cause and outcome, then, to operationalize this, one documents the “empirical fingerprints” that links cause with outcome.¹⁰⁵ Practically, this means looking at entities and activities over time. Entities are defined as actors, organizations, or structures engaging in activities and activities are producers of change or “what transmits causal forces through a mechanism”.¹⁰⁶ Many of the causal mechanisms that link features of de facto statehood with the state-building discrepancies can be found in the comparative analysis. Ideally, causal mechanism include all decisions and decision-makers that are responsible, in this case, for the differing outcomes in state-building in the de facto “people’s republics” over time. This thesis combines the

¹⁰² Derek Beach and Rasmus Brun Pedersen, *Process-Tracing Methods: Foundations and Guidelines* (Ann Arbor: The University of Michigan Press, 2013).

¹⁰³ Benjamin Brast, “The Regional Dimension of Statebuilding Interventions,” *International Peacekeeping* 22, 1 (2008): 81-99. DOI 10.1080/13533312.2014.995904.

¹⁰⁴ Beach and Pedersen, “Process Tracing Methods.”

¹⁰⁵ *Ibid.*, 44.

¹⁰⁶ *Ibid.*, 29.

comparative analysis and process-traced explanations in three phases of rebuilding in the Donbas (chapters 4, 5, and 6).

Explaining-outcome process-tracing, the type of process-tracing used in this research, is an “iterative research strategy” looking to trace causal mechanisms to comprehensively explain of a particular outcome.¹⁰⁷ In this form of analysis “there is a continual and creative juxtaposition between empirical material and theories”.¹⁰⁸ As Beach and Pedersen explain, their position is philosophical pragmatism, and this type of research is an abductive way to build an explanation: an account of the observable entities and activities together with the logic of theories, used as heuristic tools.¹⁰⁹ This is the ideal method to sufficiently link de-facto statehood to (un)successful state-building and answer to the hypothesis. This is only possible because process-tracing makes “strong within-case causal inferences about causal mechanisms based on in-depth case studies”.¹¹⁰

3.2.1. Process Tracing: Epistemological Discussion

The term ‘causal mechanism’ has been criticized for overstepping the possibilities of social science research, but it simply refers to the theoretical expectations of how a cause translates into an observed outcome.¹¹¹ A causal mechanism is much more than “just asking whether a cause and an outcome were present,”¹¹² but rather getting inside the ‘box of causation’.¹¹³ Beach and Pedersen use deterministic ontology: causal links (observations) supported by causal mechanisms (theory) can indeed be true, factual, and provable – especially when observing a unique case study. Nevertheless, to account for aspects overlooked in research that may also have a true and observable effect, they implement probabilistic epistemology. This is all based on the Bayesian logic, that knowledge of the world will never be certain, but our degree of confidence in the validity of a causal relationship depends on the quality of evidence produced.¹¹⁴ This positionality leads to what

¹⁰⁷ Ibid., 19.

¹⁰⁸ Derek Beach, “Process-Tracing Methods in Social Science,” *Oxford Research Encyclopedia of Politics* (2017), DOI: 10.1093/acrefore/9780190228637.013.176.

¹⁰⁹ Adam Humphreys, “The Heuristic Explanation of Explanatory Theories in International Relations,” *European Journal of International Relations* 17, 2 (2010): 257-277. via Beach and Pedersen, “Process Tracing Methods”, 107.

¹¹⁰ Beach and Pedersen, “Process Tracing Methods,” 2.

¹¹¹ Ibid., 45-67.

¹¹² Brast, “The Regional Dimension of Statebuilding Interventions,” *International Peacekeeping*, 22 no. 1 (2015): 81.

¹¹³ John Gerring, “The Mechanismic Worldview: Thinking Inside the Box,” *British Journal of Political Science* 38, 1 (2008): 4.

¹¹⁴ Beach and Pedersen, “Process Tracing Methods”

Beach and Pedersen refer to as ‘asymmetric causation’: this research can make the claim that a certain trigger led to an outcome, but not whether or not other mechanisms exist or whether or not the same outcome could occur without the trigger. Beach and Pedersen admit that measuring complex social phenomena is difficult, but “social scientists are not interested in theories as purely hypothetical thought experiments.”¹¹⁵ Research on de facto statehood has only rarely moved away from a descriptive to an analytical field in which these descriptions of what non-recognition means are tested. Definitions of de facto states are plentiful, but do these definitions actually mean something and have a measurable effect on state-building? It has been claimed that de facto governments are poor state-builders, but does this translate into reality in a clear fashion? This research expects that it does, and process-tracing helps test “whether empirical evidence strengthens or weakens our confidence in the validity of the theory as an explanation of a phenomenon.”¹¹⁶ In the end, to verify the causal mechanism in this research, it follows Beach and Pederson by making “an inferential leap from what we can observe empirically to conclude that an underlying causal explanation exists.”¹¹⁷

Beach and Pedersen’s handbook for process tracing is in disagreement with traditional methods for social science inquiry, namely those of King, Keohane, and Verba (KKV)¹¹⁸ and therefore needs to be explained and justified for this research. KKV use frequentist logic and variance-based approaches, aiming to gain more confidence in a theory by testing it more often. KKV research also adheres to the ideal of Popperian falsification that theories are generally not verifiable.¹¹⁹ On the contrary, Beach and Pedersen use Bayesian logic of subjective probability: a theory can be confirmed, and the confidence in a theory’s validation is most convincing when logically exemplified in a certain case rather than being ‘updated’ by testing it on other cases. Beach and Pedersen are in favor of in-depth case studies and use ‘causal process observation’ as provided by Collier, Brady, and Seawright.¹²⁰ This is “an insight or piece of data that provides information about the context or mechanisms and contributes a different kind of leverage in causal inferences”.¹²¹ Beach and Pedersen do not

¹¹⁵ Ibid., 83-87.

¹¹⁶ Ibid., 68.

¹¹⁷ Ibid., 18.

¹¹⁸ Gary King, Robert O. Keohane, and Sidney Verba, *Designing Social Inquiry. Scientific Inference in Qualitative Research* (Princeton: Princeton University Press, 1994).

¹¹⁹ Beach and Pedersen, “Process Tracing Methods.”

¹²⁰ Henry E. Brady, David Collier and Jason Seawright, “Toward a Pluralistic Version of Methodology,” *Political Analysis* 14, no. 3 (2006): 353-368.

¹²¹ David Collier, Henry E. Brady, and Jason Seawright, “Sources of Leverage in Causal Inference: Toward and Alternative View of Methodology,” in *Rethinking Social Inquiry: Diverse Tools, Shared Standards*, 2nd ed., (2010): 184. via Beach and Pedersen, “Process Tracing Methods,” 73.

conflate this raw data collection with evidence, all data is not proof until it is “assessed for accuracy and interpreted in its context” just like data in a court case.¹²² Process-tracing therefore requires observation of entities and activities, but also case-specific knowledge to produce evidence.¹²³ In other words, “the technique of process tracing in comparative-historical research is a powerful, if somewhat speculative, engine for generating plausible causal associations.”¹²⁴ “After evaluation, empirical material can be termed *evidence*, which can then be used to make inferences that update our confidence in the presence of a hypothesized causal mechanism”.¹²⁵ This stems from Bayes’ theorem, which internalized subjectivity and provides formulas that include factors such as subjective belief in the probability of a theory, the existence of a part of a causal mechanism, as well as prior knowledge of a case (gained through study). Regarding falsification, Beach and Pedersen see both confirmation and disconfirmation as a matter of degree determined by the quality of the evidence (observations rooted in theory, and knowledge of the case) rather than absolute. Therefore, the falsification merit in traditional social science research is disregarded; if a theory within a causal mechanism is proven untrue in one instance, it is not thrown out, but rather modified and the researcher searches for other evidence.

The causal mechanism in this analysis is deeply rooted in de facto state research; it uses theories about behavior of a de facto state as a heuristic tool. Therefore, although this research uses outcome-explaining process-tracing and is an in-depth case study, in process-tracing jargon it is ‘theory centric’ because of the importance placed ‘theories’ compiled in de facto state research. The hypothesis seeks evidence explaining poor(er) state-building in the Donbas de-facto states. In doing so, de facto state research is looked at carefully and tested – validating or invalidating these definitions is a side-effect of this research that advances and bolsters de facto state research. Evidence is determined by relevance for Beach and Pedersen. They state that evidence comes from contextualized observations and evidence is something that has “any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without evidence.”¹²⁶ Beach and Pedersen categorize four types of evidence: pattern (observable statistical patterns), sequence (temporal and special chronology of events), trace (if the mere

¹²² Beach and Pedersen, “Process Tracing Methods,” 73.

¹²³ Ibid.

¹²⁴ Mandić, *Gangsters and Other Statesmen*, 7.

¹²⁵ Beach and Pedersen, “Process Tracing Methods,” 73.

¹²⁶ Ibid.

existence of something is proof that a part of a hypothesized mechanism exists), and account (content of empirical material).¹²⁷ Because Beach and Pedersen strive for confidence in a causal mechanism, researchers should be rigid in their analysis. This involves making strong predictions about what evidence is expected if a causal mechanism exists and defining what counts as negative evidence.¹²⁸ Nevertheless, it is still important to note that “no evidence is ever proof of a theory to 100% certitude”,¹²⁹ despite the progressive perspective process-tracing takes on subjectivity and theorization.

In concluding this subchapter, process-tracing is the most fitting method for this research for three primary reasons.

1. Process-tracing is a forgiving method: using de facto state research as a heuristic theoretical tool leaves room for mistakes and corrections thereof, allowing the case to determine which aspects of de facto statehood are relevant for (poor) state-building and which are not. This is necessary because of the novelty in testing definitions from de facto state research that is largely based on observations of individual (and different) de facto states. Logically, these very descriptive definitions may not be relevant in all other de facto states and therefore ought to be factored out of this analysis without falsifying the theory as it would in other social science methods. This case is also very fresh and, despite the relevance of the Donbas nowadays, the region was understudied in the years leading up to the full-scale Russian invasion of Ukraine in February 2022. A method which allows for reevaluation if an aspect proves incorrect or irrelevant is more than convenient in such a context, it is what makes this research possible.
2. Process-tracing is detailed: due to its detailed demands of analysis in linking a trigger with an outcome over time and with multiple interacting entities and activities, process-tracing allows for causal-like conclusions that other methods cannot provide. This is not a necessity for this research, but strength of this form of analysis is certainly not harmful. Furthermore, the detailed analysis provides research transparency resulting in the capability to better critique, improve, and replicate this research.
3. Process-tracing integrates subjectivity: while other researchers aim to eliminate subjectivity, the Bayesian logic of process-tracing transparently internalizes it. This is ideal for novel research and is especially fitting to study a case the researcher is well-

¹²⁷ Ibid., 99-100.

¹²⁸ Ibid., 100.

¹²⁹ Ibid.

aware of. Subjectivity is always involved in research despite attempts to factor it out as much as possible in other research methods. The researcher expects the advantages of this method to outweigh the disadvantages.

The end result of explaining-outcome process-tracing should be a minimally sufficient explanation an outcome in a specific case. This can be a messy task given that the case-centric analysis that explaining-outcome process-tracing is cannot only consider straight forward mechanisms provided in literature, but also nonsystematic mechanisms that are very case specific.¹³⁰ In the end, this is how minimally sufficient explanations are created, although this consequentially reduces the transferability of this explanation to other cases. The ability to create law-like statements is explicitly *not* the goal of this method or this research, however, the mechanisms provided in this research could at least provide well-informed inspiration for similar research endeavors involving other de facto states.

3.2.2. Case Selection

Case selection is an important part of process tracing and is necessary to justify. The case of the state-building in the “DLPR” was chosen for multiple reasons. The differing outcomes of state-(re)building between Ukrainian-controlled territory and de facto states in the Donbas are puzzling in that the governing parties, despite the regions’ united history, chose different tools and paths for state-building. Where exactly they differ and to what degree are provided in the first analysis stemming from MSSD logic. Furthermore, the researcher is well-informed about the situation in the Donbas and is linguistically capable of conducting a thorough analysis which may have not otherwise been possible in other relevant cases such as Nagorno-Karabakh (after either or both Karabakh wars) or Abkhazia. Lastly, the Donbas “people’s republics” are the latest instance of Russian-instigated separatism in Eurasia with more topical and digitally available information. Historical cases such as Transnistria or even the Turkish “Republic” of Northern Cyprus would have required work with archives and more training in historiographic methods.

The focus on linkages from de facto state research theoretically allow for the continuation of the processes presented here in examining other cases – either retrospectively for Transnistria, Abkhazia, South Ossetia, Nagorno-Karabakh or in the future for any de facto states that may come to be on Ukrainian or Russian territory as a result of war in Ukraine or separatist insurgency in Russia. There is some debate around the classification of the “DLPR”

¹³⁰ Ibid., 107.

as de facto states at all due to the lack of a long-term separatist cause and heavy and direct Russian influence on the war in Donbas, the creation, and the governing of the Donbas “people’s republics” themselves while treating them specifically as an abusive tool of Russian foreign policy. While not disputing this position, this research follows other de facto state research¹³¹ in referring to the Donbas “people’s republics” as de facto states and recognizes them as such because of the presence of a government, “border” and population that exists and functions despite international non-recognition (and condemnation). Moreover, the same claim can also be made about Transnistria, Abkhazia, South Ossetia, and Nagorno-Karabakh, that their creation and continued existence would not be possible without the decisive role played by Russia. All of these entities can be described (or not) as de facto states and each has variance in definition and different measurements.

4. Phase 0: State-Building Attempts during the Ongoing Conflict

Chapters four, five, and six examine state-building in the Donbas chronologically. In a comparative analysis informed by MSSD, each phase reveals differences in how either side practiced state-building. Then, in each phase, de facto independence is process-traced to the established discrepancies to explain why leaders made the decisions they made. Firstly, this chapter includes a record of damages and other results of the hostilities during the main conflict period (start of the Anti-Terrorist Operation in April 2014, until the retreat from Debal’tseve in February/March 2015). It is called ‘phase 0’ to indicate that without a ceasefire and fixed borderline, the possibilities of state-building are extremely limited. This phase includes the collapse of economic, institutional, and security provisions as well as first attempts at state-building in the region. It views the Donbas as one region because the de facto ‘border’ had not yet been determined. It process-traces de facto independence to the first signs of rebuilding in the Donetsk and Lugansk “People’s Republics”. Continuing chronologically, chapter 5 compares continued state-(re)building in the Donbas and process-traces de facto independence to the poor state-building observed in the de facto states during the first phase of high intensity rebuilding (March 2015 to January 2017). This period begins after Minsk II and the Battle of Debal’tseve, a critical juncture after which violence reduced

¹³¹ See debate in Alexandra Šmídová and Tomáš Šmíd, “Unfinished story of the Donetsk and Luhansk People’s Republics: Towards a de facto state?,” in *De Facto States in Eurasia*, ed. Tomáš Hoch and Vincenc Kopeček (London: Routledge, 2019), 136-156.; Ion Marandici and Alexandru Leșanu, “The Political Economy of the Post-Soviet De Facto States: A Paired Comparison of Transnistria and the Donetsk People’s Republic,” *Problems of Post-Communism*, 68, 4 (2021): 339-351. DOI 10.1080/10758216.2020.1785317.; Tetyana Malyarenko and Stefan Wolff, *The Dynamics of Emerging De-Facto States* (London: Routledge, 2021).

and the border did not move significantly. Lastly, chapter 6 examines the second stage of slower and institutionalized rebuilding when clear patterns in state-building can be observed (January 2017 to January 2022). Chapter 6 pays special attention to how both sides and react to two shocks: the economic blockade of 2017 and the COVID-19 pandemic. Further state-building discrepancies that came to light during this period are then also process-traced from de facto independence as in chapters 4 and 5. Due to their united background and incidental demarcation, the expectation is that either side would take on post-conflict rebuilding in a similar way. In reality, the Ukrainian-controlled territory and the de facto states did not act in the same way, for which the comparative analyses in this and the following two chapters establish major differences and use process-tracing to explain them.

4.1. Modern History of a United Donbas

Before comparing the “DLPR” with the Ukrainian controlled territory of the Donetsk and Luhans’k oblasts, it is necessary to emphasize just how united the Donbas region was before the war in 2014 in order to justify using MSSD. The entirety of the Donbas has a long history of agricultural and industrial significance. The region was administratively split in the 1920s by the Soviet Ukrainian government into Donetsk¹³² and Luhans’k¹³³ oblasts. Throughout Ukraine’s Soviet period, the Donbas experienced major historical events collectively: Holodomor, Nazi-Occupation, mass-destruction in World War II, Industrialization, Russification.¹³⁴ Both regions in the Donbas overwhelmingly voted in favor of Ukraine’s post-Soviet independence and have shared experiences in independent Ukraine. Donetsk and Luhans’k oblasts both suffered greatly during the economic collapse in the 1990s, were in favor of the federalization of Ukraine,¹³⁵ had almost identical voting patterns in national elections, and were generally opposed to both the Orange Revolution in 2004¹³⁶ and the Maidan Revolution in 2013/14.¹³⁷

¹³² Officially in the Stalinist period: Stalino oblast

¹³³ Between 1938-1958 and 1970-1991: Voroshylovgrad oblast

¹³⁴ Andrew Wilson, “The Donbas between Ukraine and Russia: The Use of History in Political Disputes,” *Journal of Contemporary History* 30, no. 2 (1995), 274.

¹³⁵ Bohdan Lupiy, “Ukraine And European Security – international Mechanisms As Non-Military Options For National Security Of Ukraine,” *NATO Research Fellowships 1994-1996*, (1996), <https://www.nato.int/acad/fellow/94-96/lupiy/index.html>.

¹³⁶ Ararat Osipian and Alexandr Osipian, “Why Donbass Votes for Yanukovich: Confronting the Ukrainian Orange Revolution,” *Demokratizatsiya The Journal of Post-Soviet Democratization* 14, 4 (2006), 495-517, DOI:10.3200/DEMO.14.4.495-517.

¹³⁷ Sabine Fischer, “The Donbas Conflict: Opposing Interests and Narratives, Difficult Peace Process,” *SWP Research Paper* 5 (2019), DOI 10.18440/2019RP05.

Throughout Ukraine's independence, the central government made some appeasements to politicians in the Donbas due to the regions' economic significance, but socially, negative stereotypes determined how many looked upon the region.¹³⁸ Similar to a case study of Abkhazia and South Ossetia within Georgia, one can say that the Donbas experienced "double economic dislocation"¹³⁹ first due to the collapse of the Soviet Union and then the treatment as somewhat of a periphery since Ukrainian independence. The economic collapse following the dissolution of the Soviet Union was more devastating and longer lasting in Ukraine than in any other former Soviet republic, with Ukraine facing a 60% loss in gross domestic product (GDP) between 1990 and 1999.¹⁴⁰ Similar to the rest of the country, with economic collapse came high out-migration and low birth rates, but the Donbas shrank at almost twice the national average.¹⁴¹ Nevertheless, with 6.5 million people in 2014, it was still a densely populated region, accounting for nearly 15% of Ukraine's population,¹⁴² mostly situated in or near the largest cities of Donetsk, Horlivka, Makiivka, Mariupol, and Luhans'k.

Throughout the pre-war era, as the Ukrainian economy recovered, the industrial Donbas recovered slower and, in many respects, fell behind in key performance indicators compared to other regions, but remained, after Kyiv, the second most productive economic region in Ukraine.¹⁴³ Just before the war, despite significant decline, the Donbas accounted for 35% of Ukrainian mining and quarrying output, 22% of its manufacturing, and provided 20% of its energy supply, accounting for a total of 15% of Ukraine's GDP.¹⁴⁴ The economic output of the Donbas was representative of its population within Ukraine, nevertheless wealth was unequally distributed: Donetsk was home to 24 of Ukraine's largest 200 enterprises and the city of Donetsk had 12% higher wages than the national average, but rural areas and the whole of Luhans'k oblast lagged behind¹⁴⁵. Despite its importance, indicators show that,

¹³⁸ Hiroaki Kuromiya, "The Donbas—The Last Frontier of Europe?," in *Europe's Last Frontier?*, ed. Oliver Schmidtke and Serhy Yekelchuk (New York: Palgrave Macmillan, 2008), 97-114.

¹³⁹ Kolossov and O'Loughlin, "After the Wars in the South Caucasus State of Georgia."

¹⁴⁰ Vlad Mykhnenko, *The Political Economy of Post-Communism: The Donbas and Upper Silesia in Transition* (Saarbrücken, LAP Lambert Academic Publishing, 2011).

¹⁴¹ Vlad Mykhnenko, "Causes and Consequences of the War in Eastern Ukraine: An Economic Geography Perspective," *Europe-Asia Studies* (2020), DOI 10.1080/09668136.2019.1684447, 6.

¹⁴² Ibid.

¹⁴³ Ibid., 8.

¹⁴⁴ Vlad Mykhnenko, "Sitting on the ruins? The impact of the war on the Donbas economy and the role of IDPs in the Ukrainian economy" in *The Social Consequences of Population Displacement in Ukraine: the Risks of Marginalization and Social Exclusion*, ed. Kuznetsova et al., (Birmingham: The University of Birmingham, 2018), 6-8.

¹⁴⁵ Ibid.

leading up to 2014, the Donbas was in a period of deindustrialization and economic subsidies; growth was sluggish¹⁴⁶. In statistics regarding economic and quality-of-life indicators, Luhans'k oblast falls behind Donets'k oblast; this is due to the lower population and more dominant agricultural sector.

In the winter of 2013/2014, the protests in Kyiv were quickly culminating in the revolution that would oust then President Viktor Yanukovich and set Ukraine on a European path. The impending revolution was somewhat controversial at the time, and small anti-Maidan demonstrations took place in various cities, mostly in the Southern and Eastern Ukraine. This movement was radicalized by Russian sympathizers, collaborators, and citizens which began overthrowing local and oblast-level government buildings in Kharkiv,¹⁴⁷ Donets'k,¹⁴⁸ Luhans'k,¹⁴⁹ Slov'ians'k,¹⁵⁰ and others. The power vacuum in Kyiv and general chaotic atmosphere allowed these groups, with targeted assistance from Russia, to organize and weaponize quickly. This eventually culminated in the War in Donbas, costing the lives of more than 13,000 people and giving birth to two de facto states, the so-called Donetsk "Peoples Republic" ("DPR") and the Lugansk "People's Republics" ("LPR").

¹⁴⁶ Ibid., 7.

¹⁴⁷ Radio Free Europe, "Ukraine Authorities Clear Kharkiv Building, Arrest Scores of 'Separatists'," *Radio Free Europe/Radio Liberty*, April 8, 2014, <https://www.rferl.org/a/kharkiv-operation-ukraine-terrorism-separatist-arrests/25324984.html>.

¹⁴⁸ Ibid.

¹⁴⁹ Ibid.

¹⁵⁰ Mark Rachkevych, "Armed pro-Russian extremists launch coordinated attacks in Donetsk oblast, seize regional police headquarters, set up checkpoints (UPDATE)," *Kyiv Post*, April 12, 2014, <https://www.kyivpost.com/article/content/war-against-ukraine/armed-pro-russian-extremists-seize-police-stations-in-donetsks-slavyansk-shaktyarsk-fail-to-take-donetsk-prosecutors-office-343195.html>.



Figure 1: Map of Donbas. Source: BBC Україна, February 22, 2022.

The conflict dramatically affected the entire region. The line of contact followed no geographical, population, or other demarcations, but rather came to be as a result of both sides pushing into or fleeing out of various population centers throughout the war. This line of contact in no way represents a political or social divide of the region. Either side of the 'border' set up in the Minsk Protocol suffered greatly throughout the fighting, as areas of control moved in different directions traversing rivers, fields, mines, factories, roads, railways, and towns. Just as in any conflict, the destruction is not just physical but also deeply psychological. As Havlik et al. posit, "[w]ars destroy the future by undermining the social contract – an implicit agreement among the citizens to cooperate for the collective benefit.

The grief caused by losses on opposing sides entrenches the divisions”¹⁵¹ making peaceful cohabitation extremely difficult despite the commonalities previously shared.

4.2. Point of Departure – The War, Damage, and Destruction in the Donbas

On April 14th, 2014, in reaction to the “referenda” and de facto declarations of independence of the “DLPR”, the Ukrainian government began its Anti-Terrorist Operation, headquartered in Kramators’k,¹⁵² against radicalized separatists, Russians, and Russian-backed entities already exerting control over cities and large areas in the Donbas. In the first year of the conflict, the contact line was fluid, but became stabilized fast, making large territorial gains more difficult, but worsening the situation for towns or sites of economic importance that were heavily fought over for weeks at a time. Despite President Poroshenko’s peace plan being unveiled in the summer of 2014, fighting continued. After flight MH17 was shot down over the Donbas in July 2014, the international community became more involved in the conflict and its diplomatic resolution. This resulted in the first large scale negotiations with western involvement, in Minsk. The first Minsk Protocol of September 2014 negotiated a ceasefire and, at the same time, Ukrainian president Petro Poroshenko passed good faith legislature offering amnesty to most involved in the conflict, providing more regional autonomy to the Donbas region, and even presenting a financial plan to restore damaged infrastructure.¹⁵³ Nevertheless, some of the worst fighting took place after Minsk I and before the second agreement, Minsk II. This first year of conflict took the most significant toll on the region’s population and economy.

The year 2014 alone saw 2,084 civilian deaths.¹⁵⁴ For many months, the central government in Kyiv had no control over large areas of the south-eastern border to Russia allowing for the transportation of weapons and recruitment of mercenaries,¹⁵⁵ which undoubtedly increased casualties and hindered the central government from quickly reinstating its power over the whole region. Due to the heavy fighting, civilian and economic

¹⁵¹ Peter Havlik, Artem Kochnev and Olga Pindyuk, *Economic Challenges and Costs of Reintegrating the Donbas Region in Ukraine* (Vienna: The Vienna Institute for International Economic Studies (wiiw), 2020), 26.

¹⁵² Human Rights Mission in Ukraine (HRMU), *Report on the Human Rights Situation in Ukraine 1 December 2014 to 15 February 2015* (Kyiv, Office of the United Nations High Commissioner for Human Rights, 2015), 4.

¹⁵³ VOA News, “Ukraine Parliament Grants Self-Rule to Eastern Regions,” *VOA News*, September 16, 2014, <https://www.voanews.com/a/ukraine-parliament-adopts-law-on-self-rule-for-eastern-region/2451232.html>.

¹⁵⁴ UN Human Rights Mission in Ukraine (HRMMU), *Conflict-related Civilian Casualties in Ukraine* (Kyiv: Office of the High Commissioner for Human Rights, 2022), 8.

¹⁵⁵ Vostok SOS, Helsinki Foundation for Human Rights, Deutsch-Russischer Austausch (DRA) e.V., *Die Situation der Zivilbevölkerung in den Gebieten Donezk und Luhansk II. Bericht der Internationalen Beobachtermission im Gebiet Luhansk (06.09.-15.09.2015)* (Berlin: DRA – Deutsch-Russischer Austausch e.V., 2015), 8.

infrastructure suffered greatly. As the first winter under war approached, 77 settlements (approx. 202,000 residents) across the Donbas remained entirely without electricity or heating, and an estimated 500,000 residents were without potable water.¹⁵⁶ The OSCE noted that the water shortages, extreme in some cases, had multiple reasons including ageing pipes, war damages, decreased functionality due to electricity shortages, damaged roads prohibiting the transport of water or access to sites in need of repair, and the presence of armed groups impeding access.¹⁵⁷ Access to healthcare was impeded due to the location of the contact line and the fact that “more than 150 healthcare facilities [were] partly or completely destroyed in the conflict areas as a result of indiscriminate shelling.”¹⁵⁸ Medicine, including basic medication like painkillers and antibiotics, but also medicine for chronic diseases, were reported to be in short supply in all areas near the line of contact, but more so in territories not under government control.¹⁵⁹ Due to the lack of medication, population loss, and infrastructure damage, the remaining hospitals were struggling to provide even basic services. Regarding transportation, an estimated 1,500 km of road were destroyed as well as 33 bridges and overpasses, and Ukrzaliznytsia, the Ukrainian rail company, registered more than 1,500 damages (some more serious than others) of railway infrastructure.¹⁶⁰ Even still before the winter of 2014, initial estimates noted damages or destruction of some 217 educational facilities, 81 administrative buildings, 132 industrial plants, and thousands of housing units.¹⁶¹ It was later reported that more than 40,000 objects of private property were damaged or destroyed.¹⁶²

As the front began to stiffen and became more of a border, it was clear that “most of the essential infrastructure objects in [Donets’k and Luhans’k] region are located on or near the contact line [...] exposing infrastructure to shelling.”¹⁶³ Consequentially, much of the contact

¹⁵⁶ UN HRMU, *Report on the Human Rights Situation in Ukraine 1 December 2014 to 15 February 2015*, 12.

¹⁵⁷ OSCE Special Monitoring Mission to Ukraine (SMM), *Access to Water in Conflict-Affected Areas of Donetsk and Luhansk Regions* (Kyiv: Organization for Security and Co-operation in Europe, 2015), 5.

¹⁵⁸ UN Human Rights Monitoring Mission in Ukraine (HRMMU), *Report on the Human Rights Situation in Ukraine 16 May to 15 August 2015* (Kyiv, Office of the United Nations High Commissioner for Human Rights, 2015), 26.

¹⁵⁹ UN HRMU, *Report on the Human Rights Situation in Ukraine 1 December 2014 to 15 February 2015*, 13.

¹⁶⁰ UNIAN, “Militants destroy more than 1,500 kilometers of roads and 33 bridges in Donbas,” UNIAN, March 23, 2015, <https://www.unian.info/war/1058716-militants-destroy-more-than-1500-kilometers-of-roads-and-33-bridges-in-donbas.html>.

¹⁶¹ Michał Kozak, “Who will make money on rebuilding Donbas,” *Obserwator Finansowy*, October 29, 2014, <https://www.obserwatorfinansowy.pl/in-english/who-will-make-money-on-rebuilding-donbas/>.

¹⁶² Norwegian Refugee Council (NRC), *Pursuing Compensation for Properties Damaged or Destroyed as a Result of Hostilities in the Armed Conflict in Eastern Ukraine: Gaps and Opportunities March-October 2018* (Oslo: Norwegian Refugee Council, 2018), 1.

¹⁶³ OSCE Special Monitoring Mission to Ukraine (SMM), *Thematic Report: SMM Facilitation and Monitoring of Infrastructure Repair in Eastern Ukraine* (Kyiv: Organization for Security and Co-operation in Europe, 2018).

line also ran through heavily populated areas, particularly around Donetsk, Horlivka, and Makiivka. This further exposed civilian infrastructure to shelling, though most people had left the area to neighboring towns and villages, further away cities (Kharkiv, Kyiv), or to Russia (although Russia gives an unrealistically high number of refugees from Ukraine).¹⁶⁴ In total, nearly 1.5 million people from Donetsk and Luhans'k region became internally displaced persons (IDP)¹⁶⁵ and an estimated half million left the country entirely.¹⁶⁶ The majority of IDPs from conflict areas or from behind the line of control stayed in areas of Donetsk and Luhans'k oblasts that remained under government control, and taking proper care of them became an increasingly difficult task for local governments. In the case that armed groups were unable to recapture a town or factory, they attacked with vengeance; for example, after Ukrainian servicemen set up a border post in Stanytsia Luhans'ka, the city was repeatedly attacked, causing multiple fires, the burning down of a school, complete destruction of 300 houses, and 3,000 other registered damages.¹⁶⁷ Throughout the first winter, the segments of the gas and electricity infrastructure (a patchwork that traverse the contact line at multiple points) that remained under the control of the Ukrainian government were left in use, although territories controlled by armed groups profited from this. This decision was welcomed by the OHCHR, as under international law Ukraine is obliged to provide minimum standards for the people under its (recognized) jurisdiction.¹⁶⁸ Despite the cooperation of the Ukrainian government, infrastructure was in bad shape, and “destruction in these areas is severe in freezing winter temperatures, particularly affecting older persons, persons with disabilities and others with limited mobility.”¹⁶⁹ Repairs were made difficult due to artillery fire and security checkpoints. In early 2015, Ukraine created a state commission to “streamline civilian protection efforts” as part of a legislative package that should help better identify the needs of the populations, while simultaneously providing local authorities with the opportunity to rebuild infrastructure quicker.¹⁷⁰ These legislative changes are meant to be

¹⁶⁴ Vostok SOS, Helsinki Foundation, Deutsch-Russischer Austausch (DRA) e.V., *Die Situation der Zivilbevölkerung in den Gebieten Donezk und Luhansk I. Bericht der Internationalen Beobachtermission im Gebiet Donezk (01.09.-05.09.2015)* (Berlin: DRA – Deutsch-Russischer Austausch e.V., 2015), 15.

¹⁶⁵ HRMMU, *Report on the Human Rights Situation in Ukraine 16 May to 15 August 2015*, 23.

¹⁶⁶ Vostok SOS, Helsinki Foundation, DRA, *Die Situation der Zivilbevölkerung in den Gebieten Donezk und Luhansk II.*, 8.

¹⁶⁷ Vostok SOS, Helsinki Foundation, DRA e.V., *Die Situation der Zivilbevölkerung in den Gebieten Donezk und Luhansk II.*, 28.

¹⁶⁸ OSCE Special Monitoring Mission to Ukraine (SMM), *Thematic Report: Findings on Formerly State-Financed Institutions in the Donetsk and Luhansk Regions* (Kyiv: Organization for Security and Co-operation in Europe, 2015), 7.

¹⁶⁹ UN HRMU, *Report on the Human Rights Situation in Ukraine 1 December 2014 to 15 February 2015*, 8.

¹⁷⁰ *Ibid.*, 19-21.

valid in all of the Donbas. Nevertheless, despite them, the death, damage, and suffering in the first year of conflict was immense and left civilians in insecurity and precarity. Rebuilding and recovering was going to be a challenge.

4.2.1. Economic Damages and Development

While the front was active, economic collapse was well on its way. For most of Ukraine, the war meant a sudden and massive reduction in imports and exports with one of its previously most important trade partners, Russia. Furthermore, the fighting led to economic standstill in the country's main industrial region, the Donbas, a provider of many necessary resources, including natural fuels, metals, and chemicals, which were tightly integrated into the wider Ukrainian economy. On top of these major issues, the central government needed to quickly re-organize the country into a war-economy. Economic difficulties of this sort are challenging enough to deal with, but the political changes and new priorities in Kyiv made this task even more difficult. In the wake of the Maidan Revolution, many of the central and regional political institutions in Ukraine were destabilized and set to change in accordance with the general will of pro-Maidan activists and politicians. These changes were a necessary priority for the Ukrainian government and needed to be taken seriously. The occupation of Crimea was yet another challenge. The Ukrainian government was being pulled in three different directions: post-Maidan reforms, dealing with the occupation of Crimea, and fighting the war on the eastern front.

Amidst these challenges, inflation in Ukraine shot up,¹⁷¹ there was a deterioration in Ukraine's foreign balance of payments,¹⁷² and the ensemble of challenges and instability resulted in very low foreign direct investment (FDI).¹⁷³ The creation of the de facto border between heavily populated and industrialized areas is one factor that led to the sheer amount of damage and civilian death. Some frontline cities were home to hugely important businesses: Krasnohorivka¹⁷⁴ was heavily shelled, and its factory that produced a number of fireproof materials employed 4,200 people before the war, but shut down during this time; in nearby Marinka, both the large tire manufacturing plant and the soft-drink factory were forced to close due to damages.¹⁷⁵ The front line that crosses through populated areas also causes other unique economic issues. Avdiivka, for example, a suburb of Donetsk, was

¹⁷¹ Havlik, Kochnev and Pindyuk, *Economic Challenges and Costs of Reintegrating the Donbas Region*, 57.

¹⁷² *Ibid.*, 15.

¹⁷³ *Ibid.*, 16.

¹⁷⁴ Vostok SOS, Helsinki Foundation, Deutsch-Russischer Austausch (DRA) e.V., *Die Situation der Zivilbevölkerung in den Gebieten Donezk und Luhansk III. Bericht der Internationalen Beobachtermission im Gebiet Donezk (28.09.-04.10.2015)* (Berlin: DRA – Deutsch-Russischer Austausch e.V., 2015), 29.

¹⁷⁵ *Ibid.*, 38.

heavily fought after because it is home to the largest coking plant in Europe.¹⁷⁶ After months of shelling, the city remained under Ukrainian control, but had suffered significant damage and the population had shrunk by 66% and commuters could no longer get to Donets'k just as commuters from Donets'k could no longer get to the coking plant.¹⁷⁷ Avdiivka is just one of many examples of plants all throughout the Donbas that had to reduce their production – others did so because of physical damage to their facilities, the lack of personnel present, the insecure access to stable energy sources, or sudden loss of accessibility to regular markets. The government of Ukraine was paying for the war and the aid for IDPs and locals of government-controlled areas of Donets'k and Luhans'k oblasts while at the same time utilizing channels of international relations to increase the flow of international aid into the country. Although Ukraine began receiving a substantial amount of aid, many governments were skeptical of Ukraine and held back funds due to corruption and mismanagement.¹⁷⁸

The economic collapse was much sharper in the non-government-controlled territories, output was reduced by at least half and wages plummeted on average 75%, earnings in every sector were lower than in government-controlled territory.¹⁷⁹ The Donbas survives on exporting their industrial goods, the region accounted for 30% of Ukrainian exports, but due to the conflict, exports dropped 70% from the Donets'k and 95% in Luhans'k oblasts.¹⁸⁰ Many large companies halted work and supply chains for essentials broke down, particularly areas outside of government controlled had massive medical and food shortages, all while unemployment and non-payment soared. Despite the standstill in the economic and civil spheres, the de facto regimes continued to exert their power over the region: the Central Republican Bank [*Tsentral'nyi Respublikanskii Bank*] of the “DPR” was founded in October¹⁸¹ followed by the State Bank [*Gosudarstvennyi Bank*] of the “LPR” in November.¹⁸² Both banks were extremely limited in their functionality in this first period,¹⁸³ at most being able to offer cash, but even this was only sporadically available. Although the

¹⁷⁶ Vostok SOS, Helsinki Foundation, DRA, *Die Situation der Zivilbevölkerung in den Gebieten Donezk und Luhansk I.*, 8.

¹⁷⁷ *Ibid.*, 8-9.

¹⁷⁸ Japan Times, “West's Call to Rebuild Ukraine Faces Reality Check,” *Japan Times*, March 1, 2015, <https://www.japantimes.co.jp/news/2015/03/01/world/wests-call-to-rebuild-ukraine-faces-reality-check/>.

¹⁷⁹ Vostok SOS, Helsinki Foundation, DRA, *Die Situation der Zivilbevölkerung in den Gebieten Donezk und Luhansk I.*, 19-21.

¹⁸⁰ *Ibid.*, 15.

¹⁸¹ “About Bank: History: 2014” [*O Banke: Istoriia: 2014 god*], Central Republican Bank [*Tsentral'nyi Respublikanskii Bank*], accessed November 15, 2022, <https://crb-dnr.ru/about/history>

¹⁸² “About Bank: General Information” [*O Banke: Obshchaia Informatsiia*], State Bank of the Lugansk People's Republic [*Gosudarstvennyi Bank Luganskoi Narodnoi Respubliki*], accessed November 15, 2022, <https://gosbank.su/o-banke/obshhaya-informaciya/>

¹⁸³ Havlik, Kochnev and Pindyuk, *Economic Challenges and Costs of Reintegrating the Donbas Region*, 23.

physical destruction of economic infrastructure was not worse in non-government-controlled, the out-migration from these here was much higher. This, coupled with the power vacuum and extreme physical and planning insecurity, brought the economy to a long-lasting halt. Despite the theoretical possibility of improving economic relations and connection to Russia, the de facto governments were preoccupied with the war and clearly did not manage to make advancements in normalizing their economy until well into 2015. Nevertheless, it was already in this moment when first signs appeared that reliance on Russia as a provider of aid and (future) trade partner also had negative consequences due to the state of the Russian economy. Russia was having their own recession due in part to the oil price collapse, but also due to the worsened investment climate since the illegal occupation of Crimea and threefold Western sanction packages.¹⁸⁴ Multiple international organizations were providing aid to the areas not under government control, just as they were doing in areas under government control. Although this aid was clearly necessary, humanitarian convoys and organizations were reportedly hindered in their work on multiple occasions, a trend that would continue long after this initial intense period of conflict.¹⁸⁵ This also led to a shortage of products, including medicine, which drove up prices dramatically; some families waited hours to cross the de facto border just to bring basic products to their families living in areas not under government control.¹⁸⁶ Aid from Russia was generally allowed, the regular shipment of large so-called ‘humanitarian convoys’ were sent to the “DLPR” starting in mid-2014, the actual contents of such convoys are questionable.¹⁸⁷ Regarding financial aid, it is unclear how much money Russia provided in the first year. Nevertheless, the de facto state of South Ossetia recognized the “DLPR” early on in the conflict,¹⁸⁸ and after the creation of ‘state’ banks in the autumn, Russia likely used a loophole to send financial aid to the “DLPR” via South Ossetia. Up until the Battle of Debal’tseve while the Ukrainian economy was experiencing multiple negative shocks, the economy of the “DLPR” was gutted and simply at a stillstand.

4.2.2. Institutional Development

¹⁸⁴ Anders Åslund, “Western Economic Sanctions on Russia over Ukraine 2014-2019,” *CESifo Forum* 9/2019, vol. 20, (December 2019).

¹⁸⁵ UN Human Rights Monitoring Mission in Ukraine (HRMMU), *Report on the Human Rights Situation in Ukraine 16 November 2015 to 15 February 2016* (Kyiv: Office of the United Nations High Commissioner for Human Rights, 2016), 8.

¹⁸⁶ Vostok SOS, Helsinki Foundation, DRA e.V., *Die Situation der Zivilbevölkerung in den Gebieten Donezk und Luhansk II.*, 29.

¹⁸⁷ Glen Kates, “Russian ‘Humanitarian Aid’: What We Know And Don’t Know So Far,” *RadioFreeEurope RadioLiberty*, August 12, 2014, <https://www.rferl.org/a/russian-humanitarian-aid-ukraine-chronology/26527309.html>

¹⁸⁸ Nationalia, “New Treaties Bring Abkhazia, South Ossetia even closer to Russia,” *Nationalia*, November 21, 2014, <https://www.nationalia.info/new/10400/new-treaties-bring-abkhazia-south-ossetia-even-closer-to-russia>

Institutionally, the Ukrainian government was trying to manage the chaotic situation in the Donbas while also making major western-oriented reforms in wake of the Maidan revolution. This included a slew of reforms announced by Poroshenko to reform the country¹⁸⁹ and shake off the reputation of corruption in the eyes of potential western donors. In the meanwhile, the propped-up separatists now found themselves in a similar position of managing the war while also building up entirely new state structures. In many regards, state-building, the main task of a new de facto regime, was pushed to the sidelines, and during the most chaotic months of fighting, the political realms in the “DPR” and “LPR” were largely “characterized by numerous violent power struggles.”¹⁹⁰ The violent fights between political and military figureheads that, for either economic or political reasons, were replaced, detained, or assassinated, plagued the development of the de facto states. Aleksandr Zakharchenko (businessman and ‘*Oplot*’ Brigade commander) came to lead the “DPR” and Ihor Plotnits’kyi (businessman with army background) the “LPR” in August of 2014, though the political “purges” lasted continued on past the first year of violence.¹⁹¹

A major priority of the Ukrainian government was the educational sector. Despite damage reports from schools throughout the Donbas region, many schoolchildren in government-controlled territory were cautiously sent back to school in November of 2014 on an intermittent basis, depending on alarms and shelling.¹⁹² “Progress has been made in repairing and reopening damaged schools particularly in government-controlled areas of Luhans’k and Donets’k regions, thanks in large part to leadership by parents and teachers.”¹⁹³ Not all schools in government-controlled territory were functional considering the damage, but from later reports it can be assumed that most pupils living in government-controlled territory, including internally displaced persons (IDPs), had access to an educational facility, even if it was not located in their town of residency.¹⁹⁴ Due to the huge influx of IDPs, especially families with children, it was a challenge to register all children for school; by February 2015, over 70,000 internally displaced children were registered in schools across Ukraine.¹⁹⁵

¹⁸⁹ UN HRMMU, *Report on the Human Rights Situation in Ukraine 16 November 2015 to 15 February 2016*, 21.

¹⁹⁰ Fischer, “The Donbas Conflict,” 15.

¹⁹¹ Ibid.

¹⁹² Vostok SOS, Helsinki Foundation, DRA e.V., *Die Situation der Zivilbevölkerung in den Gebieten Donezk und Luhansk II.*, 33.

¹⁹³ Alex Whiting, “Hundreds of Schools Attacked, Destroyed in Ukraine War: Rights Activists,” *Reuters*, February 11, 2016, [Hundreds of schools attacked, destroyed in Ukraine war: rights activists | Reuters](#).

¹⁹⁴ OSCE Special Monitoring Mission to Ukraine (SMM), *Thematic Report: Impact of the Conflict on Educational Facilities and Children’s Access to Education in Eastern Ukraine* (Kyiv: Organization for Security and Co-operation in Europe, 2020).

¹⁹⁵ UN HRMU, *Report on the Human Rights Situation in Ukraine 1 December 2014 to 15 February 2015*, 14.

However, due to the fact that many other families had left the region entirely, space was made for IDPs from the Donbas “republics”, while many teachers left and were able to find work in government-controlled territory too, meaning there was hardly a lack of educational personnel.¹⁹⁶ The Donbas “People’s Republics” prioritized the front and building up their institutions. This meant that all schools in Donetsk city as well as most schools and kindergartens in areas of the de facto “republics” remained closed.¹⁹⁷ The state-building process continued, however, and both republics prepared “elections” for November 2014.

In reaction to the “elections” which were not envisioned by the Minsk Protocol, the Cabinet of Ministers in Kyiv passed two resolutions that stopped the allocation of the State budget to institutions and persons outside of government control. This included social welfare and pensions, estimated to have directly affected at least 400,000 pensioners.¹⁹⁸ Exceptions were to be made for those who came to government-controlled territory and registered themselves as IDPs. The cutting of financial ties came after the order for all state institutions and employees to be relocated from non-government-controlled territory to the government-controlled areas of Ukraine, effective 1 December, 2014.¹⁹⁹ Many people followed these orders, which importantly left healthcare facilities in a dire situation, dramatically understaffed, and completely reliant on humanitarian aid.²⁰⁰ For example, “in [Pervomais’k], the number of doctors was reduced from 127 to 15 and the number of nurses from 640 to 250.”²⁰¹ Mental health institutions and care homes for the elderly were also affected by the budget cuts and became solely reliant on humanitarian aid.²⁰² Due to the fact that the Ukrainian government halted funding to government-operated services and facilities that were occupied, the Donbas de facto governments began handing out so-called “social cards” by the end of 2014, which entitled people to humanitarian aid, social benefits, and access to free medical care,²⁰³ assuming medical care was available. These cards, however, were only available for persons under the age of 18, over the age of 60, or those who did not work, but volunteered;²⁰⁴ the system excluded adults with only adult children, unemployed adults, or

¹⁹⁶ Vostok SOS, Helsinki Foundation, DRA e.V., *Die Situation der Zivilbevölkerung in den Gebieten Donezk und Luhansk II.*, 9.

¹⁹⁷ UN HRMU, *Report on the Human Rights Situation in Ukraine 1 December 2014 to 15 February 2015*, 13.

¹⁹⁸ UN Human Rights Monitoring Mission in Ukraine (HRMMU), *Report on the Human Rights Situation in Ukraine 16 February to 15 May 2015*, (Kyiv, Office of the United Nations High Commissioner for Human Rights, 2015), 19-20.

¹⁹⁹ OSCE SMM, *Thematic Report: Findings on Formerly State-Financed Institutions*, 4-6.

²⁰⁰ *Ibid.*, 3-8.

²⁰¹ *Ibid.*, 13.

²⁰² UN HRMU, *Report on the Human Rights Situation in Ukraine 1 December 2014 to 15 February 2015*, 11.

²⁰³ UN HRMMU, *Report on the Human Rights Situation in Ukraine 16 February to 15 May 2015*, 18.

²⁰⁴ *Ibid.*, 18-19.

adults with work that currently was not being paid for. This thin definition of who deserves aid and the limited access to it had dramatic effects. By the end of the first winter of war, reports of more than 30 people dying from preventable causes came in from multiple cities in both the “LPR” and “DPR”.²⁰⁵

In Ukrainian-controlled territory, social benefits and pensions were paid continuously and there were only few reports of civil servants not receiving their wages on time. Nevertheless, the Ukrainian government did have difficulties providing emergency aid and other medical services near the front,²⁰⁶ and some hospitals had difficulties providing a normal range of services, but patients could be sent to hospitals in other regions to obtain proper healthcare. Government-controlled Avdiivka, for example, was only taking in emergency cases and sending other patients elsewhere due to lack of personnel;²⁰⁷ in the Sartana district of Mariupol’, HIV and dialysis patients were relocated due to less-than-normal level of certain medication;²⁰⁸ and in government-controlled Luhans’k oblast, cancer patients needed to be sent to Kharkiv or Kyiv after the hospital in Stanytsia Luhans’ka was damaged.²⁰⁹

In the Donbas de facto states, the situation was catastrophic. The lack of medical supplies rendered portions of many hospitals non-functional, even if the building itself sustained no damages: Sverdlovs’k hospital in “LPR” had to stop treating chronic patients entirely; hospital no. 16 in Donets’k was asking patients to bring their own medicine and medical materials; Kalinina hospital in „DPR“ warned that without the replenishment of dialysis medication, nearly 100 patients would likely die.²¹⁰ Of course, other hospitals did sustain damages which similarly rendered them non- or only partially operational. For example, hospital no. 1 in Luhansk needed to be rebuilt entirely, and the kitchen at Pervomais’k hospital was also destroyed.²¹¹ Again, due to the fact that the most heavily populated areas in the “DPR” and “LPR” are located very near to the front line, the healthcare situation there was much worse than on government-controlled territory. Furthermore, the de facto health authorities had little opportunity to send patients elsewhere to functioning hospitals away

²⁰⁵ Ibid., 19.

²⁰⁶ Vostok SOS, Helsinki Foundation, DRA e.V., *Die Situation der Zivilbevölkerung in den Gebieten Donezk und Luhansk II.*

²⁰⁷ Vostok SOS, Helsinki Foundation, DRA e.V., *Die Situation der Zivilbevölkerung in den Gebieten Donezk und Luhansk I.*, 14-15.

²⁰⁸ Vostok SOS, Helsinki Foundation, DRA e.V., *Die Situation der Zivilbevölkerung in den Gebieten Donezk und Luhansk III.*, 20.

²⁰⁹ Vostok SOS, Helsinki Foundation, DRA e.V., *Die Situation der Zivilbevölkerung in den Gebieten Donezk und Luhansk II.*, 31.

²¹⁰ OSCE SMM, *Thematic Report: Findings on Formerly State-Financed Institutions*, 9-10.

²¹¹ Ibid., 14.

from the dangers on the front line, whereas this was almost always an option on government-controlled territory.

The cutting of public funds also affected other institutions such as the local judiciary, including courts and jails.²¹² This caused concern about the ability to provide basic rights to all people in the region. The Ukrainian government reestablished the regional administrative structures of Donetsk and Luhans'k oblasts in their new capitals, Kramators'k²¹³ and Sievierodonets'k respectively, and the local arms of the ministry of justice (including prosecutors) resumed their work in government-controlled territory. Presumably due to physical and personnel capacity restraints as well as security concerns, courts that needed to be relocated out of non-government-controlled areas were not always reinstated in government-controlled Donetsk and Luhans'k oblasts, but were moved further away to Dnipropetrovs'k and Zaporizhzhia oblasts.²¹⁴ Other courts from non-government-controlled cities were integrated into the courts of government-controlled cities, thus the judicial representation of the occupied city of Horlivka was given to the courts in the government-controlled city of Slov'ians'k.²¹⁵ One major issue for the work of the relocated judicial system is the loss of documents that were left behind in non-government-controlled territory.²¹⁶ The Ukrainian government had to leave some people in prison longer than (perhaps) necessary, so long as their cases and mandated jailtime could not be verified.²¹⁷ Furthermore, for ongoing cases, involved parties were asked to resubmit documents and other legal claims if they were still interested in their cases continuing.²¹⁸ Online files for many cases existed, but often only included basic information.²¹⁹ The problem of the loss of documents is widespread and often related to the occupation, physical damage, or burning of court houses and prosecutors' offices, or the hasty escape of judicial staff from the former.

In the non-government-controlled areas, the entirety of the judicial system was unregulated. Months after the Battle of Debal'tseve (well into the first phase of rebuilding) still, prosecutors' offices reported an extreme lack of personnel involved in the justice system

²¹² Ibid., 5.

²¹³ In June 2014, President Poroshenko declared Mariupol' to be the new de jure capital of Donetsk oblast, but it was moved to Kramatorsk in October 2014. All regional government institutions were relocated except for the regional security forces which remained headquartered in Mariupol'.

²¹⁴ OSCE Special Monitoring Mission (SMM), *Thematic Report: Access to Justice and the Conflict in Ukraine* (Kyiv: Organization for Security and Co-operation in Europe, 2015), 11.

²¹⁵ Ibid., 12.

²¹⁶ Ibid., 17-18.

²¹⁷ Ibid., 29-30.

²¹⁸ Ibid., 18.

²¹⁹ Ibid., 24.

(either as private prosecutors or as state employees), and as even basics of the legal system were unclear, some prosecutors continued implementing Ukrainian law, while others were using the Soviet criminal code from 1964.²²⁰ In August of 2014, a form of “criminal code” was introduced in the Donetsk “People’s Republic”, but few other reports refer to it being systematically used.²²¹ In January, 2015 there were first reports of a handful of legal cases beginning in the “DPR”, but these would not be decided on until much later.²²² During this period of the conflict, the parallel “justice system” in the Donbas de facto states was non-operational. Nevertheless, arrests and punishments continued without a functional legal system. In January 2015, the “DPR” head announced that between 18 and 35 Ukrainian ‘subversives’ were detained daily, and the Ukrainian government estimated at the time that over 400 civilians remained illegally detained in the territories not under government control.²²³ In the summer of 2014, Amnesty International published an initial report of kidnappings, torture, and murder allegations in the Donbas, a vast majority of abuse is attributed to the armed de facto authorities.²²⁴ The treatment of captured Ukrainian servicemen, at least on occasion, did not uphold international standards. After the battle at the Donetsk Airport, “a dozen Ukrainian servicemen [...] were forced to march through the streets of Donetsk. Several were physically assaulted.”²²⁵ Despite having no functioning judiciary, ideological enemies were regularly found and punished. For example, after Serhii Baryshnikov became the new pro-Russian rector of Donetsk National University in 2014, he immediately began taking ‘legal steps’ against 200 of his former colleagues, presumably for political-ideological reasons.²²⁶ The injustice in the legal framework of the Donbas de facto states did not only affect certain pro-Kyiv activists or Ukrainian servicemen, but rather, all residents have extremely limited access to any administrative services, including basics such as birth and death certificates, notaries, etc.²²⁷ Other forms of institutional discrimination were reported in the “DPR” against minorities, for example the violent appropriation of a Jehovah’s Witnesses Kingdom Hall,²²⁸ the closure of multiple non-orthodox Christian

²²⁰ Ibid., 14-15.

²²¹ Amnesty International, *Summary Killings during the Conflict in Eastern Ukraine* (London: Amnesty International Publications, 2014), 9.

²²² UN HRMMU, *Report on the Human Rights Situation in Ukraine 16 February to 15 May 2015*, 23.

²²³ UN HRMU, *Report on the Human Rights Situation in Ukraine 1 December 2014 to 15 February 2015*, 9-10.

²²⁴ Amnesty International, *Abductions and Torture in Eastern Ukraine* (London: Amnesty International Publications, 2014).

²²⁵ UN HRMU, *Report on the Human Rights Situation in Ukraine 1 December 2014 to 15 February 2015*, 10.

²²⁶ Courtney Weaver, “Ukraine’s Rebel Republics,” *Financial Times*, December 5, 2014,

<https://www.ft.com/content/9f27da90-7b3f-11e4-87d4-00144feabdc0>.

²²⁷ OSCE SMM, *Thematic Report: Access to Justice and the Conflict in Ukraine*, 14.

²²⁸ UN HRMMU, *Report on the Human Rights Situation in Ukraine 16 February to 15 May 2015*, 19.

churches and Muslim mosques and prayer rooms,²²⁹ and anti-LGBT violence and hate speech.²³⁰ Nevertheless, already in mid-June 2014, despite the lack of functional educational, health, and justice services, the de facto regimes had the capacity to not only realize a ban of Ukrainian media, but also establish and develop their own local media,²³¹ showing a clear prioritization of soft-power and nation-building over providing tangible services to residents.

Meanwhile, despite the instability of the overall situation at this time, the “right to peaceful assembly was generally exercised in most of the country,” of course only “with the exception of the territories controlled by the armed groups and Crimea.”²³² Furthermore, while civil society actors in the rest of Ukraine were actively being involved in the post-Maidan reform process,²³³ there was extremely limited space for civil society engagement in the non-government-controlled territories.²³⁴ After negotiations led by the UN Human Rights Monitoring Mission in Ukraine (HRMMU), the Ukrainian army assisted in escorting a transgender man that would have otherwise been at risk living under occupation.²³⁵ These examples show that the Ukrainian government prioritized democratic values (engaging civil society in government processes) and upholding standards of international humanitarian law (provision of basic rights), despite the ongoing conflict. However, this was not always the case: the Kyiv District Court of Appeal declared in February 2015 that the discontinuation of pensions and social security payments in territories outside of government control is not legal and should be reverted, Poroshenko repeatedly ignored this verdict. Ignoring a court’s decision may not seem in line with the generally democratic post-Maidan reforms, but it fits the administrative changes noticeable in the Poroshenko government in 2015, which reflected his view of the conflict and security developments.

4.2.3. Security in the Donbas

Due to the lack of progress in the Donbas despite Minsk II and continuation of the fighting in January of 2015, the Ukrainian leadership began to lose faith in the peace project and Poroshenko began to double down on security. There were a number of changes in

²²⁹ Felix Corley, “DONBAS: Donetsk: Places of worship seized, sealed,” *Forum 18*, October 18, 2018, <https://www.refworld.org/docid/5bc9d1044.html>.

²³⁰ Konstantin Shorkin, “LGBT in Donbas: Back to the USSR,” *Osservatorio Transeuropa*, May 12, 2016, <https://www.balcanicaucaso.org/eng/Areas/Ukraine/LGBT-in-Donbas-Back-to-the-USSR-170214>.

²³¹ Halya Coynash, *Human Rights Violations in the Occupied Parts of Ukraine’s Donbas since 2014: UI Reports on Human Rights and Security in Eastern Europe No. 1*, (Stockholm: Swedish Institute of International Affairs, 2021).

²³² UN HRMU, *Report on the Human Rights Situation in Ukraine 1 December 2014 to 15 February 2015*, 15.

²³³ *Ibid.*, 22.

²³⁴ UN HRMMU, *Report on the Human Rights Situation in Ukraine 16 November 2015 to 15 February 2016*, 8.

²³⁵ UN HRMU, *Report on the Human Rights Situation in Ukraine 1 December 2014 to 15 February 2015*, 16.

Ukrainian law that reflect this. Regarding government representation in the Donbas, and while Poroshenko was previously open to the idea of some regional autonomy in the summer of 2014, the parliament adopted a law ‘On Military-Civil Administrations’ [*Viis’kovo-tsiliv’ni Administratsii*] (MCA) for the Donbas by February 2015. As a UN report posits, the “law allows the State-appointed regional administrations in [Donets’k and Luhans’k] to nominate civil and military personnel to run local self-government bodies [and] appears to be aimed at making up for the absence of local people to fill local government positions as a result of the ongoing conflict.”²³⁶ This reveals an obvious lack of trust in local administrations and disappointment with the military and political developments in the Donbas. It also points to a lack of cohesion between government-controlled areas of the Donbas and the central government in Kyiv. While Poroshenko was pushing forward with reforms much in line with the Maidan spirit, it would take time to convince a majority of the Donbas population of the revolution and the new path the country was taking. Anti-Maidan protests were not far in the past, Poroshenko had very low approval ratings²³⁷ and many Ukrainians perpetuated negative stereotypes about the region that risked further alienating them from Kyiv.²³⁸ Another change in Ukraine was the redefining of who is legally considered a “terrorist” – first drafts, as noted by the UN Human Rights Monitoring Mission (HRMMU), would need to be significantly amended to comply with international standards.²³⁹ The government also introduced a regime of ‘emergency situation’ in Donets’k and Luhans’k oblasts, as well as a state of ‘high alert’ for the rest of the country. This measure was reportedly to improve identification of issues and of possibilities for local government to finance rebuilding,²⁴⁰ but it was likely also related to other security reforms allowing security forces more rights. After all, within this first year of war, the Ukrainian judiciary “carried out over 3,000 criminal proceedings related to crimes against national and public security”²⁴¹ and “continued to report on the detention of people suspected of separatism and terrorism;”²⁴² they clearly knew which changes would be needed to arrest more people the state considered dangerous. In early 2015, another security enhancement was introduced:

²³⁶ UN HRMU, *Report on the Human Rights Situation in Ukraine 1 December 2014 to 15 February 2015*, 21.

²³⁷ Julie Ray, “Ukrainians Disillusioned with Leadership,” *Gallup*, December 23, 2015, <https://news.gallup.com/poll/187931/ukrainians-disillusioned-leadership.aspx>.

²³⁸ Katharine Quinn-Judge, “To Reunite Ukraine, Kyiv Must Overcome Its Own Prejudices,” *Revista de Prensa*, March 20, 2018, <https://www.almendron.com/tribuna/to-reunite-ukraine-kyiv-must-overcome-its-own-prejudices/>.

²³⁹ UN HRMMU, *Report on the Human Rights Situation in Ukraine 1 December 2014 to 15 February 2015*, 20.

²⁴⁰ *Ibid.*

²⁴¹ *Ibid.*, 10.

²⁴² *Ibid.*

*“the State Security Service of Ukraine (SBU) announced the introduction of a temporary order to regulate travel in and out of the conflict area [and] requires that movement into and out of the areas controlled by the armed groups must be through seven government-designated transport corridors. Furthermore, special passes are required based on the necessity of travel and may be refused, including on grounds related to national security or public order.”*²⁴³

On the one hand, this step shows that the government was in control of the ‘border’ and saw that the conflict was not ending but beginning to freeze in place. This was also supported by resolution no. 254 in March, 2015, which listed exactly which districts, cities, settlements, and villages the government officially recognized as “temporarily occupied”.²⁴⁴ On the other hand, the new border control rules had negative effects on those pensioners who registered in government-controlled territory to pick up their pensions, but remained living in non-government-controlled territory. In order to implement this policy, the temporary order mandated the issuing of passes at four coordination centers. “Those wishing to travel are required to provide their itinerary and duration of stay in the area – whether it be in Government-controlled territory or territory under the control of armed groups; a valid passport; and a copy of a document justifying the necessity to travel.”²⁴⁵ The coordination centers were overwhelmed with thousands of applications in the first few days.²⁴⁶ Although this change was in line with Poroshenko’s attempt to create more security, in some aspects it led to the deterioration of security. This bureaucratic step clashed with the desires of civilians to cross the contact line for various reasons. As a result, there were multiple reports of bribery at the coordination centers and at crossing points.²⁴⁷ This procedure also reduced the physical safety of those crossing the ‘border,’ as they were likely to spend much longer standing in a line not at a regular international border, but on the front line of a war.²⁴⁸ Some registrations were denied, but the government had yet to set up a legal process for people to reapply.²⁴⁹ Some people only wanted to cross to retrieve their belongings from their property on non-

²⁴³ Ibid., 5.

²⁴⁴ UN HRMMU, *Report on the Human Rights Situation in Ukraine 16 February to 15 May 2015*, 31.

²⁴⁵ UN HRMMU, *Report on the Human Rights Situation in Ukraine 1 December 2014 to 15 February 2015*, 11.

²⁴⁶ Ibid., 12.

²⁴⁷ Ibid.

²⁴⁸ See Shelling at Buhas Checkpoint on 13 January 2015, UNIAN, “Prosecutor’s Office investigates the shelling of a bus near Volnovakha under the article ‘terror act’” [*Prokuratura rassleduet obstrel avtobusa pod Volnovakhoi po stat’e ‘terakt’*], UNIAN, January 13, 2015, <https://www.unian.net/society/1031447-prokuratura-rassleduet-obstrel-avtobusa-pod-volnovahoy-po-state-terakt.html>.

²⁴⁹ UN HRMMU, *Report on the Human Rights Situation in Ukraine 16 November 2015 to 15 February 2016*, 12.

government-controlled territory and ensure their land was not expropriated; word got around that abandoned homes in the Donbas de facto states were being looted or nationalized. Later in 2015, there were 700 investigations of looting in the “LPR“ alone,²⁵⁰ but at this time (January/February 2015) there was hardly any properly functioning law enforcement in the non-government-controlled territories. For some residents living on or near the line of contact, the official crossing points were too far away, the waiting times too long, or they were not allowed to cross because they have relatives fighting for the Donbas “People’s Republics”. In Stanytsia Luhans’ka, for example, many locals crossed (and died crossing) the ‘border’ along the heavily mined riverbed just to reach the other side.²⁵¹ In total, Poroshenko’s consolidation of power may have helped protect other areas of the Donbas from infiltration and better identify humanitarian needs. These legislative changes, however, were also reason for concern amongst monitoring missions, and were a nuisance to some front-line residents. Poroshenko’s policy decisions regarding security in the Donbas post-Minsk II were no longer good faith decisions. On the one hand, the changes exposed his continued mistrust in the local population; on the other, they indicated his realization that the war in the Donbas is more than just a domestic skirmish that the domestic security forces can quickly solve, but an act of Russian aggression against Ukraine that could last longer. This also informed Poroshenko’s relationship to the Ukrainian armed forces.

There are many reasons why the Ukrainian government tolerated (volunteer) battalions in the Donbas. One reason was the unsuccessful mobilization attempts.²⁵² Another reason was the previously mentioned distrust of local security forces; reports from Mariupol’ show that in spite of the city being liberated by Ukrainian forces, the loyalty of local police was questioned by locals.²⁵³ One report points to the fact that locals near the front were not always satisfied with the work of, and cooperation with, the (volunteer) battalions,²⁵⁴ but in the first year of the war, Poroshenko needed to maintain them because otherwise the front line may have disintegrated. In 2014 Ukraine, pro-state militias were motivated to fill the gap of the underfinanced, small, and unprepared Ukrainian army; many of them were formed with the active support of the interior or defense ministry, and the few autonomously created

²⁵⁰ UN HRMMU, *Report on the Human Rights Situation in Ukraine 16 February to 15 May 2015*, 19.

²⁵¹ Vostok SOS, Helsinki Foundation, DRA e.V., *Die Situation der Zivilbevölkerung in den Gebieten Donezk und Luhansk II.*, 29-30.

²⁵² Andreas Heinemann-Grüder, “Geiselnnehmer oder Retter des Staates?,” in *Schlachtfeld Ukraine: Studien zur Soziologie des Krieges*, ed. Sapper et al. (Berlin: OSTEUROPA, 2019), 51-80.

²⁵³ Amnesty, “Abductions and Torture in Eastern Ukraine,” 6.

²⁵⁴ Vostok SOS, Helsinki Foundation, DRA e.V., *Die Situation der Zivilbevölkerung in den Gebieten Donezk und Luhansk II.*, 30.

battalions were supplied by the government (with the exception of extremist battalions).²⁵⁵ Per definition, a battalion has between 300 and 1,200 members, and there were (at the time) 19 known battalions within the upper end of that spectrum.²⁵⁶ Poroshenko likely had trust in these groups because, although many of them were founded in the interim presidency under Oleksandr Turchynov,²⁵⁷ he continued to support them even though their legal status and structure were not official.²⁵⁸ These battalions undoubtedly played a significant role in the protection of the front and liberation of cities. Nevertheless, their faults were often documented or reported on. In Stanytsia Luhans'ka, locals were angry that members of the 'Tornado' battalion were headquartered in a hospital, therefore exposing it to shelling.²⁵⁹ In Trokhizbenka, the battalion 'Aidar' was accused of mistreating civilians and occupying a kindergarten;²⁶⁰ later in 2014, the Ukrainian state opened 38 indictments against members of this group for crimes (including ill-treatment of illegally detained separatists),²⁶¹ but they remained functional due to monetary support from certain oligarchs.²⁶² Nevertheless, before the Battle of Debal'tseve, most battalions maintained their independence and continued to receive support from the government.

There are many reports on the network of Ukrainian (volunteer) battalions, their successes, and the critique against them. Due to their relation to the Ukrainian Interior and Defense Ministries as well as the oversight on the ground through multiple civil society organizations and international monitoring and aid organizations, these details were largely well documented as a form of checks and balances. Far fewer detailed, let alone first-hand, reports exist on the fighters in the "DPR" and "LPR" or in general on the military and domestic security forces in the Donbas de facto states, particularly in this first period of ongoing conflict. This makes it difficult to compare the situation in occupied territory with government-controlled territory. Nevertheless, assuming that the security situation beyond the contact line was generally precarious, unruly, and consequentially dangerous is justifiable despite, or particularly because of, this lack of information.

²⁵⁵ Heinemann-Grüder, "Geiselnahmer oder Retter des Staates?," 52.

²⁵⁶ Ibid., 53.

²⁵⁷ Ibid., 55.

²⁵⁸ Ibid., 53.

²⁵⁹ Vostok SOS, Helsinki Foundation, DRA e.V., *Die Situation der Zivilbevölkerung in den Gebieten Donezk und Luhansk II.*, 30.

²⁶⁰ Ibid., 11.

²⁶¹ "Abuses in Eastern Ukraine," World Report 2015: Ukraine, Human Rights Watch, accessed December 1, 2022, <https://www.hrw.org/world-report/2015/country-chapters/ukraine#f8c745>.

²⁶² Heinemann-Grüder, "Geiselnahmer oder Retter des Staates?," 63.

The UN Human Rights Monitoring Mission of Ukraine (HRMMU), which had offices in both occupied cities of Donetsk and Luhansk, was only able to report on cases it had access to, and members of the monitoring team were regularly denied access to police and military facilities, including jails.²⁶³ The inefficiencies in the parallel justice systems discussed in 4.1.2. paint a bleak picture of the state of (in)justice and (in)security in the Donbas de facto states. A justice system that is "underfunded and understaffed, [...] largely non-transparent and operate[s] in an extremely difficult environment"²⁶⁴ is not likely to be attached to efficient parallel law enforcement, particularly if the laws to be enforced are not defined. Hence the serious concern over the "denial of basic rights of people residing in "DLPR"-controlled areas."²⁶⁵ "First-hand information received by [HRMMU] coupled with this denial of access, however, raise serious concern regarding [...] conditions and treatment [...] suggest[ing] a high likelihood that grave human rights abuses may be occurring."²⁶⁶ Although it is highly probable that entire divisions of local police remained in the non-government-controlled territories, the military, not the police, patrolled the streets during the first year of conflict.²⁶⁷ They seemed to act as 'law enforcement' until a regular and loyal regular police force was reestablished, which took time. This would also explain the common reports of military tribunals²⁶⁸ in the Donbas de facto states, and the complaints of armed *military* personnel harassing, threatening, beating, and abducting people, including domestic and international journalists, OSCE monitors, and others.²⁶⁹ Besides journalists, activists, and international monitors who were clear targets for the de facto authorities, there are also reports of "justice" being served to other criminals, again, despite the lack of clear justice and law enforcement structures: Amnesty International's report from 2014 mentions the illegal detainment of hundreds of people and executions for crimes such as looting, robbery, kidnapping, or desertion.²⁷⁰ De facto Prime Minister Oleksandr Zakharchenko state that

²⁶³ UN Human Rights Monitoring Mission in Ukraine (HRMMU), *Report of the Office of the United Nations High Commissioner for Human Rights on the human rights situation in Ukraine (16 May to 15 August 2017)*, (Kyiv: Office of the United Nations High Commissioner for Human Rights, 2017).

²⁶⁴ OSCE SMM, Thematic Report: Access to Justice and the Conflict in Ukraine, 13.

²⁶⁵ Ibid.

²⁶⁶ UN HRMMU, *Report of the Office of the United Nations High Commissioner for Human Rights on the human rights situation in Ukraine (16 May to 15 August 2017)*, 17.

²⁶⁷ Natal'ia Savel'eva, "Autonom gestartet, gesteuert geendet: Von Russland unterstützte bewaffnete Gruppen im Donbass," in *Schlachtfeld Ukraine: Studien zur Soziologie des Krieges*, ed. Sapper, et al. (Berlin: OSTEUROPA, 2019), 133.

²⁶⁸ Halya Coynash, "Execution for 'Spying', 'Desertion' or for a Ukrainian Flag?," *Kharkiv Human Rights Protection Group*, November 24, 2014, <https://khp.org/en/1416534347>.

²⁶⁹ Human Rights Watch, "Abuses in Eastern Ukraine."

²⁷⁰ Amnesty International, *Summary Killings during the Conflict in Eastern Ukraine*, 8-9.

“introducing the death penalty is not revenge, it is the highest degree of social protection,”²⁷¹ while another senior official said that it would “greatly facilitate the fight against looting in banditry.”²⁷² This points to the fact that during the first year of conflict, crime rates were high and the response was limited in its capacity and harsh in its tactics. The introduction of the death penalty, apparently to curb crime and supposedly a sign of enhanced security, shed light on the fact that daily life in the Donbas de facto states was utterly insecure. Many crimes were left unpunished, “justice” was violent and arbitrary, and the de facto leadership reverted to scare tactics to discourage dissent and criminality to make up for the lack of functional institutions capable of enforcing the law (which had yet to be truly established).

Due to the lack of parallel justice and law enforcement institutions, the “DPR” and “LPR” relied on their military to establish and maintain some degree of order. Many of the first armed groups throughout the Donbas were created in a period of chaos following the violent crack-down against pro-Maidan protestors in Kyiv. These people were not motivated by their sympathy towards the protests, but rather their sympathy for the *Berkut* men injured by protestors fighting back.²⁷³ Oleksandr Khodakovs’kyi, at the time a member of the ‘*Al’fa*’ division of the Ukrainian Security Forces (SBU), was the central figure that founded the *Vostok* militia and managed to arm his loyal militiamen quickly.²⁷⁴ Other groups were mobilized in early 2014 through Afghanistan-veteran organizations, other former-soldier networks, and in social circles of semi-criminal private security men; all such organizations were small, sporadic, and grew through recruitment at social events and anti-Maidan protests.²⁷⁵ *Vostok* was the largest group, and some of its members went to Russia and Georgia’s de facto states to find new recruits with recent fighting experience.²⁷⁶ In April, first reports show that local police were slowly ‘replaced’²⁷⁷ by paramilitary groups.²⁷⁸ As armed groups began to encounter and cooperate with other groups, a hierarchy was achieved only

²⁷¹ Aleksandr Zakharchenko quoted in Damien Sharkov, “Donetsk Separatists Introduce the Death Penalty for Treason,” *Newsweek*, August 18, 2014, <https://www.newsweek.com/donetsk-separatists-introduce-death-penalty-treason-265287>.

²⁷² Vladimir Antiufeev quoted in *ibid*.

²⁷³ UNIAN, ““Russian Community of Sevastopol’ Held Protest in Support of ‘Berkut’” [“*Russkaia obshchina Sevastopolia*” *provel aktsiiu v podderzhku “Berkuta”*], *UNIAN*, December 8, 2013, <https://www.unian.net/politics/860675-russkaya-obschina-sevastopolya-provela-aktsiyu-v-podderjku-berkuta.html>.

²⁷⁴ Natal’ia Savel’eva, “Autonom gestartet, gesteuert geendet,” 134-138.

²⁷⁵ *Ibid.*, 135.

²⁷⁶ *Ibid.*, 136.

²⁷⁷ Replaced means only that the security in the region was now primarily assumed by paramilitary groups, not that these groups had no personnel overlap with the (former) police forces.

²⁷⁸ Natal’ia Savel’eva, “Autonom gestartet, gesteuert geendet,” 137.

based on reputation.²⁷⁹ These groups were motivated by ideology (Russian nationalism) or reacted to the political situation (anti-Maidan), and due to their tight quarters within occupied administration buildings and connections to police and administrative workers, grew together and were armed very quickly.²⁸⁰ Well-organized Russian-nationalist paramilitary groups with established networks in Russia began sending their own volunteer fighters, weapons, and aid packages across the border, possible thanks to a weak Ukrainian state and no systematic deterrence from the Russian side.²⁸¹ By Summer 2014 when direct conflict between the 20-25 armed groups in the Donbas and the Ukrainian ATO-soldiers grew significantly, the cooperation between said armed groups became more difficult, and Russian mediators were sent to resolve these ‘domestic’ disputes.²⁸² Although the direct support from Russia was already systematic at this time, many groups still lacked materials, leading to wide-spread looting of homes and businesses.²⁸³

A turning point in the conflict was in August 2014 after Igor’ Girkin (pseudonym *Strelkov*), the Russian national and paramilitary leader, was replaced at the same time as Aleksandr Borodai, also a Russian national and first ‘prime minister’ of the “DPR“. This is when the Kremlin took institutional control of the fight against the Ukrainian state in the Donbas.²⁸⁴ In September, Ihor Plotnits’kyi was made leader of the Lugansk “People’s Republic” and Oleksandr Zakharchenko became leader of the Donetsk “People’s Republic”, the so-called “People’s Militia” (*Narodnaia Militsiia*) was established with two regional units. Throughout the autumn, the main goal was to dry out any groups unwilling to cooperate with or join the “People’s Militia” and their supply chains.²⁸⁵ The question of local conflicts between military and political leaders determined everything in the Donbas de facto states in the months following, the successes and losses on the front, the violence and chaos in between different poles of power, and the lack of institutional, economic, or (domestic) security achievements.

In conclusion, the first year of fighting between the Ukrainian military and the Russian-backed then Russian-controlled separatist army took a massive toll on the entirety of the Donbas and Ukraine. The economic collapse due to insecurity, destruction of economic, civilian, and transportation infrastructure, and out-migration from the region led to a standstill

²⁷⁹ Ibid.

²⁸⁰ Ibid., 139-140.

²⁸¹ Ibid., 141-142.

²⁸² Ibid., 143.

²⁸³ Ibid., 143.

²⁸⁴ Ibid., 144.

²⁸⁵ Ibid., 145.

of civil life in the region during 2014. The institutional development of the “DLPR” after the illegal referendum and declaration of independence advanced slowly and superficially with the gradual foundation of hollow institutions that provided little to no substantial support or services of any kind. Ukraine’s government in 2014 was not only challenged by the war in the Donbas, but also by the expectation to modernize, democratize, and europeanize Ukraine in line with the successful Maidan Revolution. After multiple attempts at providing peace, Poroshenko cracked down on the Donbas and his government and troops did not always act in accordance with the highest legal and democratic standards. Nevertheless, the government was successful in reestablishing and maintaining institutional and security control over Donbas territories not occupied by the “People’s Militia” (with few exceptions directly on the front line) with local military-civil administrations. At the same time, they also implemented major legislation towards democratization and anti-corruption. Kyiv began providing aid for people affected by the conflict; nevertheless, the Ukrainian government had difficulties adequately providing for IDPs. Lastly, it must be noted that the Ukrainian government would not have been as successful in the battlefield and in its provision of aid if it were not for parallel structures of volunteer battalions and civil-society organizations that filled gaps in governmental responsibility. Basic needs of the population in the occupied territories of the Donbas were not met despite established supply routes from Russia, and daily life was plagued with violent power struggles and existential challenges from all directions. While Ukrainian-controlled Donbas territories began with state-rebuilding processes before the Battle of Debal’tseve, albeit with a very top-down approach, the non-government-controlled territories did not manage to begin with substantial state-building in this time period. Following the end of intense conflict and border movements with the Battle of Debal’tseve, things in the Donbas began to change even more.

4.3. Process-Tracing of State-Building during the Ongoing-Conflict

Based on the information outlined throughout chapter 4, similarities and differences in state-building on either side have been established. These are clearly highlighted in this subchapter and de facto statehood is linked to the discrepancies via causal mechanisms.

One shared aspect of rebuilding on either side of the contact line was the order of prioritization among steps in the state-(re)building process, and the use of authoritarian tools to make those first steps. Both the Ukrainian government and the local de facto regimes prioritized rebuilding of state-related structures such as administration buildings, schools, and border patrol infrastructure, while the reconstruction of economic infrastructure was secondary. The Ukrainian government declared the ATO, established MCAs in the Donbas,

and legally redefined terrorism in order to regain full control. The Donbas de facto states also used authoritarian tools for the same purpose by centralizing power and using excessive force against any perceived opposition. These tools were informed by the same sense of insecurity, but took on a much more aggressive and haphazard form.

Three main discrepancies in state-(re)building, or the lack thereof, during the ongoing conflict include the worse economic situation of the de facto states, the slower start of institution-building, and the strong dependence on a patron. The harsher economic blow in the non-government-controlled Donbas does not come as a surprise. De facto state economies are often “devastated, informal, or illicit.”²⁸⁶ Non-recognition contributes to a weak economy and limited foreign assistance²⁸⁷ because recognized states have a hard time justifying relations with de facto states, therefore shying away from trade and investment.²⁸⁸ Pegg noted that “economic costs of non-recognition are substantial” due to no investment, limited trade, no effective monitoring, and the small market size.²⁸⁹ Even if a de facto state is able to create the shells of domestic institutions, the war-induced recession and further economic deterioration due to non-recognition leave these institutions underfunded and therefore functionally incapable. Dov Lynch even claimed non-recognized states are failed states because of the lack of institutional substance.²⁹⁰ This slows institution building, and a part of this deceleration is the weak domestic tax apparatus in de facto states.²⁹¹ Furthermore, the emergence of the Donbas de facto states was accompanied with violent power struggles,²⁹² commonplace in other de facto states as well,²⁹³ further slowing state-building efforts and therefore worsening the economic situation. The fact that “most de facto states [...] depend significantly on support and assistance from an external patron” is central in de facto state research.²⁹⁴ In the Donbas, the economic collapse, slow and chaotic state-building, and unorganized military structure caused immediate Russian intervention. Russian ‘experts’ with experience in Transnistria and Crimea were quickly sent to the Donbas to reduce the

²⁸⁶ Johnson and Smaker, “State Building in De Facto State,” 5.

²⁸⁷ Pegg, “Twenty Years of de facto State Studies.”

²⁸⁸ Mandić, *Gangsters and Other Statesmen*, 22.

²⁸⁹ Pegg, *International Society and the de facto State*.

²⁹⁰ Dov Lynch, “Separatist States and Post-Soviet Conflicts,” *International Affairs* 78, No. 4 (2002): 841.

²⁹¹ Johnson and Smaker, “State Building in De Facto State,” 5.

²⁹² Fischer, “The Donbas Conflict,” 15.

²⁹³ Kamaran Palani et al., “De facto states engagement with parent states: Kurdistan engagement with the Iraqi government,” *British Journal of Middle Eastern Studies* 48, No. 4 (2021): 770-788. DOI: 10.1080/13530194.2020.1714429.

²⁹⁴ Pegg, “Twenty Years of de facto State Studies.”

chaos,²⁹⁵ starting a domino effect of strong dependence on Russia as a patron and partner in state-building. All three of these discrepancies occurring during are inherently related to the non-recognized status and can be visualized as such:

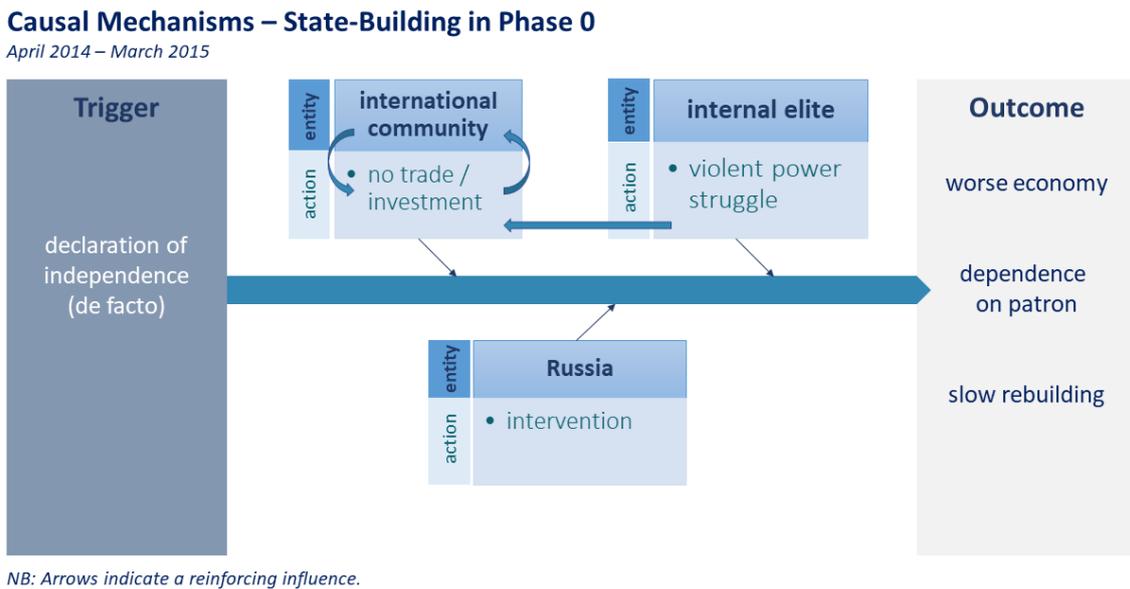


Figure 2: State-Building during the Ongoing Conflict

This figure visualizes the causal mechanisms linking de facto independence to the negative discrepancies in state-building put forth in this chapter. It includes the three main entities and their actions involved in determining these outcomes. Arrows represent reinforcing influences between certain actions.

5. Comparative Analysis and Process-Tracing of State-(Re)building Phase I

This chapter continues examines state-(re)building in a divided Donbas after Minsk II and the battle of Debal'tseve, the last major change in administrative control in the Donbas. This was a critical juncture, because rebuilding efforts, even of essential infrastructure, is extremely difficult to realize in periods of heavy fighting seen in chapter 4. The relative calm, secure and predictable day-to-day that followed the Battle of Debal'tseve changed the setting in the Donbas. Local government and de-facto state actors finally had the opportunity to shift their focus away from survival to rebuilding infrastructure and the economy, (re)building state-structures. While chapter 4 looked at the collective Donbas region, focusing on shared death, trauma, destruction, difficulties, this chapter lays out the first stage of (re)building in a Donbas that no longer one fluid region of people and economic activity. The Donbas in this chapter is divided by a hard physical and ideological 'border'. This chapter first compares

²⁹⁵ Maksim Aljukov, "Von Moskaus Gnaden," in *Schlachtfeld Ukraine: Studien zur Soziologie des Krieges*, ed. Sapper et al. (Berlin: OSTEUROPA, 2019), 129-130.

state-rebuilding efforts in government-controlled territory with the state-building efforts in the “DPR” and “LPR”. Then, as in chapter four, process-traces de facto independence to the differences in state-building by the Donbas de facto states. This period was foundational as it was the point in time when high-speed repairs and recovery occurred, lasting until the end of 2016. It also set the tone for state-(re)building on both sides of the ‘border’ which would hardly change after this period.

5.1. State-Rebuilding in Ukrainian-controlled Territory I

The Ukrainian government made significant progress in regaining administrative control and providing basic and lawful security in all territories that remained under its control already before the Battle of Debal’tseve in early 2015. The central government in Kyiv also showed two significant changes already before this first real phase of rebuilding: national legislative changes in line with the Maidan Revolution, and a change in strategy in the Donbas. President Poroshenko ended his good faith policies and attempts to militarily reunite the country and entered a period of acceptance of non-control beyond the conflict line (due to Russia’s direct and decisive assistance to the de facto authorities), and stricter control of the Donbas territory remaining under his control. This subchapter looks first at the challenges of physical and economic rebuilding in the government-controlled areas of Donetsk and Luhans’k oblasts and their effect on the civil population, the further administrative developments in Kyiv that affected this region, as well as the developments in provision of security and the maintenance of the military forces.

The humanitarian situation in the territories controlled by the Ukrainian government were bearable by March 2015. Cases of minimum standards not being fulfilled, for examples locals lacking access medicine and medical services, electricity, clean water, or administrative services, were, without exception, within the grey zone directly on the de facto border. For example, in Mar’inka, Krasnohorivka, and Trokhizbenka, more than 16,000 people remained without no gas throughout the entirety of this first rebuilding phase.²⁹⁶ Novooleksandrivka,²⁹⁷ a village in Luhans’k oblast, had “no access to electricity, piped water or adequate medical care” nor did emergency services serve this village.²⁹⁸ Stanytsia Luhans’ka is one of the largest government-controlled settlements directly on the contact line, and it’s population also

²⁹⁶ OSCE Special Monitoring Mission to Ukraine (SMMU), *Thematic Report: Hardship for Conflict-Affected Civilians in Eastern Ukraine*, (Kyiv: Organization for Security and Co-operation in Europe), 12.

²⁹⁷ Novooleksandrivka was claimed by neither side of the conflict until 2018 when the Ukrainian government official retook administrative control of the village.

²⁹⁸ *Ibid.*, 7.

had to live without gas or electricity for months; nevertheless, 60% of the city's residence stayed, and thousands of IDPs from "LPR" settled there.²⁹⁹

In many areas near the 'border', it was the international organizations and local civil society organizations that helped avoid a large-scale humanitarian crisis. Despite the fact that the conflict had been reduced, civilian casualties continued, particularly related to accidents involving mines. International organizations, for example the Danish Refugee Council (DRC), had teams working on Ukrainian-controlled territory to remove mines.³⁰⁰ Throughout the conflict, mines were placed sporadically throughout the region as the front line moved back and forth – the Ukrainian government has committed in international treaties that it will not use mines, Russia has is not a signatory.³⁰¹ Nevertheless, mine accidents remained in issue on both sides into 2016.³⁰² One major issue that affected the civil society was the lack of (affordable) coal in the region for heating after a ban of coal imports of coal from occupied territory. In the first winter (winter 2015/16) this affected economic recovery, but also public infrastructure, and the security situation was compromised due to smuggling across the border.³⁰³ The government did not send enough replacement coal in this first winter and it also led to some civilians freezing to death.³⁰⁴

Children attended school as normal, though childcare and kindergartens in many places remained closed, especially near the front. This was partially justified with the damages sustained, lack of protective rooms in case of a strike, or, in the case of Avdiivka, due to the lack of children of school age.³⁰⁵ Although school in government-controlled territory remained in session, not all schools were repaired or restored, instead the government sent pupils to other intact schools that (due to the exodus from the region) had space for locals and IDPs alike.³⁰⁶ This meant, however, that some pupils needed to travel far for school.³⁰⁷ In towns where it seems as though schools may not be rebuilt, locals were nervous about the

²⁹⁹ Vostok SOS, Helsinki Foundation, DRA e.V., *Die Situation der Zivilbevölkerung in den Gebieten Donezk und Luhansk II.*, 30.

³⁰⁰ Christian Borys, "In Eastern Ukraine, A Young Life Shattered," *RadioFreeEurope/RadioLiberty*, November 10, 2015, <https://www.rferl.org/a/ukraine-litter-of-war-mines-unexploded-ordnance-injured-boy/27355926.html>.

³⁰¹ Ibid.

³⁰² International Committee of the Red Cross (ICRC), *Ukraine: The Threat of Mines and Unexploded Shells Continues* (Geneva: International Committee of the Red Cross, 2016).

³⁰³ Vostok SOS, Helsinki Foundation, DRA e.V., *Die Situation der Zivilbevölkerung in den Gebieten Donezk und Luhansk III.*, 27.

³⁰⁴ Ibid., 29.

³⁰⁵ Vostok SOS, Helsinki Foundation, DRA e.V., *Die Situation der Zivilbevölkerung in den Gebieten Donezk und Luhansk I.*, 11-12.

³⁰⁶ Vostok SOS, Helsinki Foundation, DRA e.V., *Die Situation der Zivilbevölkerung in den Gebieten Donezk und Luhansk III.*, 27.

³⁰⁷ Ibid., 50.

entire community disappearing, for example in Krasnohorivka.³⁰⁸ Schools closest to the front line were not rebuilt because of fear of renewed fighting.³⁰⁹ The coal import ban affected schools as well; in the winter of 2015/16, some had to close due to the cold and their inability to heat.³¹⁰ This problem, though the ban was not lifted, seemed to be solved by the winter of 2016/17.

Regarding healthcare facilities were repaired quickly if they sustained damages but maintained access to basic infrastructure such as water and electricity.³¹¹ Where infrastructure is destroyed or lacked basic infrastructure, resources are moved elsewhere.³¹² In some cases, plans to rebuild either lacked financial support or would take so long that intermediate solutions would need to be provided. In Slov'ians'k where public buildings and a school were repaired within months after their heavy damages, the psychiatric hospital was not able to reopen as quickly and patients were sent to other psychiatric care units.³¹³ In Lyman, the hospital had serious damages from munition, but it lies far from the front and was restored within two months.³¹⁴

Much of the reconstruction of individual homes and apartment blocks was done by locals with the assistance from humanitarian organizations. The legal and practical questions regarding compensation for private infrastructural damage or loss of infrastructure due to occupation were not yet clear: "After four readings of a draft law, the Ukrainian parliament has not settled on a procedure for compensation of damaged property" and without legal clarity, those seeking compensation may have little success in courts if they decide to open a lawsuit against the state.³¹⁵ For this reason, citizens repaired what they could and hoped to get compensation later.³¹⁶ In some cases local military members assisted citizens in rebuilding,³¹⁷

³⁰⁸ Ibid., 30.

³⁰⁹ Whiting, "Hundreds of Schools Attacked, Destroyed in Ukraine War."

³¹⁰ Vostok SOS, Helsinki Foundation, DRA e.V., *Die Situation der Zivilbevölkerung in den Gebieten Donezk und Luhansk III.*, 27.

³¹¹ Vostok SOS, Helsinki Foundation, DRA e.V., *Die Situation der Zivilbevölkerung in den Gebieten Donezk und Luhansk III.*, in Krasnyi Lyman, 47, and in Krasnohorivka, 32-33.

³¹² For example, much of the staff of Central Hospital of Krasnohorivka was moved to Kurakhove, *ibid.*, 32-33.

³¹³ Vostok SOS, Helsinki Foundation, DRA e.V., *Die Situation der Zivilbevölkerung in den Gebieten Donezk und Luhansk I.*, 5-6.

³¹⁴ Vostok SOS, Helsinki Foundation, DRA e.V., *Die Situation der Zivilbevölkerung in den Gebieten Donezk und Luhansk III.*, 47.

³¹⁵ Gulara Gulyieva, "Property Rights of IDPs in Ukraine," in *The Social Consequences of Population Displacement in Ukraine: the Risks of Marginalization and Social Exclusion*, Kuznetsova et al., (Birmingham: The University of Birmingham, 2018), 17.

³¹⁶ Vostok SOS, Helsinki Foundation, DRA e.V., *Die Situation der Zivilbevölkerung in den Gebieten Donezk und Luhansk III.*, 19.

³¹⁷ OSCE SMM, *Thematic Report: Hardship for Conflict-Affected Civilians in Eastern Ukraine*, 10.

and in some towns city government compensated citizens with local budgets,³¹⁸ but these were often very small amounts. Compensations for death or severe injury due to the war were being paid out in government-controlled areas.³¹⁹

The main challenges for Ukraine were economic and financial. The local economy was in shambles, thus also negatively affecting the national economy, and paying for new infrastructure and the proper support of IDPs was a very expensive endeavor. In many regards, 2015 was the worst economic year for Ukraine as the war became visible in this year's statistics. Inflation reached a peak of in 2015,³²⁰ and despite loans coming in from the International Monetary Fund (IMF) and other large donors, FDI remained below in 2012 levels in this first phase of rebuilding.³²¹ Many of the loans depended on political changes, especially in the financial sphere. 2015 was also the worst year in GDP reduction; the government-controlled Donets'k and Luhans'k oblasts took the brunt of the economic blow.³²² Compared to December 2014, after the conflict had begun, wages in 2015 dropped by nearly one quarter while prices for commodities rose nearly 40%.³²³ Although trade with the European Union (EU) had increased in the years leading up to the conflict, it could not have prepared Ukraine, particularly government-controlled Donbas, for the loss of trade with Russia.

Trade with the occupied regions continued in this first period, legally referred to as "moving goods across the demarcation line" and the forced reregistration of businesses paid ensured they paid their taxes in Ukraine.³²⁴ This special trade regime would only exist during this first period. Through the stabilization of the conflict and policy changes, most of Ukraine saw a reversal in economic development in 2016. "With the introduction of a flexible exchange rate regime, strong fiscal and monetary policies, and essential energy and financial sector reforms, the economy appears to have returned to modest growth in 2016, with real

³¹⁸ For example in Bakhmut, Svitlodar, and Sartana as stated in Vostok SOS, Helsinki Foundation, DRA e.V., *Die Situation der Zivilbevölkerung in den Gebieten Donezk und Luhansk III*.

³¹⁹ Vostok SOS, Helsinki Foundation, DRA e.V., *Die Situation der Zivilbevölkerung in den Gebieten Donezk und Luhansk II*, 31.

³²⁰ Published by Bruno Urmersbach, "Ukraine: Inflationsrate von 1993 bis 2022," Statista, November 11, 2022., <https://de.statista.com/statistik/daten/studie/232421/umfrage/inflationsrate-in-der-ukraine/>.

³²¹ Havlik, Kochnev and Pindyuk, Economic Challenges and Costs of Reintegrating the Donbas Region, 17.

³²² *Ibid.*, 14.

³²³ HRMMU, *Report on the Human Rights Situation in Ukraine 16 May to 15 August 2015*, 22-23.

³²⁴ Evgenii Golovatiuk, "Monetary Hail: Economy of the occupied Donbas: Players, schemes, volumes" [*Denezhnyi GRAD: Ėkonomika okkupirovannogo Donbassa: igroki, skhemy, ob"emy*], *LIGA.net*, August 11, 2017, [Economy of the Occupied Donbas \(archive.ph\)](#).

GDP rising by an estimated 2.3%”³²⁵ though government-controlled Donbas hardly profited from this.

The economic plight of the region had humanitarian affects too, with alcoholism and mental health issues becoming more and more visible.³²⁶ Nevertheless, the government in Kyiv stated that the reconstruction of public goods, including transportation, administration, health, and educational facilities, has to be prioritized over industrial sights which would be rebuilt later.³²⁷ This ultimately led to a chronic unemployment and, after such a long period without qualified work, the deskilling of the labor force.³²⁸ Residents in some towns were given small jobs with the city administration as they began working again,³²⁹ but these could be simple (for example picking up trash) and were not enough to solve the systematic problems. The influx of IDPs from occupied territory stemmed the problem of out-migration slightly, but “Donbas IDPs will not be able to regenerate the regional economy by themselves without a comprehensive large-scale publicly- and international donor-funded reconstruction [program]”.³³⁰ The assume unproductivity of the IDP population is due to Ukraine having a very old population³³¹ – many IDPs were pensioners.

The centrally allocated funds from Kyiv to Donets’k oblast in 2015 was over 8 billion Hryvnia, and Luhans’k oblast received over 4 million, but the localities would still rely on local taxes for their budget which is difficult with minimal purchasing power and the fact that many businesses left.³³² On top of the regular budgets, civil-society organizations provided money and assisted in rebuilding, and a German development bank provided a 500 million Euro loan for rebuilding infrastructure in the summer of 2015 as well.³³³ Rebuilding still proceeded slowly, the funds were not enough. In 2016, Poroshenko allocated an extra 3 billion Hryvnia for the reconstruction of more schools and hospitals in the region, but also of

³²⁵ Organisation for Economic Co-Operation and Development (OECD), “Regional Development Trends in Ukraine in the Aftermath of the Donbas Conflict,” in *Maintaining the Momentum of Decentralisation in Ukraine*, OECD (Paris: OECD, 2018), 48.

³²⁶ Vostok SOS, Helsinki Foundation, DRA e.V., *Die Situation der Zivilbevölkerung in den Gebieten Donezk und Luhansk I.*, 14.

³²⁷ Kozak, “Who will make money on rebuilding Donbass.”

³²⁸ Mykhnenko, “Sitting on the ruins?,” 10.

³²⁹ Vostok SOS, Helsinki Foundation, DRA e.V., *Die Situation der Zivilbevölkerung in den Gebieten Donezk und Luhansk III.*, 36.

³³⁰ Mykhnenko, “Sitting on the ruins?,” 10.

³³¹ OECD, “Regional Development Trends in Ukraine in the Aftermath of the Donbas Conflict,” 53.

³³² Aleksei Avdeev, “What will the budgetary Relations between Ukraine and Donbas be in 2015?” [*Kakim budut budzhetnye otnosheniia Ukrainy Donbassa v 2015 godu*], *Restoration of Donbass* [*Vosstanovlenie Donbassa*], January 26, 2015, https://restoring-donbass.com/blog/alexey_avdeev/4169-kakimi-budut-byudzhetnyie-otnosheniya-ukrainyi-donbassa-v-2015-godu/.

³³³ Interfax, “Poroshenko signs law to ratify memo with Germany on EUR 500 mln loan to rebuild Donbas infrastructure,” *Interfax*, August 5, 2015, <https://en.interfax.com.ua/news/general/282193-amp.html>.

very basic things such as water canalization and filtration infrastructure³³⁴ that should not have waited so long.

Another pressing issue during this time was infrastructure that still traversed the line of contact. The Popasna canal [*Popasna Vodokanal*] was the primary water source for the Lugansk “People Republic”, and the company in Ukrainian-controlled Popasna deliberately reduced water flow to the “LPR” due to non-payment.³³⁵ The electricity used to pump and transport water came from a powerplant in Luhans’k city, which once turned off electricity, also due to non-payment, therefore jeopardizing access to water of more than a million residents on both sides of the contact line. This issue was only resolved after the Red Cross paid the outstanding bills.³³⁶ After six months of water shortages at a different location the OSCE brokered a safe zone between government-controlled Maiors’k and non-government-controlled Horlivka to allow repairs to critical water infrastructure that provided water to 2.5 million people in the Donetsk region, including Mariupol’.³³⁷ Without the assistance of the Joint Center for Control and Co-ordination (JCCC), the water shortage would have likely worsened.

The situation of the IDPs was one of the biggest challenges as over 1.6 million were registered in government-controlled territory.³³⁸ The majority of these IDPs lived in government-controlled territory, but some of them ‘commuted’ to government-controlled cities only to collect their social benefits. Others ended up returning to the non-government-controlled de facto states because they found it impossible to find housing on the other side, either due to price hikes, limited space in government-facilitated housing units, or discrimination.³³⁹ Already in 2015, Mariupol’ had a significant concentration of IDPs, over 80,000 of them, making the city a hub for humanitarian aid in the Donetsk region.³⁴⁰ The city government kept its emergency housing camps at a lower occupancy by paying the rent of families and persons that find apartments in the city. The positive example of Mariupol’

³³⁴ Position [*Pozitsiia*], “Poroshenko allocated 3 billion Hryvnia for the Restoration of Donbass Infrastructure [*Poroshenko vydelil 3 milliarda hryven na vosstanovlenie infrastruktury Donbassa*], Position [*Pozitsiia*], June 10, 2016, <https://www.pozitsiya.com.ua/51366-poroshenko-vydelil-3-milliarda-griven-na-vosstanovlenie-infrastruktury-donbassa.html>.

³³⁵ OSCE SMMU, *Thematic Report: Hardship for Conflict-Affected Civilians in Eastern Ukraine*, 10.

³³⁶ OSCE SMMU, *Thematic Report: Hardship for Conflict-Affected Civilians in Eastern Ukraine*, 10.

³³⁷ OSCE SMMU, *Access to Water in Conflict-Affected Areas of Donetsk and Luhansk Regions*, 11.

³³⁸ UN HRMMU, *Report on the Human Rights Situation in Ukraine 16 November 2015 to 15 February 2016*, 37.

³³⁹ Irina Kuznetsova, “Housing is the most crucial issue for internally displaced people,” in *The Social Consequences of Population Displacement in Ukraine: the Risks of Marginalization and Social Exclusion*, Kuznetsova et al., (Birmingham: The University of Birmingham, 2018), 13-14.

³⁴⁰ Vostok SOS, Helsinki Foundation, DRA e.V., *Die Situation der Zivilbevölkerung in den Gebieten Donezk und Luhansk III.*, 9-10.

was costly. Roughly 70% of the money that reached the city was used for IDPs.³⁴¹ Another problem was the registration of civilians as IDPs from territory not recognized by the government as occupied – for example those from the village of Shyrokyne, which has been destroyed entirely, were not able to register as IDPs because the village is technically on the Ukrainian-controlled side of the “border”.³⁴² Solving these problems would have taken more money and concerted government action, but at this stage the central government is distracted by national reforms.

In Kyiv the central government appeared to be satisfied with the two-tiered system of dealing with changes in the country: democratic and even grassroots development in most of Ukraine, and a more authoritarian approach of rebuilding and reintegrating government-controlled Donetsk and Luhans’k oblasts. In early 2015, civil society representatives were included in drafting the decree ‘On the Strategy of Sustainable Development – Ukraine 2020’ including 62 reforms “on the fight against corruption, decentralization, energy independence, and [modernizing] the judiciary, the public administration and the [defense] system”³⁴³ which would hopefully please post-Maidan Ukrainians with high hopes and a critical eye on their president. The signals Poroshenko was sending would also help secure more aid and loans for the country, necessary to rebuild the infrastructure in the Donbas, to recover economically, and to modernize and democratize the economy. One of the first changes was the founding of the National Anti-Corruption Bureau which would specifically investigate crimes committed by high level officials; in April 2015, Poroshenko appointed former prosecutor Artem Sytnyk³⁴⁴ as director.³⁴⁵ Ukraine’s bad reputation amongst investors and political partners was rooted in economic and judicial corruption, these changes would be vital to attract investors. While 2015 was full of big promises and superficial changes, by the end of 2016 many of Poroshenko’s plans had yet to materialize. This “series of missed opportunities [...] fostered intense disaffection within the Ukrainian body politic and pervasive Ukraine fatigue in Western capitals.”³⁴⁶ Still the hopes of the decentralization laws were high as they were seen optimistically as a major step which would cause a domino effect of positive changes in

³⁴¹ Ibid.

³⁴² Vostok SOS, Helsinki Foundation, DRA e.V., *Die Situation der Zivilbevölkerung in den Gebieten Donezk und Luhansk I.*, 17.

³⁴³ UN HRMU, *Report on the Human Rights Situation in Ukraine 1 December 2014 to 15 February 2015*, 21.

³⁴⁴ The Constitutional Report found in 2020 that Poroshenko exceeded his power in appointing someone directly. Sytnyk was involved in multiple corruption proceedings, including for accepting gifts, taking vacation at the expense of others, and the undeclared money received for selling his real estate in occupied Crimea.

³⁴⁵ UN HRMMU, *Report on the Human Rights Situation in Ukraine 16 February to 15 May 2015*, 32-33.

³⁴⁶ Balázs Jarábik and Mikhail Minakov, “The Consolidation of Power in Ukraine: What it Means for the West,” *Carnegie Endowment for International Peace*, (2016): 1.

Ukraine. In mid-April 2016, the Ministry for Temporarily Occupied Territories and Displaced Persons of Ukraine was created to better react to political and humanitarian needs of the Donbas.³⁴⁷

The MCAs in the Donbas had their state-appointed leadership and were working to fulfill the duties of regional and city governments. The introduction of MCAs was controversial. Leaders of the Donbas de facto states saw this as a violation of the Minsk II protocol favoring self-governance, but Kyiv countered that self-governance can only be introduced when the security situation is improved.³⁴⁸ The UN monitoring mission questioned the legitimacy of the military-civil leadership, because they are neither elected nor accountable to the community (most) affected by the functions exercised.³⁴⁹ Civil society and humanitarian aid organizations were important in the role they fulfilled throughout the local recovery and rebuilding process – in many instances even filling gaps in ensuring basic needs where MCAs were unable to do so. Nevertheless, due to the emergency legislation, they had no perspective of getting more involved in local politics. Kyiv placed the region under more direct control due to lack of trust.

Although the MCAs may have been more authoritarian, but they were not devoid of democracy. In 2015 new laws regarding the right to a fair trial, for all Ukrainians, was implemented and well received by the UN monitoring mission.³⁵⁰ But other reforms, for example the requirement for political parties to have implement a minimum parity between genders (a minimum and critical mass for positive political change of 30%) was only valid for regions with elections, excluding the government-controlled Donbas.³⁵¹ To clear up questions of competency, “the Parliament adopted amendments to the Law On the Legal Regime of Martial Law articulating in greater detail the legal mechanisms to introduce and cancel martial law and the organs in charges of enacting it.”³⁵² Due to the decentralization reforms, government controlled Donets’k and Luhans’k oblasts had new administrative divisions and by the end of 2015, district-level MCAs were often receiving three times more than what they had previously received.³⁵³ This meant that regional leaders, the state-chosen

³⁴⁷ “About the Ministry,” Ministry of the Reintegration of the Temporarily Occupied Territories, accessed 31 December, 2022, <https://minre.gov.ua/en/rubric/about-ministry>.

³⁴⁸ UN HRMMU, *Report on the Human Rights Situation in Ukraine 16 February to 15 May 2015*, 30.

³⁴⁹ *Ibid.*, 32.

³⁵⁰ *Ibid.*, 29.

³⁵¹ UN HRMMU, *Report on the Human Rights Situation in Ukraine 16 May to 15 August 2015*, 38.

³⁵² UN HRMMU, *Report on the Human Rights Situation in Ukraine 16 February to 15 May 2015*, 31.

³⁵³ Decentralization [*Detsentralizatsiia*], “Financial Decentralization tripled the own Income of United Communities to UAH 1.3 billion, - monitoring of the Ministry of Regions” [*Finansova detsentralizatsiia*]

heads Donets'k and Luhans'k oblasts, could reprioritize projects because a bulk of the rebuilding and development would be handled by the financially propped-up local actors (of course, with the help of international aid). For example, Pavlo Zhebriv's'kyi, the governor of Donets'k oblast saw the Ukrainization of Donets'k region as a top priority, including funding history, art, and Ukrainian language education.³⁵⁴ Decentralizing competencies had its benefits, but also led to a continuation of the problem that non-government actors fulfilled the role of the state. In Mariupol', the organization Defense of Mariupol' [*Oborona Mariupolia*] was providing legal services and collecting and publishing complaints aimed at the city administration to increase the pressure to act.³⁵⁵ The existence of civil-society organizations is positive in the context of democratic development, but it is the responsibility of the state to provide the minimum standards for life. In May, 2015, the Ukrainian government made public that it was unable to do so, and the parliament passed a resolution 'On Ukraine's Derogation from Certain Commitments under the International Covenant on Civil and Political Rights and the Convention for the Protection of Human Rights and Fundamental Freedoms', which is the legal path to deviate from responsibilities for a limited time and to a limited extent.³⁵⁶

Despite the difficulties, there were positive examples. Vostochnyi district in Mariupol' proved that progress can be made fast if political will and proper funding is behind it. Due to the unprecedented bombardment of the Vostochnyi district of Mariupol' in January 2015 which damaged 22 apartment complexes, 37 homes, a school, a kindergarten, two markets, a bank, pharmacy, and left 30 civilians dead and 117 wounded, the public shock was significant, and the government action was much faster than in other cases.³⁵⁷ In some other cities across government-controlled Donbas, city-level partnerships were used for sending aid on a local need basis. The city Luts'k was providing medicine and medical equipment to the frontline city of Volnovakha,³⁵⁸ for example, and many other cities between eastern and western Ukraine either advanced their partnerships or established first time relations.

z bil'shyla vasni dokhody ob'ednanykh hromad utrychi do 1,3 mlrd hrn, - monitorynh Minrehionu], *Decentralization*, September 9, 2016, <https://decentralization.gov.ua/en/news/3318?page=27>.

³⁵⁴ Serhii Shevchenko, "Pavlo Zhebriv's'kyi: 'How to find Ukrainian Donets'k Region?'" [*Pavlo Zhebriv's'kyi: "Iak vidnaity ukrains'ku Donechchynu"*], *Vector News*, July 25, 2017, <https://www.vectornews.net/exclusive/30526-pavlo-zhebrivskiy-yak-vdnayti-ukrayinsku-donechchinu.html>.

³⁵⁵ Vostok SOS, Helsinki Foundation, DRA e.V., *Die Situation der Zivilbevölkerung in den Gebieten Donezk und Luhansk III.*, 15-16.

³⁵⁶ OSCE SMM, Thematic Report: Access to Justice and the Conflict in Ukraine, 9.

³⁵⁷ Vostok SOS, Helsinki Foundation, DRA e.V., *Die Situation der Zivilbevölkerung in den Gebieten Donezk und Luhansk III.*, 14.

³⁵⁸ *Ibid.*, 27-28.

The security situation in Ukraine improved significantly in this first period of rebuilding. All security challenges related to the ‘border’. As of early 2016, (according to the State Border Guard Service of Ukraine (DPSU)³⁵⁹, there were between 8,000-15,000 civilians and transport vehicles crossing every day which required passing through a total of six separate checkpoints at each crossing corridor.³⁶⁰ At the time, there were very few crossing points and arbitrary rules³⁶¹ leading to very long lines and more incentive for bribery of border guards,³⁶² or illegal crossings. In Zolote dozens of civilians crossed a railway embankment every day to visit and take care of relatives or bring products scarce into occupied-territory to family and friends.³⁶³ The Ukrainian military showed understanding for their personal predicaments and did not stop those crossing the so-called “street of life”.³⁶⁴ Other paths exist throughout the Donbas region, but some, such as between government-controlled Avdiivka and Iasynuvata, were not only used by civilians, but also “for the illegal movement of alcohol, drugs and other goods” and had to be more closely patrolled.³⁶⁵ The state reacted by arresting and charging eight members of a military brigade for “taking bribes to allow the movement of cargo across the contact line” and establishing a hotline for reporting violations, but misconduct continued to be an issue during this period,³⁶⁶ as did the transportation of illegal substances. Despite some illegal crossing points being closed or better patrolled, “the flow of drugs through Donbas, into Ukraine, and then into Europe simply [did] not [shrink] by a single percentage point, even while bullets are flying back and forth across the front line.”³⁶⁷ Particularly in 2015 and the winter of 2015/16 when coal was in short supply in government-controlled territories, medicine and other basics were lacking in the occupied-territories, there were major smuggling operations, and these operations traded more than just daily essentials, weapons and drugs were smuggled as well.³⁶⁸ In general, however, corruption throughout the police force and customs system in Ukraine as a whole was reduced in this period as reforms were pushed through offering better wages, providing more

³⁵⁹ Abbreviation comes from the Ukrainian *Derzhavna Prykordonna Sluzhba Ukraïny*.

³⁶⁰ UN HRMMU, *Report on the Human Rights Situation in Ukraine 16 November 2015 to 15 February 2016*, 7.

³⁶¹ *Ibid.*, 7-8.

³⁶² *Ibid.*, 31.

³⁶³ Vostok SOS, Helsinki Foundation, DRA e.V., *Die Situation der Zivilbevölkerung in den Gebieten Donezk und Luhansk III.*, 33-34.

³⁶⁴ *Ibid.*

³⁶⁵ The Independent Defense Anti-Corruption Committee (NAKO) [*Nezalezhnyi Antykorrupsiynyi komitet z pitan' oborony*], *Crossing the Line: How the Illegal Trade with Occupied Donbas Undermines Defence Integrity* (Kyiv: Transparency International Ukraine, 2017), 32.

³⁶⁶ UN HRMMU, *Report on the Human Rights Situation in Ukraine 16 November 2015 to 15 February 2016*, 31.

³⁶⁷ Mandić, *Gangsters and Other Statesmen*, 163.

³⁶⁸ Mark Galeotti, *The Vory: Russia's Super Mafia* (New Haven: Yale University Press, 2018).

digital services, filtering out personnel, and integrating a sense of responsibility into law enforcement workers and civil servants.³⁶⁹

In Ukrainian-controlled Donetsk and Luhansk oblasts, security forces still had more rights than in other parts of the country due to the Kyiv-led MCAs and the state of emergency. The UN monitoring mission criticized³⁷⁰ a draft law that would allow police to enter a premises without a court decision and use firearms without warning. The police reform that was passed in August 2015 maintained that firearms can be used without warning in the ATO areas of the country, but also “regulated the application of measures of restraint and the use of force.”³⁷¹

Within this first period of rebuilding and reintegration of the war-torn territories, the central government Kyiv made advancements in unifying its military force. While previously during the heaviest conflict periods semi-autonomous (volunteer) battalions were largely responsible for holding back the advancements of the Russian-reinforced militias fighting for the de facto states. Throughout the first period after the worst fighting, as the Ukrainian military began to fix its image and lack of funding by offsetting these with aid from abroad, increasing military spending, and conducting joint training exercises.³⁷² This gave the state the opportunity to properly deal with the battalions. Some problematic battalions (such as those that chose to station themselves in civilian infrastructure or reported to have been looting) were disbanded; this was the case of the battalion ‘*Tornado*’.³⁷³ Criminal members of other battalions were met with law suits, leading to a worsening reputation and shrinking of members and money – this was the case both for the Organization of Ukrainian Nationalists [Orhanizatsiia Ukrainskykh Natsionalistiv] (OUN) and ‘*Aidar*’ after criminal proceedings against their members.³⁷⁴ By the end of 2015, most other volunteers interested in working for the military were integrated into the regular Ukrainian army and others who refused were removed from the front.³⁷⁵

³⁶⁹ Annette Langer, “Taking on Corruption: Inside Ukraine’s War on Graft,” Spiegel International, June 17, 2016, <https://www.spiegel.de/international/tomorrow/ukraine-seeks-to-eliminate-rampant-corruption-a-1096984.html>.

³⁷⁰ UN HRMMU, *Report on the Human Rights Situation in Ukraine 16 February to 15 May 2015*, 30.

³⁷¹ UN HRMMU, *Report on the Human Rights Situation in Ukraine 16 May to 15 August 2015*, 37.

³⁷² Arda Mevlutoglu, “Ukraine’s Military Transformation between 2014 and 2022,” *Politics Today*, April 7, 2022, <https://politicstoday.org/ukraine-military-transformation/>.

³⁷³ Vostok SOS, Helsinki Foundation, DRA e.V., *Die Situation der Zivilbevölkerung in den Gebieten Donezk und Luhansk III.*, 30.

³⁷⁴ Heinemann-Grüder, “Geiselnehmer oder Retter des Staates?,” 61-63.

³⁷⁵ *Ibid.*, 80.

In conclusion, the first period of rebuilding in Ukraine was a mixed experience with rapid change. On the one hand, the winter of 2015/16 was truly a challenging time for citizens in the Donbas. The rules, regulations, and lack of prepared or well-equipped institutions led to the death of civilians and suffering of much of the local population. The hardships were worse for IDPs that had to deal with frustrating bureaucracy and discrimination, but by far it was the worst for residents living directly on the front line who lacked basic support throughout this entire period. The central government made notable advancements in institutional reform and managed to stabilize most of the economy and secure large amounts of aid. This money and administrative effort, however, were not put to full use in the Donbas. The political prioritization of institutional change in the rest of Ukraine extended the humanitarian burden of the civil population in the Donbas, who, in many regards, hardly profited from the democratic reforms due to the MCAs and state of ‘emergency situation’ set up in government-controlled Donets’k and Luhans’k oblasts. The focus on reconstruction of public infrastructure and waiting to rebuild economic infrastructure led to the reality that many locals are reliant on aid and have not been able to return to work. This led to workers becoming deskilled, local tax revenue remained low, hopelessness and alcoholism became more wide-spread. Nevertheless, the vast majority of citizens in the region, including IDPs, had their basic needs met and their situation improved notably during this time and most all children had a school to attend. Furthermore, the involvement of the civil society and international aid organizations played a vital role in this first period of rebuilding. The integration of all pro-Kyiv armed militiamen into the regular army as well as numerous police and justice reforms from this time period are likely to have had a positive impact on the relationship between the government and Donbas locals.

5.2. State-Building in Temporarily Occupied Territory I

The first period of state-building in the Lugansk and Donetsk “People’s Republics” was bound to be a challenge. The area was ravaged by war and internal political struggles and faced with economic collapse and non-recognition. To jumpstart improvements, it would take cooperation of economic, political, and civil actors from the region but also from the patron-state Russia to streamline necessary processes to overcome the humanitarian crisis, reboot the debilitated economy, and create functional institutions that could legitimize the existence of the “republics.”

The humanitarian situation was much worse during this first period of reconstruction and state-building compared to the Ukrainian-controlled Donbas. More civilian deaths occurred

in occupied territory.³⁷⁶ Due the stricter border regulations in place via government decree in Kyiv, the transport of basic goods, such as food and medicine, into the occupied territories was difficult. Nevertheless, the decision of the de facto regimes in June 2015 to only allow aid inflow from humanitarian organizations which they accredited exacerbated the crises significantly.³⁷⁷ This led, for example, to the World Food Programme convoy being blocked from delivering desperately needed humanitarian assistance.³⁷⁸ By the end of the year, “a variety of basic medicines [were] found in the pharmacies of [Donets’k], but treatment for chronic diseases remains largely limited, as well as surgeries, reproductive health and pediatrics. The situation in rural areas is much more difficult, especially in [“LPR”].”³⁷⁹ Pursuant to the government decree requiring the relocation of government institutions (including hospitals), most hospitals in the de facto states reregistered themselves in Ukrainian-controlled territory hoping to continue obtaining money and supplies, but this was rarely possible.³⁸⁰ In most urban areas, basic commodities in shops were available, however the quality was low and the purchasing power of residents continued to decrease in 2015.³⁸¹ Water access also worsened as 2015 went on, and the lack of (clean) water limited food production and a sanitation crisis loomed.³⁸² The de facto states also had severe problems importing chlorine for their water treatment facilities, leading to a further contamination of water for civilians and hospitals,³⁸³ and sporadic access to electricity led to difficulties in pumping water. In total around 500,000 people in the “LPR” lacked potable water in late 2015.³⁸⁴ The summer of 2015 also saw a major fuel shortage because the Ukrainian government had banned the import of fuels in January and Russia had yet to offset this.³⁸⁵

Regarding social payments, as of April 2015, around 200,000 pensioners living and registered in the Donbas de facto states began to receive their pension payments again – in Russian rubles, from an unknown source.³⁸⁶ Many banks were overwhelmed with the services they needed to provide, which led to pensioners having to wait in long lines, sometimes for

³⁷⁶ OSCE Special Monitoring Mission to Ukraine (SMM), *Thematic Report: Civilian Casualties in Eastern Ukraine 2016*, (Kyiv: Organization for Security and Co-operation in Europe, 2017), 8.

³⁷⁷ UN HRMMU, *Report on the Human Rights Situation in Ukraine 16 May to 15 August 2015*, 23.

³⁷⁸ *Ibid.*

³⁷⁹ *Ibid.*, 26.

³⁸⁰ *Ibid.*, 26-27.

³⁸¹ *Ibid.*, 23.

³⁸² OSCE SMM, *Access to Water in Conflict-Affected Areas of Donetsk and Luhansk Regions*, 3.

³⁸³ *Ibid.*, 5, 11.

³⁸⁴ UN HRMMU, *Report on the Human Rights Situation in Ukraine 16 May to 15 August 2015*, 23.

³⁸⁵ Golovatiuk, “Monetary Hail.”

³⁸⁶ UN HRMMU, *Report on the Human Rights Situation in Ukraine 16 February to 15 May 2015*, 20.

days, and many only ended up with 25% of their pension.³⁸⁷ State employees in schools, hospitals, and care facilities were either not paid or paid on an irregular basis.³⁸⁸ Those who do not qualify for benefits – most working age adults – became the most vulnerable³⁸⁹ and those who worked at Ukrainian owned factories still functioning in the non-government-controlled territory needed to wait in long lines at crossing points to pick up their wages in Ukrainian-controlled territory.³⁹⁰

The economic situation in the occupied territories was worst in 2015. Lack of stable water and electricity as well as the large out-migration during the period of heaviest fighting meant that the revitalization of economy was slow. Total losses only became clear in 2015. The “DPR” had an estimated two billion U.S. Dollar (USD) of capital damage and nearly four billion USD in capital depreciation. Smaller and less industrial “LPR” saw similarly bad results, with an estimated three billion USD in capital damage and depreciation.³⁹¹ The mining of coal in 2015 was lower than in 2014, and just 25% of the pre-war levels, coke production also shrunk further in 2015 to less than half of pre-war production, and steel production almost reached zero in 2015.³⁹² For the once richest city in the Donbas, FDI in Donetsk was a mere 2.3% of what it previously was.³⁹³ In 2015, “aid” from Russia was flowing in large amounts,³⁹⁴ and some trade continued with Ukraine. Due to the destruction, humanitarian crisis, and limited functionality of government structures, this year was nothing more than survival. Many men, particularly in the “LPR”, joined militias because it was the only reliable way to receive income, and jobless women were observed prostituting themselves to soldiers.³⁹⁵ It was a desperate year, and it would be until 2016 for any progress to be made at all.

Due to the rudimentary banking system and dependency on Ukrainian social payments and ‘special trade’, the Donbas “People’s Republics” remained multi-currency zones with fixed exchange rates between the Ukrainian Hryvnia and Russian Ruble; high rates were

³⁸⁷ Ibid.

³⁸⁸ Ibid.

³⁸⁹ UN HRMMU, *Report on the Human Rights Situation in Ukraine 16 May to 15 August 2015*, 23.

³⁹⁰ Anders Åslund, *Kremlin Aggression in Ukraine: The Price Tag*, (Washington, D.C.: Atlantic Council, 2018), 5-6.

³⁹¹ Havlik, Kochnev and Pindyuk, *Economic Challenges and Costs of Reintegrating the Donbas Region*, 34.

³⁹² A.V. Polovyan, R.N. Lepa, and S.N. Grinevskaya, “The Economy of Territories Reformed into Statehood: The Donetsk People’s Republic,” *Studies on Russian Economic Development* 29, no. 1 (2018): 72-78. DOI: 10.1134/s1075700718010112, 74-75.

³⁹³ Ibid., 75.

³⁹⁴ Kates, “Russian ‘Humanitarian Aid’.”

³⁹⁵ UN HRMMU, *Report on the Human Rights Situation in Ukraine 16 May to 15 August 2015*, 23.

charged for financial services.³⁹⁶ It was not until August 2015 that the central bank in “DPR” began preparing the first 300,000 bank cards³⁹⁷ in order to make the pension payment system easier. Banks would remain this basic throughout the entirety of this period. Russia’s pension payments and the desire for more independence from Kyiv led both “Republics” to adopt the Russian ruble as the official currency later in 2015.³⁹⁸

Russia did not yet recognize the “DPR” and “LPR” during this period and could therefore not, in accordance with Russian and international law, legally trade with them. Because Russia also consistently denied their presence in the region, Moscow did “not [take] any formal responsibility for the governance or the economy there.”³⁹⁹ The humanitarian situation was becoming so acute and dire that Moscow decided to introduce regular payments for essentially everything starting November 2015.⁴⁰⁰ Although a tax regime was agreed upon (corporate, individual income, and sales tax rates), so few companies had registered themselves in the “republics,” that the income from the corporate tax for 2015 was estimated to be half a million Hryvnia per month (less than 13,000 Euros) for the entire „DPR“.⁴⁰¹ This began to change as the de facto regimes ‘nationalized’ property and businesses, creating a series of functional businesses loyal to the de facto regimes; in the „DPR“ it was primarily markets, and in the „LPR“ it was mostly coal-preparation plants.⁴⁰² In both ‘states,’ these seizures were in line with a systematic ‘nationalization’ of private property.⁴⁰³

As a patron, Russia used a few tricks to provide for the region. The first trick provided direct payments to the governments of the Donbas “People’s Republics” via South Ossetia to subsidize the state budget. Budget data is unavailable, but investigative journalists found that in 2015 the Kremlin spent over one billion Euros just for the public sector salaries and pensions in the Donbas de facto states.⁴⁰⁴ The second Russian trick was free gas from

³⁹⁶ Hromadske International, “How Moscow and Occupied Donbas Strengthened Financial Ties,” *Hromadske International*, November 26, 2019, <https://en.hromadske.ua/posts/how-moscow-and-occupied-donbas-strengthened-financial-ties>.

³⁹⁷ Ibid.

³⁹⁸ Åslund, *Kremlin Aggression in Ukraine*, 6.

³⁹⁹ Ibid., 5.

⁴⁰⁰ Ibid.

⁴⁰¹ RBC, “RBC Investigation: On What Money does the Donbass live?” [*Rassledovanie RBK: na ch'i den'gi zhivët Donbass?*], *RBC*, June 15, 2015, <https://www.rbc.ru/investigation/politics/15/06/2015/5579b4b99a7947b063440210>.

⁴⁰² Nikolai Mitrokhin, *Extra-Judicial and Judicial Methods and Forms of “Law Implementation” used by the Eastern Ukrainian “People’s Republics” “Law Enforcement Agencies” in the Period 01.06.2015-01.06.2016* (Berlin: Deutsch Russischer Austausch (DRA) e.V., 2017), 8.

⁴⁰³ UN Human Rights Monitoring Mission in Ukraine (HRMMU), *Report on the Human Rights Situation in Ukraine 16 August to 15 November 2016* (Kyiv: Office of the United Nations High Commissioner for Human Rights, 2016), 36.

⁴⁰⁴ Elena Danilovich, “Media: Russia spends about 1 billion euros per year on Donbas” [*SMI: Rossiia tratit na Donbass okolo 1 mlrd evro v god*], *DW*, January 17, 2016.

Gazprom. Russia exports gas across the shared border with the “DPR” and “LPR” and sends the bill to Kyiv because, after all, the gas is entering Ukrainian territory (the same scheme is used with Moldova and Transnistria).⁴⁰⁵ Free gas was a key element for the development of the economy in the non-government-controlled Donbas because it helped significantly reduce production costs. In 2016, 500 million USD worth of natural gas was sent to the occupied territories.⁴⁰⁶ Another trick was the “legal” export of goods into the “DLPR” by labeling shipments as “for Ukraine”, similar to how it is done with gas.⁴⁰⁷ While the transport of goods between Ukraine and the non-government-controlled territories was allowed, Russia ‘exported’ 735 million USD worth of goods to the occupied territories,⁴⁰⁸ and the share of imports speaks to the humanitarian situation in the Donbas de facto states: 36% foodstuffs, 18% for coal and oil-related products.⁴⁰⁹

Despite efforts to wane trade with Ukraine, still in 2016 trade with government-control Ukraine was nearly twice the volume as trade with Russia.⁴¹⁰ Some of the products entering from Ukraine, including much-needed medicine, food, and electronics, were then resold to Russia for a profit.⁴¹¹ At this time Russia, as a donor, was struggling with its own economic challenges⁴¹² and was hardly able to provide more. Another trick Russia used was the illegal importing of goods from the “DPR” and “LPR”. This began in 2015 with coal, because roughly 90% of the coal mines in the Donbas remained on occupied territory (though destruction and the grey zone severely limited production). The de facto states would export coal and Russia would import it as a ‘Ukrainian product’ to then resell on global markets.⁴¹³ Despite these tricks, legal and illegal trade with bordering territories, the Donbas “People’s Republics” were not able to revive their economies in this phase, although some progress was made in 2016. Wages in both occupied territories rose in 2016 but remained less than 30% of what they were in 2013.⁴¹⁴

In the first phase of state-building, the formation of functional state structures was extremely slow. Particularly those (state) institutions that provided services directly to the

⁴⁰⁵ Golovatiuk, “Monetary Hail.”

⁴⁰⁶ Ibid.

⁴⁰⁷ Ibid.

⁴⁰⁸ It remains unclear how much of Russian ‘exports’ were paid for and how much were given to the de facto governments of citizens of the de facto states. Much information on bilateral trade, especially from this time period, remains a secret.

⁴⁰⁹ Ibid.

⁴¹⁰ Ibid.

⁴¹¹ NAKO, *Crossing the Line*, 6.

⁴¹² Fischer, “The Donbas Conflict,” 17.

⁴¹³ Golovatiuk, “Monetary Hail.”

⁴¹⁴ Havlik, Kochnev and Pindyuk, *Economic Challenges and Costs of Reintegrating the Donbas Region*, 20.

population were missing, while the de facto parliaments [*Narodnyi Sovet*], supreme courts, and the ministries of state security all were nominally functional. In August 2015, it remained that “people living in the territories controlled by armed groups continued to face obstacles in exercising any type of rights: civil, political or economic, social and cultural.”⁴¹⁵ The increased control over the ‘border’ had worsened the humanitarian difficulties in occupied territories, but the decision of the de facto governments to force a system of accreditation for non-Russian aid organizations exacerbated the situation. The ‘border’ between the two de facto states also tightened its control during this time,⁴¹⁶ further limited the residents’ freedom of movement and access to certain goods and services. In accordance with the accreditation system, at the end of September 2015, the Lugansk “People Republic” ordered all UN agencies to leave the territories, and operations in the Donetsk “People’s Republic” was put on hold, including the shipments of essentially all foreign aid, except from Russia.⁴¹⁷

The work of civil society organizations also became increasingly difficult throughout this period. The governments targeted any NGOs that did not have close links to them which severely impacted their beneficiaries and led to their silencing.⁴¹⁸ In January 2016, the “co-founder of the humanitarian organization “Responsible Citizens” [*otvetstvennye grazhdane*] was taken from her home” and “four members [...] were held for several hours [and] three of them were told that they were to be deported.”⁴¹⁹ Residents trying to document damage in the region (often to report to aid organizations and ask for funding) were arrested and tried for espionage: Maria Varfolomieieva,⁴²⁰ and Oksana Mikitenko,⁴²¹ both in 2015. The de facto regimes “suppress any form of independent political or civil activity”.⁴²² After the deputy Boris Litvinov, the only communist party member in the People’s Council of the “DPR“, was removed, no more political parties leftover from Ukraine (or otherwise) continued to exist; only two parties in each “republic” tied to the local elite remained.⁴²³ The freedom of religion in the de facto states does not exist; the “DPR” threatened to fight against “sects” and stated it “did not recognize any religions apart from Orthodoxy, Roman Catholicism, Islam and

⁴¹⁵ UN HRMMU, *Report on the Human Rights Situation in Ukraine 16 May to 15 August 2015*, 5.

⁴¹⁶ Mitrokhin, *Extra-Judicial and Judicial Methods*, 7.

⁴¹⁷ Al Jazeera, “UN alarmed as agencies ordered out of Ukraine’s Luhansk,” *Al Jazeera News*, September 25, 2015. <https://www.aljazeera.com/news/2015/9/25/un-alarmed-as-agencies-ordered-out-of-ukraines-luhansk>.

⁴¹⁸ UN HRMMU, *Report on the Human Rights Situation in Ukraine 16 August to 15 November 2016*, 30.

⁴¹⁹ UN HRMMU, *Report on the Human Rights Situation in Ukraine 16 November 2015 to 15 February 2016*, 35.

⁴²⁰ UN HRMMU, *Report on the Human Rights Situation in Ukraine 16 February to 15 May 2015*, 27.

⁴²¹ Mitrokhin, *Extra-Judicial and Judicial Methods*, 11-12.

⁴²² *Ibid.*, 9.

⁴²³ *Ibid.*

Judaism.”⁴²⁴ Priests of other churches, especially those with relations to Ukraine such as the orthodox churches under the Ukrainian patriarchy and Ukrainian Greek Catholic Churches, are subject to terror including murder, kidnapping, and torture and their houses of worship were ‘nationalized’.⁴²⁵

As the de facto state structures began to function, their style was totalitarian, and their priorities were focused on securitization. Institutional development in this period went hand in hand with the changes and further development of the security apparatus, including police and military, and the parallel “justice” system. The end of 2015 and beginning of 2016 saw a rapid consolidation and centralization of power. After nearly two years, the de facto states established a monopoly of violence, or rather, a monopoly of *extreme* violence. This came to the benefit of the political elite. Segments and individual members of the society were brutally terrorized, but crime rates, overall public safety improved, and the period of quasi-anarchy ended.

*“Drunk people in field uniforms with weapons in their hands gradually disappeared from the streets of towns, direct robberies, disordered shootings and grenade explosions in public spaces, violence and kidnappings with torture and subsequent ransom or murder mostly ceased, though it did not exclude episodic recurrences of similar incidents. This led to a significant drop in violent crime, especially in relation to ordinary citizens”*⁴²⁶

The speed of reigning in control was due to Russian intervention. The first step was unifying the armed groups and disarming those who refused. In many cases the disarmament included the physical elimination of militia leadership.⁴²⁷ This is how the so-called “People’s Militia,” the combination of the first (“DPR”) and second (“LPR”) corps of the United Armed Forces of Novorossia [*Ob’edinënnnye Vooruzhennnye Sily Novorossii*] and was joined together in the de facto Ministries of Internal Affairs.⁴²⁸ The security system was under regular Russian command.⁴²⁹ This all occurred at the same time that Russia heavily increased its economic influence over the region. The non-military branch of this police force became functional so fast because it cooperated directly and is supervised through the Russian Federal Security Service (FSB) [*Federal’naia Sluzhba Bezopasnosti Rossiiskoi Federatsii*].⁴³⁰

⁴²⁴ UN HRMMU, *Report on the Human Rights Situation in Ukraine 16 May to 15 August 2015*, 22.

⁴²⁵ Mitrokhin, *Extra-Judicial and Judicial Methods*, 9.

⁴²⁶ *Ibid.*, 6.

⁴²⁷ *Ibid.*

⁴²⁸ *Ibid.*, 5.

⁴²⁹ Åslund, *Kremlin Aggression in Ukraine*, 7.

⁴³⁰ Mitrokhin, *Extra-Judicial and Judicial Methods*, 12.

The centralization, unsurprisingly, profited those who were allowed to profit, and angered those who could not. Due to the increasing amount of confiscations of economic infrastructure, political power struggles against rivals again was a problem that was violently carried out in the streets.⁴³¹ This includes several assassination attempts of the “DPR” president Zakharchenko and the “LPR” president Plotnits’kyi.⁴³² The reigning in of security also emboldened those segments of the security apparatus that retained power. The public violence and sense of anarchy may have dissipated, but a wave of terror occurred behind closed doors. Brutal reports of torture, human experimentation, and killings committed by “law enforcement” surfaced,⁴³³ and grave instances of injustice and lack of any access to a justice system continued.⁴³⁴ In January 2016 a Lenin statue in Donetsk City was found damaged, leading to over 50 arbitrary arrests, suspectedly an excuse to purge against unwanted civilians.⁴³⁵ The lack of a legal system meant many “trials” were still held in “People’s Courts” with either no law, or Soviet Criminal Law.⁴³⁶ The mistreatment and injustice affected the Ukrainian prisoners of war (dozens of them filed complaints with international organizations after release),⁴³⁷ but also members of the civil population who were arrested, abused, or killed for simple crimes such as disobeying curfew or being drunk in uniform.⁴³⁸

Access to any media outside of government-control was difficult during this period. On multiple occasions even Russian journalists were arrested and deported,⁴³⁹ and Zakharchenko overtook a pro-“DPR” broadcaster to create Oplot TV⁴⁴⁰ and better control the media.⁴⁴¹ Ukrainian television channels were not broadcasted on television throughout the Donbas “People’s Republics”.⁴⁴² Media control can be used as an important tool for nation-building, and fits within patterns of power consolidation in the region.

In conclusion, this first period of state-building was a trying time for the de facto leadership and a struggle for survival for the civil population. The first year, 2015, was the

⁴³¹ Ibid., 8.

⁴³² Ibid.

⁴³³ Ibid., 15-17.

⁴³⁴ OSCE SMM, *Thematic Report: Access to Justice and the Conflict in Ukraine*, 21.; UN HRMMU, *Report on the Human Rights Situation in Ukraine 16 August to 15 November 2016*, 22.; and Ibid.

⁴³⁵ Mitrokhin, *Extra-Judicial and Judicial Methods*, 11.

⁴³⁶ UN Human Rights Monitoring Mission in Ukraine (HRMMU), *Human Rights in the Administration of Justice in Conflict-Related Criminal Cases in Ukraine April 2014 – April 2020* (Kyiv: Office of the United Nations High Commissioner for Human Rights, 2020), 20.

⁴³⁷ Mitrokhin, *Extra-Judicial and Judicial Methods*, 17.

⁴³⁸ Ibid., 16.

⁴³⁹ Ibid., 4-5.

⁴⁴⁰ Oplot was the name of the militia most closely related to Zakharchenko and his inner circle.

⁴⁴¹ Mitrokhin, *Extra-Judicial and Judicial Methods*, 14.

⁴⁴² UN HRMMU, *Report on the Human Rights Situation in Ukraine 16 August to 15 November 2016*, 29.

deepest humanitarian, economic, and political crisis. Basic needs of the populations were not always met, this year saw the worst economic crisis, and the newly created de facto states still did not look like states in the slightest. This tumultuous period was characterized by crime and violence, and only those involved profited: 2015 saw record numbers of illicit goods passing through the Donbas,⁴⁴³ and the political elite was violently established.

To stop the downward spiral, Russia essentially took over control. Political power was determined by Russia, with South Ossetia and Russia's tricks the economic collapse began to reverse, money was flowing into to the region, and the state and security infrastructure was finally being meaningfully established under Russia's watchful eye. This meant that the general humanitarian plight lessened, but the establishment of control and of a monopoly of *extreme* violence was a danger for locals.

2016 was a year of centralization in the Donbas "People's Republics". Many economic objects came into state hands, the in- and outflow of goods was controlled by state companies via state banks, and the de facto governments started collecting taxes. At this stage the centralized economy can be described as very restrictive, still small considering its potential, and extremely dependent on both Russia and the Ukrainian government. The centralization of the security apparatus meant the unifying of all armed groups into a single army and police force under Russian command and FSB control respectively. Lastly, the centralization of the political sphere means stamping out opposing or critical voices, dismantling normal democratic activity, and passing a law on the synchronization of legislation⁴⁴⁴ between the two de facto states. Although the civil population profited from the slight improvement of the humanitarian situation and reduction of widespread crime, this first period of state-building was ridden with injustice and more targeted violence. The residents of the "DLPR" were largely apolitical at this time, but data from the „DPR“ show that during this period popular support of the government did slightly improve ('adherents' of the de facto state made up 20% of the population in January 2016), but the favorability of returning to Ukrainian control rose as well, to 15%.⁴⁴⁵ The centralization seemed, however, to not be very popular; the ministry of internal affairs only received a 2% approval rating, and 62% of the population

⁴⁴³ NAKO, *Crossing the Line*, 7.

⁴⁴⁴ Mitrokhin, *Extra-Judicial and Judicial Methods*, 7.

⁴⁴⁵ Vladimir Dergachev and Dmitry Kirillov, "Not enough good, but at least no 'Bandery'" [*Khoroshego malo, zato net "banderov"*], *Gazeta.ru*, August 4, 2016, https://www.gazeta.ru/politics/2016/08/03_a_9747233.shtml?updated.

saw the need for political opposition.⁴⁴⁶ This period was full of change and set the tone for phase II of rebuilding.

5.3. Process-Tracing of State-Building in Phase I

Based on the information outlined throughout chapter 5, similarities and differences in state-building on either side have been established. These are clearly highlighted in this subchapter and de facto statehood is linked to the discrepancies via causal mechanisms.

A similarity shared on both sides of the contact line was the difficulty in providing for communities closest to the contact line on the de facto ‘border’. Borderlands are messy, often securitized,⁴⁴⁷ and in an ongoing-conflict situation as in the Donbas, the ‘border’ is only seen as such by few – for most it remained a frontline in an active war.

The discrepancies that emerged during the first phase of state-building are numerous. One discrepancy is unique in that it goes against the assumption that de facto states are always worse state-builders: a relative weakness of the Ukrainian government during this time was the obvious diversion of attention away from the Donbas and toward other domestic reforms. The Donbas de facto states and their Russian patron, on the other hand, were more consistently focused on the Donbas (though this did not materialize in *stronger* state-building). Other discrepancies in the de facto states exposed poorer results: the Donbas de facto states were slower in rebuilding their economy, had poorer institutions and continued high economic and political dependence on a single patron, had significantly less civil engagement and democracy involved in state-building, and used more violent forms of control. As a further discrepancy, they became extremely centralized, a stark contrast to Ukrainian decentralization at the time, but not necessarily a better or worse outcome.

The poorer economic conditions and slower institution-building have already been discussed, but Bradbury also noted that regarding continued rebuilding, the limited international assistance can (further) delay economic and political recovery, which has human costs.⁴⁴⁸ Interestingly, in this phase, the de facto states worsened their own access to aid even further by limiting international organizations on their territory of control. In de facto state research, the alienation of de facto states is discussed, but the reverse alienation practiced here are hardly accounted for.

⁴⁴⁶ Ibid.

⁴⁴⁷ For more on difficulties of life in a borderland, see Martin Deleixhe, Magdalena Dembińska, and Julien Danero Iglesias, “Securitized Borderlands,” *Journal of Borderlands Studies* 34, No. 5 (2019): 639-647.

⁴⁴⁸ See Mark Bradbury, *Becoming Somaliland*, (Bloomington: Indiana University Press, 2008), 93. via Pegg “Twenty Years of de facto State Studies.”

The state of the economy and institutions is tightly linked to patron-state dependence, as separatism is *not* a domestic issue.⁴⁴⁹ De facto states are small and fragile actors,⁴⁵⁰ many in Eurasia have nowhere else to turn but to Russia,⁴⁵¹ and consider Russia to be their only way out of the crises.⁴⁵² This reliance leads to political-clientelism and semi-colonial economic abuse of de facto states, particularly in the banking sector.⁴⁵³ The concept of rentier economy (as seen in other de facto states)⁴⁵⁴ describes the economic development of the Donbas “People’s Republics” well. Excessive dependence on Russia led to patron meddling in internal affairs;⁴⁵⁵ client states can hardly reject this involvement, because they need their patron to survive.⁴⁵⁶ In any case, de facto states have limited resources and personnel of their own⁴⁵⁷ and disproportionate military spending⁴⁵⁸ at the expense of all other state-building factors. In the Donbas, non-recognition resulted in hollow, weak, and underfunded institutions and, with such a strong patron, little sense of self-determination, despite this being central to separatist ideology.

The silencing of the civil society and aversion to democracy is difficult to attribute to de facto statehood alone. The question of existential insecurity is a commonality shared across de facto states.⁴⁵⁹ This leads to violence against perceived opposition, excessive focus on security, and, combined with other factors, results in presidentially-dominated political systems.⁴⁶⁰ Nevertheless, status alone does not prohibit democratic institutional development.⁴⁶¹ There is an idea that de facto states can “earn” sovereignty through democratic development,⁴⁶² though Caspersen doubted the prominence of this theory.⁴⁶³ Perhaps the Donbas de facto states simply did not believe in that idea, or perhaps their patron played a role in their strict and top-heavy political approach. It is common in Russian-backed

⁴⁴⁹ Mandić, *Gangsters and Other Statesmen*, 24.

⁴⁵⁰ Pegg, “Twenty Years of de facto State Studies.”

⁴⁵¹ Kolstø, “Authoritarian Diffusion, or the Geopolitics of Self-Interest,” 5.

⁴⁵² Gudîm, “Evolution of the Transnistrian Economy,” 7-8.

⁴⁵³ Ekici, *The Political and Economic History of North Cyprus*, 240.

⁴⁵⁴ Laurence Broers, “Resourcing de facto jurisdictions: A theoretical perspective on cases in the South Caucasus,” *Caucasus Survey* 3, No. 3 (2015): 269-290, DOI: 10.1080/23761199.2015.1102450.

⁴⁵⁵ Pegg, “Twenty Years of de facto State Studies.”

⁴⁵⁶ Dembińska and Campana, “Frozen Conflicts and Internal Dynamics of De Facto States,” 255.

⁴⁵⁷ Pegg, “Twenty Years of de facto State Studies.”

⁴⁵⁸ Ibid.

⁴⁵⁹ Ibid.

⁴⁶⁰ Ibid.

⁴⁶¹ Ibid.

⁴⁶² See, for example, Berg and Mölder, “Who is entitled to ‘earn sovereignty’?” or Yaniv Voller, “Kurdish Oil Politics in Iraq: Contested Sovereignty and Unilateralism,” *Middle East Policy* 20, 1 (2013): 68-82.

⁴⁶³ Caspersen, “Separatism and Democracy in the Caucasus,” 127.

de facto states for Russia to overpower in the beginning, and only loosen its grip later on.⁴⁶⁴ Phase I may have been too early for local emancipation.

The violent means of control relate to the essence of de facto statehood and, again, Russian patronage. Existential insecurity goes hand in hand with non-recognition,⁴⁶⁵ and this can result in an overreaction to maintain control. Furthermore, de facto states are “lawless spaces,”⁴⁶⁶ outside of the watchful eye and obligations of international institutions, where the disregard of human rights is easier to get away with. In order to justify their cause, de facto states often “stoke nationalist sentiment,”⁴⁶⁷ which in Russian-backed de facto states means Russian nationalism, resulting in the discrimination of minorities.⁴⁶⁸ Many de facto states even practice ethnic ‘homogenization.’⁴⁶⁹ Ideology, precarious statehood, and existence in a lawless bubble allowed the de facto regimes to use such violent practices to strike down anyone interpreted as a threat.

The strong centralization of the state and economic structures is related to the economic and political situation. Limiting privatization and concentrating business power have been observed in other de facto states,⁴⁷⁰ and the ‘nationalization’ of enterprises and industries is common.⁴⁷¹ Domestically, the economy is pulled towards the state, and international aid, often only from one patron state and vital for survival, is easiest to siphon from one place (bank in South Ossetia) to one other (nationalized de facto state economy). State-capitalism is one way to describe the economy, reminiscent of Transnistria, but the connection between non-recognition and state-capitalism have yet to be thoroughly analyzed in de facto research.

⁴⁶⁴ Kolstø, “Authoritarian Diffusion, or the Geopolitics of Self-Interest,” 5.

⁴⁶⁵ Pegg, “Twenty Years of de facto State Studies.”

⁴⁶⁶ Brigitta Treibel, Hartmut Rank, and Daria Dmytrenko, “‘Justice’ in a Lawless Space,” *Konrad-Adenauer-Stiftung International Reports*, March, 2022, <https://www.kas.de/en/web/auslandsinformationen/artikel/detail/-/content/justice-in-a-lawless-space>.

⁴⁶⁷ Byman and King, “The Mystery of Phantom States,” 48.

⁴⁶⁸ Mandić, *Gangsters and Other Statesmen*, 21.

⁴⁶⁹ Pegg, “Twenty Years of de facto State Studies.”

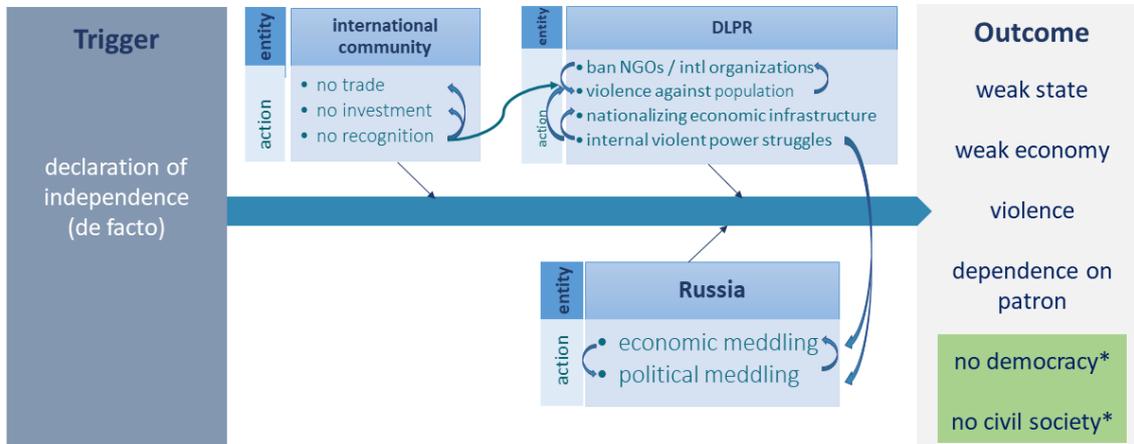
⁴⁷⁰ Gudîm, “Evolution of the Transnistrian Economy.”

⁴⁷¹ Ekici, *The Political and Economic History of North Cyprus*, 171.

The discrepancies in this first phase of rebuilding and how they relate to de facto independence can be visualized as follows:

Causal Mechanisms – State-Building in Phase I

March 2015 – January 2017



NB: Arrows indicate a reinforcing influence.
Asterisk *: literature cannot sufficiently explain outcome.

Figure 3: State-Building in Phase I of Rebuilding

This figure visualizes the causal mechanisms linking de facto independence to the negative discrepancies in state-building put forth in this chapter. It includes the three main entities and their actions involved in determining these outcomes. Arrows represent reinforcing influences between certain actions. The portion of outcomes in the green box with asterisks are those outcomes that were observed in the comparative analysis but could not be sufficiently explained on the basis of de facto state research.

6. Comparative Analysis and Process-Tracing of State-(Re)building in Phase II

Phase II of state-(re)building in the Donbas begins in Early 2017 when Ukraine switched its policy vis-à-vis the temporarily-occupied territories. Instead of continuing to provide for (through aid, electricity, and water) and trade with (through the special trade regime) the de facto states, the government in Kyiv ended the so-called “blood trade” and introduced an economic blockade.⁴⁷² On the one hand, this showed that the central government was giving up on bilateral relations, on the other hand, the government was showing its dominance and applying maximum pressure to the de facto authorities and Russia as their donor. This is a critical juncture in the history of the Donbas because it led to the complete isolation of one side from the other. Due to the slowing of the literal *building* of infrastructure or institutions, it may seem trivial to examine this period so carefully. However, beyond the 2017 economic blockade, the de facto states were faced with other challenges as well and examining

⁴⁷² Fischer, “The Donbas Conflict,” 11.

resilience in de facto states amidst multiple crises can paint a telling image of the state of their de facto “republics.” In this period elections were held on both sides of the ‘border’ and in 2020, the divided Donbas had to respond to the COVID-19 pandemic. In total, this period includes the entire years from 2017 to 2021. This period therefore before Russia’s recognition of the “DLPR” and expansion of Russian aggression, culminating in the invasion of Ukraine in February 2022.

6.1. State-Rebuilding in Ukrainian-controlled Territory II

By the time 2017 came around, most basic services and infrastructure on government-controlled territory was either operational again or replaced (for example pupils attending school in areas where they previously would not have, or sick persons being sent to further away healthcare centers for proper treatment). The situation closest to the ‘border’ remained the most precarious. Structures that were previously not rebuilt, for example due to the imminent threat of re-destruction, became a focal point during this stage of rebuilding. For the 2017 budget, the MCA of Donetsk oblast received 2.8 billion hryvnia and Luhans’k oblast 1 billion hryvnia to repair or reconstruct 21 schools, 23 clinics, 29 kindergartens, roads and bridges, water supply and sanitation facilities, and the regional theater of music and drama.⁴⁷³ Securing enough foreign aid to complete rebuilding and encourage a revitalization of government-controlled territory remained difficult as foreign donors continues to express concerns over corruption.⁴⁷⁴ It seems that many foreign donors preferred to provide financial aid directly to international and local humanitarian or civil society organizations rather than financing the Ukrainian state as a middle-man. Mining facilities that were damaged or destroyed during the fighting were not always reopened; some were barely profitable before the war and labor was needed elsewhere.⁴⁷⁵ Despite the expected increase in construction jobs, the unemployment rate in the government-controlled territory of the Donbas remained higher than elsewhere in Ukraine even into 2020.⁴⁷⁶ The standard of healthcare in government-controlled territories remained poor although it had improved compared to previous years. During the conflict medical professionals left the region and many specialists

⁴⁷³ Business Censor [*Biznes Tsenzor*], “Poroshenko approved the allocation of 3.8 billion for the restoration of Donbas at the expense of the ATO zone” [*Poroshenko odobril vydelenie 3.8 milliarda na vosstanovlenie Donbassa za schet zony ATO*], *Business Censor*, June 9, 2016, <https://biz.censor.net/news/3005819/>

⁴⁷⁴ Josh Cohen, “How to Rebuild Eastern Ukraine,” *Foreign Policy*, December 14, 2016, <https://foreignpolicy.com/2016/12/14/how-to-rebuild-eastern-ukraine-donbass/>.

⁴⁷⁵ Kozak, “Who will make money on rebuilding Donbass.”

⁴⁷⁶ Christian Mamo, “Frozen Conflict Brings Economic Stagnation to Ukraine’s Donbas Region,” *Emerging Europe*, March 16, 2021, <https://emerging-europe.com/news/frozen-conflict-brings-economic-stagnation-to-ukraines-donbas-region/>.

were completely absent.⁴⁷⁷ This led to an increasing mortality rate⁴⁷⁸ and poor conditions to face the pandemic.

The most pressing issues in government-controlled territory during this period remained the adequate care of IDPs, the reconstruction of private homes, government compensation for private losses, the economic blockade, and, beginning in 2020, the health and logistical challenges of the pandemic. Of the IDPs that left non-government-controlled territory, less than 30% were of working age and physically capable of working, but were quickly integrated into their new local economies by this time, others would remain dependent on government funding.⁴⁷⁹ Considering the low number of working-age IDPs, they would “not be able to regenerate the regional economy by themselves without a comprehensive large-scale publicly- and international donor-funded reconstruction [program]”.⁴⁸⁰ By the end of 2018, the government amended laws to allow IDPs better access to subsidized housing, began a payment program⁴⁸¹ (the government pays 50% of building, purchasing, or loans) for those who lost their homes, the local MCAs came up with solutions to provide new housing to those living dangerously close to the contact line.⁴⁸² Pensioners living beyond the line of contact without registration in government-controlled territory (roughly 40%) continued not to receive their Ukrainian pensions, despite the Supreme Court obligation for the government to do so.⁴⁸³ The pandemic beginning in 2020 had significant effects on the freedom of movement, “from late March to mid-June, the number of monthly crossings decreased from 1.3 million [...] to a few hundred” of which almost all were in [Luhans’k] oblast and virtually no crossing were available in [Donets’k] oblast.⁴⁸⁴ Court cases were also postponed due to the pandemic, limiting access to justice and government reimbursements for many,⁴⁸⁵ a common problem in many countries.

⁴⁷⁷ Iain Overton, *A Review of the Healthcare Impact from Violence in Eastern Ukraine* (London: Action on Armed Violence, 2019), 1.

⁴⁷⁸ *Ibid.*

⁴⁷⁹ Mykhnenko, “Sitting on the ruins?,” 9-10.

⁴⁸⁰ *Ibid.*, 10.

⁴⁸¹ The government would cover 50% of costs to match IDP investment in building or purchasing a new home.

⁴⁸² UN Human Rights Monitoring Mission in Ukraine (HRMMU), *Report on the Human Rights Situation in Ukraine 16 August to 15 November 2018* (Kyiv: Office of the UN High Commissioner for Human Rights, 2018), 8.

⁴⁸³ *Ibid.*, 9.

⁴⁸⁴ UN Human Rights Monitoring Mission in Ukraine (HRMMU), *Report on the Human Rights Situation in Ukraine 16 February – 31 July 2020* (Kyiv: Office of the UN High Commissioner for Human Rights, 2020), 10.

⁴⁸⁵ *Ibid.*

Ukraine began with vaccinations in early 2021, eventually buying vaccines themselves⁴⁸⁶ and receiving more from abroad.⁴⁸⁷ The role-out of vaccines was criticized as being too slow⁴⁸⁸ but the majority of Ukrainians were also against getting vaccinated.⁴⁸⁹ The high skepticism may have also been related to Russian propaganda.⁴⁹⁰ Due to the in-tact logistic routes to and from government-controlled Donbas, there are no signs of COVID-19 related deaths or vaccination rates being significantly different than in other regions of Ukraine. The government decision not to recognize the Russian vaccine ‘Sputnik V’ did, however, cause difficulties for those crossing the Russian border in and out of Ukraine.⁴⁹¹

The economy in the government-controlled Donbas as well as in the rest of the country had recovered from the initial shock of the war by the time this second phase began. Cautious monetary and fiscal policies resulted in macroeconomic stabilization, a falling inflation rate, and in 2019 the Ukrainian hryvnia was the best performing currency in the world.⁴⁹² Regaining access to international capital markets was achieved in January 2020, and in late 2019 a five-year action plan was announced with ambitious plans for the government to partner with civil society and stakeholders to improve the investment climate in Ukraine and expand the economy by 40%.⁴⁹³ Some of the most important reforms encouraged by large donors and implemented by the Ukrainian government included the privatization of many state assets, allowing the sale of farmland, decentralization, judicial and anti-corruption reforms, as well as changes limiting the power of oligarchs. These economic advancements meant that Ukraine had successfully repositioned itself in the global economy and had economically recover from the war.⁴⁹⁴

⁴⁸⁶ Ukrinform, “Ukraine spends over UAH 26B on fight against COVID-19 in H1 2021,” *Ukrinform*, July 8, 2021, <https://www.ukrinform.net/rubric-economy/3277399>.

⁴⁸⁷ Ukraïns’ka Pravda, “Germany will provide Ukraine with 1.5 million doses of the COVID-19 vaccine – Merkel” [*Nimechchyna nadast’ Ukraïni 1,5 mln doz COVID-vaktsyny – Merkel*], *Ukraïns’ka Pravda*, July 12, 2021, <https://www.pravda.com.ua/news/2021/07/12/7300304/>.

⁴⁸⁸ Ukraïns’ka Pravda, “Ukraine should make more efforts to vaccinate the elderly – World Bank” [*Ukraïna maie doklacty bil’she zusyl’ dlia vaktsynatsii liudei pokhyloho viku – svitovyi bank*], *Ukraïns’ka Pravda*, September 13, 2021, <https://www.pravda.com.ua/news/2021/09/13/7306955/>.

⁴⁸⁹ Olena Barsukova, “More than half of Ukrainians do not plan to get vaccinated against COVID-19. Poll” [*Bil’she polovyny Ukraïntsiiv ne planuiut’ vaktsynuvatysia proty COVID-19. Opytuvannia*], *Life [Zhittia]*, September 13, 2021, <https://life.pravda.com.ua/health/2021/09/13/245888/>.

⁴⁹⁰ Ukraïns’ka Pravda, “Vaccination in Ukraine was disrupted by order from the Russian Federation: the SBU exposes thousands of bots” [*Na zamovlennia z RF zryvaly vaktsynatsiiu v Ukraïni: SBU vykryla tysiachi botiv*], *Ukraïns’ka Pravda*, September 17, 2021, <https://www.pravda.com.ua/news/2021/09/17/7307501/>.

⁴⁹¹ Reuters, “Ukraine says Russia’s Sputnik vaccine is not enough to enter country,” *Reuters*, June 10, 2021, <https://www.reuters.com/world/europe/ukraine-says-russias-sputnik-vaccine-is-not-enough-enter-country>.

⁴⁹² Havlik, Kochnev and Pindyuk, *Economic Challenges and Costs of Reintegrating the Donbas Region*, 18.

⁴⁹³ Ibid.

⁴⁹⁴ Ibid.

In January of 2017, Ukrainian war veterans began blocking crossing points into the de facto states to drain the de facto regimes of resources.⁴⁹⁵ In March, the central government gave into pressure and implemented a trade embargo on the non-government-controlled territories, completely isolating one side from the other.⁴⁹⁶ The blockade had a negative impact on the Ukrainian economy and particularly the provision of energy in government-controlled Donbas was again at risk. The government managed, however, to readjust its energy mix – increasing nuclear energy dramatically to account for losses elsewhere.⁴⁹⁷ The loss of anthracite coal, mostly originating in occupied territories, affected a regional thermal power plant and two Ukrainian steel plants had to stop production due to the loss of coking coal.⁴⁹⁸ For individual businessmen who were not already affected by the “nationalizations” of the Donbas de facto governments, the blockage meant a total loss of their assets beyond the contact line after the de facto regime re-registered and nationalized remaining industries after the blockade was introduced.⁴⁹⁹ In the end, however, the “economic repercussions for Ukraine were less severe than initially feared.”⁵⁰⁰

Institutionally, many of the reforms introduced in the first phase of rebuilding continued into the second phase. Decentralization reforms were championed as the most successful reform since the Maidan Revolution, although experts warn that “policymakers should not accept [the reforms] as an axiom [...] that decentralization will naturally lead to reduced corruption and better public services.”⁵⁰¹ The positive effects of decentralization were not felt as much in the Donbas where MCAs remained in place and residents were not able to elect their local representatives. Residents were, however, able to participate in the presidential elections of 2019. All voting districts in government-controlled Donbas gave a majority of their votes to the native of Horlivka, Iurii Boiko, in the first round⁵⁰² and overwhelmingly supported Volodymyr Zelens’kyi in the second round.⁵⁰³

⁴⁹⁵ Hrant Kostanyan and Artem Remizov, “The Donbas Blockade: Another Blow to the Minsk Peace Process,” *CEPS Working Document No. 2017/08* (June 2017).

⁴⁹⁶ Fischer, “The Donbas Conflict,” 10-11.

⁴⁹⁷ Katerina Bosko, “Post-Minsk-Realität: die Folgen der Donbas-Blockade durch ukrainische Rechtsradikale und der ‘Nationalisierung’ von Unternehmen durch die ‘Volksrepubliken’,” *Bundeszentrale für politische Bildung*, May 15, 2017, <https://www.bpb.de/themen/europa/ukraine-analysen/248295/>.

⁴⁹⁸ Ibid.

⁴⁹⁹ Ukraine Crisis Media Center, “Blockade of Donbas and ‘Nationalization’ in DPR/LPR: End of Akhmetov’s Empire?,” *Ukraine Crisis Media Center*, March 6, 2017, <https://uacrisis.org/en/53350-blockade-nationalization>

⁵⁰⁰ Fischer, “The Donbas Conflict,” 11.

⁵⁰¹ William Dudley, “Ukraine’s Decentralization Reform,” *Stiftung Wissenschaft und Politik*, (May 2019).

⁵⁰² Olena Lennon, “Six Reasons the ‘Opposition Platform’ Won in Eastern Ukraine,” *Wilson Center*, December, 2019, https://www.wilsoncenter.org/sites/default/files/media/documents/publication/ki_191106_cable_45_v2.pdf.

⁵⁰³ BBC, “Ukraine Election: Comedian Zelensky wins Presidency by Landslide,” *BBC*, April 22, 2019, <https://www.bbc.com/news/world-europe-48007487>.

Regarding anti-corruption reforms, the Organization of Economic Co-Operation and Development (OECD) found in 2019 that progress was made in 60% of cases, but “lack of political will and cooperation of state bodies [...] were cited as key reasons for incomplete implementation.”⁵⁰⁴ The reform lag was felt in government-controlled Donbas: a 2020 questionnaire showed that a majority of residents in Donets’k and Luhans’k oblasts were unhappy with the direction of the national government, but satisfied with local politicians.⁵⁰⁵ The most dissatisfaction was with the state of healthcare and anti-corruption reform.⁵⁰⁶ One factor that could explain the negativity in government-controlled Donbas is that, due to the destruction and population loss, things cannot return to how they were⁵⁰⁷ – rebuilding means change, and this can be difficult to accept. On the other hand, many of the most positive changes were felt very locally: Mariupol’ had some of the most positive changes,⁵⁰⁸ Bakhmut profited significantly from cooperation with the Nordic countries,⁵⁰⁹ and the metropolitan area of Kramatorsk and Slov’ians’k was the fortunate to be the base of operations for many international organizations.⁵¹⁰ The positive developments were therefore not shared throughout the entire government-controlled Donbas, leaving some residents feeling alienated.⁵¹¹ It is important to note that, despite critique of the central government, residents in government-controlled Donbas were not therefore sympathizing with separatist or Russian political ideology; thanks to local grassroots activism and policies of nationalization, locals maintained inclusive feelings toward Ukraine.⁵¹²

⁵⁰⁴ Anti-Corruption Network for Eastern Europe and Central Asia, *Istanbul Anti-Corruption Action Plan: Fourth Round of Monitoring: Ukraine*, (Paris: Organisation for Economic Co-Operation and Development, 2019), 10.

⁵⁰⁵ Center for Insights in Survey Research, *Public Opinion Survey: Residents of Donetsk and Luhansk Oblasts August 27 – October 2, 2020* (Washington, D.C.: International Republican Institute, 2020), 5-8.

⁵⁰⁶ *Ibid.*, 10.

⁵⁰⁷ Oleksii Reznikov, “From Russian War to European Opportunity: Reinventing Eastern Ukraine’s Donbas Region,” *Atlantic Council*, April 4, 2020, <https://www.atlanticcouncil.org/blogs/ukrainealert/from-russian-war-to-european-opportunity-reinventing-eastern-ukraines-donbas-region/>.

⁵⁰⁸ Bermet Talant, “Mariupol’ Mayor wants to put his City on Map as Tourism, Investment Destination,” *Kyiv Post*, November 14, 2019, <https://www.kyivpost.com/ukraine-politics/Mariupol'-mayor-wants-to-put-his-city-on-map-as-tourism-investment-destination.html>.

⁵⁰⁹ Nordic Environment Finance Corporation (Nefco), *School in Eastern Ukraine reopens after energy-efficiency modernization*, (Helsinki: Nefco, 2019), <https://www.nefco.int/news/school-in-eastern-ukraine-reopens-after-energy-efficiency-modernisation/>.

⁵¹⁰ For example, the German/Ukrainian NGO Drukarnia, the French development agency ACTED, the NGO “Vik Shchastia,” the NGO “Slovyanske Sertse,” the charity “Ruki Druziv,” the “Agency of Democratic Development of the Donbas” and others.

⁵¹¹ International Crisis Group (ICG), “*Nobody Wants Us*”: *The Alienated Civilians of Eastern Ukraine* (Brussels: ICG, 2018), <https://www.crisisgroup.org/europe-central-asia/eastern-europe/ukraine/252>.

⁵¹² Igor Mitchnik, “Making Donbas, Breaking Donbas: The Impact of Conflict Experience on Identity Shifts in the East of Ukraine,” *Ethnopolitics* (2019).

During the second phase, the security situation continued to improv. In government-controlled Donbas, 31 civilians died in 2017, 12 in 2018, 9 in 2019 and 3 in 2020.⁵¹³ While 2017 saw many civil deaths and injuries due to shelling, the following years show that mines and small firearms played a more significant role relative to total civilian deaths.⁵¹⁴ The economic blockade and pandemic resulted in a massive reduction in border-crossings and violent border related incidents. The ‘border,’ however, remained fluid for the illegal trade of weapons and drugs due to the flourishing black market in the non-government-controlled territory, bribing of border police, and powerful criminal organizations on either side of the ‘border.’⁵¹⁵

In conclusion, the second period of rebuilding in the government-controlled territories of the Donbas saw improvements in the humanitarian, economic, and security situation. Nevertheless, national reforms were not as successful as they could have been and the general situation for civilians in the Donbas remained worse than average in Ukraine. Improvements were concentrated in certain localities. Although the security situation improved, MCAs remained in control, therefore depriving the locals of their democratic right to elect local representatives. Despite the positive development in the Donbas, significant portions of the population expressed disappointment in Kyiv regarding the reforms and revitalization of the region. The challenges faced in this phase, the economic blockade and COVID-19 pandemic, did not as negatively affect the region as some projected, but still limited the ambitious plans for the region. In total, between 2017 and 2022, many aspects of life improved slightly in government-controlled Donbas, but others stagnated.

6.2. State-Building in Temporarily Occupied Territory II

By the end of the first phase of rebuilding, the Ukrainian-controlled Donbas had created a new sense of normalcy and relative safety. The Donbas “People’s Republics” were rebuilding at a much slower pace and therefore still faced many difficulties. Posts and articles from the ministry of construction, housing, and communal services show that, in the first stage of rebuilding, a lot of attention was focused on public administration buildings and monuments.⁵¹⁶ This was important to create a strong state presence and of justify de facto statehood. Nevertheless, focus elsewhere meant that rebuilding of basic infrastructure needed

⁵¹³ OSCE Special Monitoring Mission to Ukraine (SMMU), *Thematic Report: Civilian Casualties in the Conflict-Affected Regions of Eastern Ukraine 1 January 2017-15 September 2020* (Kyiv: OSCE, 2020), 11.

⁵¹⁴ Ibid.

⁵¹⁵ Mark Galeotti and Anna Arutunyan, “Rebellion as Racket: Crime and the Donbas Conflict 2014-2022,” *Global Initiative Against Transnational Organized Crime (GITOC)*, (July 2022), 18-26.

⁵¹⁶ See examples from the “DPR” official website (<https://www.minstroy-dnr.ru>), the ministry’s Facebook page (<https://www.facebook.com/minstroydnr>) and regarding the “LPR” see the news outlet <https://lug-info.com>.

to continue in this phase, and did so until the ‘annexation’ of the Donbas de facto states in 2022. Before the pandemic and increased difficulties in crossing the ‘border,’ the OSCE would facilitate so-called “windows of silence” to ensure safety for rebuilding projects on or near the border. In 2019, 128 rebuilding projects were overseen by the OSCE throughout the Donbas and the majority of infrastructure needing to be rebuilt was located in the Donbas de facto states.⁵¹⁷ The number of civilians casualties in the non-government controlled territories outnumbered government-controlled territory in every year: 51 deaths in 2017, 29 in 2018, 8 in 2019, and 9 in 2020.⁵¹⁸ Annual injuries in the Donbas de facto states were more than twice as much as in government-controlled territory.⁵¹⁹ Many international organizations working most closely with the Ukrainian government to demine Eastern Ukraine⁵²⁰ had, just like all non-Russian organizations, limited access to non-government-controlled territory due their complicated accreditation system, therefore mine accidents remained a safety threat.

Domestic state violence continued in this phase, becoming a part of the political culture. Psychological and physical torture of civilians and improper treatment of detainees was reported on by the UN in this phase too.⁵²¹ Human rights access in the de facto states remained dismal.⁵²² In 2020 coal miners protested due to delay of pay and many of them were arrested, pointing to the general lack of freedom of peaceful assembly.⁵²³ Public employees in the “LPR” holding Russian citizenship were reportedly harassed by their management for non-participation in the Russian constitutional referendum.⁵²⁴ Access to independent media also remained limited and social media platforms, previously freer spaces for information exchange, were heavily targeted during the pandemic.⁵²⁵ This all points to further authoritarian development.

The second period of rebuilding was plagued by various crises. The economic blockade and the pandemic negatively affected the de facto states more than the government-controlled

⁵¹⁷ OSCE Special Monitoring Mission to Ukraine (SMM), *Thematic Report: SMM Facilitation and Monitoring of Infrastructure Repair in Eastern Ukraine September 2018 – June 2019* (Kyiv: Organization for Security and Co-operation in Europe, 2019).

⁵¹⁸ OSCE SMMU, *Thematic Report: Civilian Casualties January 2017-15 September 2020*, 11.

⁵¹⁹ Ibid.

⁵²⁰ For examples see: Elena Ostanina, “Landmines in the Donbass Conflict Zone: Threats for the Population and the Necessity of Mine Clearance,” *Perspectives*, July 2018, <https://www.boell.de/en/2018/07/17/landmines-donbass-conflict-zone-threats-population-and-necessity-mine-clearance>.

⁵²¹ UN Human Rights Monitoring Mission in Ukraine (HRMMU), *Report on the Human Rights Situation in Ukraine 16 November 2019 to 15 February 2020* (Kyiv: Office of the United Nations High Commissioner for Human Rights, 2020), 38-42.

⁵²² Nikolaus von Twickel, *Towards de-facto annexation? Current Developments in the “People’s Republics” of eastern Ukraine 2020/2021* (Berlin: Deutsch-Russischer Austausch (DRA), 2021), 4.

⁵²³ UN HRMMU, *Report on the Human Rights Situation in Ukraine 16 February – 31 July 2020*, 18-19.

⁵²⁴ Ibid., 19.

⁵²⁵ Ibid.

Donbas. The de facto states, however, also faced other difficulties that government-controlled Donbas did not, for example the environmental consequences of mine floods in 2020 and the continued political unrest. “Power cuts and political choices” resulted in the abandonment of mines which were then flooded after heavy rain- and snowfall and due to the lack of pumping polluting soil and drinking water with heavy metals, acids, and potentially radioactive material.⁵²⁶ Violent political disputes remained a major problem in the second phase: members of the de facto governments, even high ranking officials, continued to disappear, be replaced, or tried for crimes without representation.⁵²⁷

Economically, the second phase saw an increase in dependence on Russia and the consolidation of state-capitalism. The economic blockade led to further isolation, severance of most supply chains and resulted in three closures of steel plants⁵²⁸ and the increase of “humanitarian aid” from Russia to supply other large businesses with necessary materials to continue production.⁵²⁹ After the embargo, dozens of the last private enterprises in the important metallurgy and energy industry⁵³⁰ were nationalized;⁵³¹ but without resources and know-how, economic production of affected companies reduced by nearly 20%.⁵³² The ensuing economic crisis led to waves of unemployment and non-payment of wages,⁵³³ as well as a sustained increase of ‘border’-crossing into government controlled territory.⁵³⁴ After the trade blockade, 74% of trade was from the Donbas de facto states was with Russia.⁵³⁵ Any goods that reached non-Russian markets were only able to do so with Russian assistance,⁵³⁶ and the sum of imports from Russia was six times higher than exports, presenting a tremendous trade deficit and dependence.⁵³⁷ The government was still struggling to recover the economy, but wages remained at levels less than 50% of pre-war level, consistently less than in government-controlled Donbas, and were growing slower than in government-controlled Donbas.⁵³⁸ The blockade was not the only factor slowing down economic growth

⁵²⁶ Eoghan Darbyshire, *Are abandoned mines flooding in Ukraine’s Donbas region?* (Mytholmroyd: Conflict and Environment Observatory, 2020), <https://ceobs.org/abandoned-mines-are-flooding-in-ukraines-donbass-region/>.

⁵²⁷ Von Twickel, *Towards de-facto Annexation?*, 5.

⁵²⁸ Katerina Bosko, “Post-Minsk-Realität.”

⁵²⁹ Ibid.

⁵³⁰ A majority of which were owned by Ukrainian oligarch, Rinat Akhmetov.

⁵³¹ Ibid.

⁵³² Havlik, Kochnev and Pindyuk, *Economic Challenges and Costs of Reintegrating the Donbas Region*, 20.

⁵³³ Nikolaus von Twickel, *Annual Report on the Events in the “People’s Republics” of Eastern Ukraine 2017* (Berlin: Deutsch-Russischer Austausch (DRA), 2018), 7-9.

⁵³⁴ Havlik, Kochnev and Pindyuk, *Economic Challenges and Costs of Reintegrating the Donbas Region*, 22.

⁵³⁵ Ibid., 23.

⁵³⁶ Golovatiuk, “Monetary Hail.”

⁵³⁷ Havlik, Kochnev and Pindyuk, *Economic Challenges and Costs of Reintegrating the Donbas Region*, 23.

⁵³⁸ Ibid., 20.

in the de facto states, the pandemic caused the most severe economic downturn for the Donbas de facto states since the beginning of the war.⁵³⁹

The “LPR” and “DPR” had poor starting conditions to face the pandemic due to poor health infrastructure⁵⁴⁰ and over half of the population being pensioners.⁵⁴¹ Articles focused on official coverage of the pandemic in the de facto states show that information was slow, the virus was downplayed, and lockdowns were long avoided due to economic fears.⁵⁴² Nevertheless, eventually the ‘borders’ did close. First the “DPR” closed its border to Russia and then to the “LPR” with few exceptions for entry.⁵⁴³ The “DPR” synced its public health response to Russia, despite higher infection and mortality rates than in Ukraine.⁵⁴⁴ The NGO *Donbas SOS* had a spike in hotline calls after the ‘borders’ closed from callers who needed to travel to government-controlled territory for proper medical care and were worried about a pause in chemotherapy treatments, pension payments as well of limited access to COVID-19 tests in the de facto states.⁵⁴⁵ None of the data from the de facto states regarding the pandemic seem reliable and almost none were independently verified, but there was a sharp increase in “pneumonia” deaths and “while Ukraine tested little, Donetsk and Luhansk tested even less”.⁵⁴⁶ In early 2021 Russia provided the de facto states with 25,000 doses of its vaccine, and although de facto head of government, Denys Pushylin, aimed for herd-immunity through vaccinations within a year, that goal would not be achievable at the rate at which Sputnik was being imported.⁵⁴⁷

Politically and institutionally, little changed or improved in the de facto states during this second period of state-building. The expansion of state-ownership in the economy after the last wave of ‘nationalization’ in 2017 led to a complete civilian dependence on the state. This state-capitalism worsened the right to peaceful assembly. Although the violence between political and economic players diminished in the first phase, the head of government in the

⁵³⁹ Von Twickel, *Towards de-facto Annexation?*, 4.

⁵⁴⁰ Ärzte der Welt, “Corona im Donbass,” *Ärzte der Welt*, April 7, 2020, <https://www.aerztederwelt.org/unsere-projekte/europa/ukraine/corona-im-donbass>.

⁵⁴¹ Von Twickel, *Towards de-facto Annexation?*, 6.

⁵⁴² Donbass News, “COVID-19 in “DPR” and “LNR”’s Propaganda Donetsk Institute of Information Memo,” *Donbass News*, April 7, 2020, <https://dii.dn.ua/en/analytics/159-covid-19-in-dpr-and-lnrs-propaganda-donetsk-institute-of-information-memo>.

⁵⁴³ Viktoriya Kolomiets’, ““DPR” banned entry for citizens of Russia and “LPR”, but not for all” [“DNR” zaboronyla v’izd dlia hromadian z Rosii i “LNR”, ale ne dlia vsikh], *Hromadske*, March 28, 2020, <https://hromadske.ua/posts/dnr-zaboronila-vyizd-na-svoju-teritoriyu-z-rosiyi-i-lnr-ale-ne-dlya-vsikh>.

⁵⁴⁴ Mikhail Alexseev, “Under the Cover of COVID-19: Reverse Irredentism Rising in East Ukraine’s “People’s Republics”,” *PONARS Eurasia*, June 25, 2020, <https://www.ponarseurasia.org/under-the-cover-of-covid-19-reverse-irredentism-rising-in-east-ukraine-s-people-s-republics/>.

⁵⁴⁵ *Ibid.*

⁵⁴⁶ Von Twickel, *Towards de-facto Annexation?*, 6.

⁵⁴⁷ *Ibid.*, 7.

“DPR” survived another assassination attempt in 2017⁵⁴⁸ and was eventually assassinated in 2018,⁵⁴⁹ and the government was reorganized. ‘Elections’ were held at the end of 2018, seemingly to provide new leaders a legitimacy boost.⁵⁵⁰ In the “DPR” many candidates were barred from running, but after the election the cabinet did see significant changes.⁵⁵¹ In the “LPR” no candidate was threatening enough to be barred and “there were no significant cabinet reshuffles.”⁵⁵² At this time, 50% of government spending was for security.⁵⁵³ This seemed to boost confidence, in late 2019 both Republics defined their territories as including the entire territory of the Donetsk and Luhansk oblasts.⁵⁵⁴ No political action followed.

The “LPR” began issuing passports quite early⁵⁵⁵ and the “DPR” followed suit in 2015,⁵⁵⁶ it was not until early 2017 that Russia began accepting them⁵⁵⁷ at which point less than 7% of the local population had taken on de facto passports.⁵⁵⁸ Despite the centralization of power, the idea of statehood remained very weak in the Donbas de facto states; in 2019 a majority of locals preferred for the entities to be reintegrated into Ukraine rather than join Russia.⁵⁵⁹ When Russia started its policy of ‘passportization’ in 2020, however, over 400,000 people in the de facto states received it in the first year, despite hurdles and three month pandemic interruption.⁵⁶⁰ The wide acceptance of Russian citizenship matches the pattern of policy changes toward this end of this phase that signal political departure from true separatism and a closer alignment with Russia.⁵⁶¹

Regarding the security situation in the Donbas de facto states, some improvements were made during this phase. Just as in government-controlled Donbas, the violence in and around the border lessened significantly after 2017, and the pandemic slowed down the conflict even more. In July of 2020 a new ceasefire was brokered that significantly improved the security situation as well.⁵⁶² Nevertheless, UN reports point to the fact that the justice system was

⁵⁴⁸ Von Twickel, *Annual Report on the Events in the “People’s Republics” of Eastern Ukraine 2017*, 6.

⁵⁴⁹ Nikolaus von Twickel, *Events in the “People’s Republics” of Eastern Ukraine: Annual Report 2018* (Berlin: Deutsch-Russischer Austausch (DRA), 2019), 4.

⁵⁵⁰ von Twickel, *Events in the “People’s Republics” of Eastern Ukraine: Annual Report 2018*, 4.

⁵⁵¹ *Ibid.*, 5.

⁵⁵² *Ibid.*, 7.

⁵⁵³ Havlik, Kochnev and Pindyuk, *Economic Challenges and Costs of Reintegrating the Donbas Region*, 21.

⁵⁵⁴ Nikolaus von Twickel, *Events in the “People’s Republics” of Eastern Ukraine Annual Report 2019*, (Berlin: Deutsch-Russischer Austausch (DRA), 2020), 6.

⁵⁵⁵ Von Twickel, *Annual Report on the Events in the “People’s Republics” of Eastern Ukraine 2017*, 9.

⁵⁵⁶ UN HRMMU, *Report on the Human Rights Situation in Ukraine 16 May to 15 August 2015*, 33.

⁵⁵⁷ Åslund, *Kremlin Aggression in Ukraine: The Price Tag* (Washington, D.C.: Atlantic Council, 2018), 7.

⁵⁵⁸ Von Twickel, *Annual Report on the Events in the “People’s Republics” of Eastern Ukraine 2017*, 9.

⁵⁵⁹ Gwendolyn Sasse and Alice Lackner, *Attitudes and Identities Across the Donbas Front Line: What has changed from 2016 to 2019?* (Berlin, Centre for East European and International Studies (ZOiS), 2019), 12.

⁵⁶⁰ Von Twickel, *Towards de-facto Annexation?*, 5

⁵⁶¹ *Ibid.*, whole text.

⁵⁶² *Ibid.*, 4.

politicized, arbitrary, and unfair.⁵⁶³ The power and endurance of the illicit trade of drugs, weapons, and people continued in this second phase despite the trade blockade and pandemic.⁵⁶⁴ Although the Ukrainian government was not as active in fighting illegal trade as it could have been, there were judicial consequences for some perpetrators and reports on illegal trade were published. In the Donbas de facto states, the only action was a worsening of penalties for drug use,⁵⁶⁵ but there are little signs of serious engagement of the security apparatus in reducing illicit trade.

In conclusion, the second phase of state-building in the Donbas de facto states saw the continuation of economic and political power centralization, especially due to the ‘nationalization’ of industry. At the same time, this period saw the increased outsourcing of competencies to the Kremlin,⁵⁶⁶ and intensified the trend from 2014 of local decision makers giving up their autonomy and becoming entirely dependent on Moscow.⁵⁶⁷ The de facto governments were in a constant state of catch-up in fighting the multiple economic crises that affected the region. The violence against the civil population did not dissipate, the freedoms and rights did not improve, and considering the low acceptance of the de facto state structures, it can be concluded that tangible state-building had still not been achieved.

6.3. Process-Tracing of State-Building in Phase II

Based on the information outlined throughout chapter 6, similarities and differences in state-building on either side have been established. These are clearly highlighted in this subchapter and de facto statehood is linked to the discrepancies via causal mechanisms.

The discrepancies revealed in phase I, resulting in a more problematic humanitarian situation for the local population, continued. Economic benchmarks remained consistently worse in the Donbas de facto states compared to government-controlled territory. The economic dependence on Russia, centralized state-capitalist economy, and hollow institutions resulted in an inflexible and weak state that was unable to respond capably to the multiple crises. The de facto governments did less against corruption and abused the rights of their citizens on a systemic level.

⁵⁶³ UN Human Rights Monitoring Mission in Ukraine (HRMMU), *Report on the Human Rights Situation in Ukraine 1 August 2020 – 31 January 2021* (Kyiv: UN Office of the United Nations High Commissioner for Human Rights, 2021), 12-14.

⁵⁶⁴ UN Interregional Crime and Justice Research Institute (UNICRI), *Illicit Financial Flows and Asset Recovery in Ukraine* (Turin: UNICRI, 2021), 15-20.

⁵⁶⁵ Galeotti and Arutunyan, “Rebellion as Racket,” 22.

⁵⁶⁶ Von Twickel, *Towards de-facto Annexation?*

⁵⁶⁷ Aljukov, “Von Moskaus Gnaden,” 131.

A similarity shared by both the government-controlled and non-government-controlled Donbas was their poor preparedness for the COVID-19 pandemic. Leading up to the pandemic, a survey shows that the healthcare situation in government-controlled territory seemed to cause serious discontent amongst the local population.⁵⁶⁸ Considering reports of people regularly traveling from the “DPR” and “LPR” to government-controlled territory for proper healthcare,⁵⁶⁹ it is safe to assume that the healthcare infrastructure in the Donbas de facto states was in even worse shape to battle a pandemic. One factor that made it more difficult in the de facto states was the high percentage of pensioners amongst the general population. Migration patterns in de facto states in general have been looked at, but there is no definitive model that consistently leads to high and permanent out-migration of young people to the parent state.⁵⁷⁰

Some particular economic issues in this phase are also related to non-recognition. The reliability on a patron and limited trade partners led to a loss of independence: the patron state can steer economic practices, take what it needs, and meddle where it wants.⁵⁷¹ This left the Donbas de facto states without the resilience to withstand challenges. The poor preparedness for the economic blockade is related, in part, to the generally weak institutions and economy in de facto states,⁵⁷² but the Donbas de facto states should have prepared. Other de facto states have also been (at least temporarily) blockaded by their parent states;⁵⁷³ in other words, local leaders should have seen it coming. The lack of preparedness could also be tied to the weak institutions and economy, and expectance that the strong patron will solve any major problems – these aspects are all related to non-recognition.

While the Ukrainian government generally upheld international law, the human rights situation in the Donbas de facto states was dismal⁵⁷⁴ and deteriorated over time.⁵⁷⁵ Despite

⁵⁶⁸ Sasse and Lackner, *Attitudes and Identities Across the Donbas Front Line*.

⁵⁶⁹ Alexseev, “Under the Cover of COVID-19.”

⁵⁷⁰ For example, TRNC and Nagorno-Karabakh saw almost solely ethnic based migration patterns, young people from Abkhazia prefer to move to Russia than Georgia, and Transnistria has very similar migration patterns to its parent state Moldova.

⁵⁷¹ Mentioned by Pegg, “Twenty Years of de facto State Studies,” and looked at in Transnistria from Gudîm, “Evolution of the Transnistrian Economy,” and in Northern Cyprus from Cemaliye Beysoylu and Enver Gülseven, “Sustaining Legitimacy of Unrecognized Statehood: How Turkish Cypriot Elites Cope with Internal and External Challenges,” *Journal of Intervention and Statebuilding* (2022), DOI: 10.1080/17502977.2022.2102311.

⁵⁷² Pegg, “Twenty Years of de facto State Studies.”

⁵⁷³ In Transnistria, see Gudîm, “Evolution of the Transnistrian Economy,” and in Nagorno-Karabakh see Saha et al., “The Economic Effect of a Resolution of the Nagorno-Karabakh Conflict.”

⁵⁷⁴ Von Twickel, *Towards de-facto annexation?*, 4.

⁵⁷⁵ Freedom House, “Eastern Donbas*,” *Freedom House*, 2020, <https://freedomhouse.org/country/eastern-donbas/freedom-world/2020>; Freedom House, “Eastern Donbas*,” *Freedom House*, 2021, <https://freedomhouse.org/country/eastern-donbas/freedom-world/2021>.

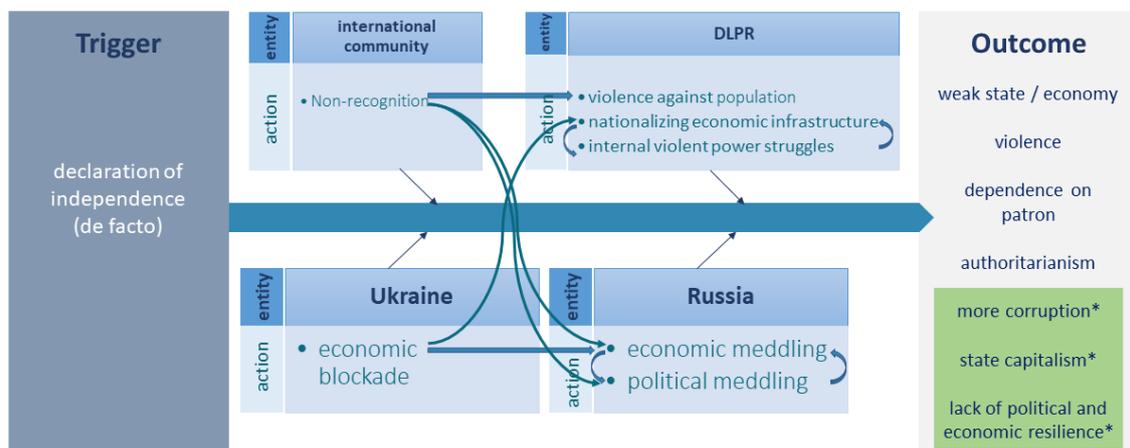
the debate around democratic norms in de facto state research, Mandić argues that successful separatists have to be undemocratic because they cannot succeed without corruption and coercion.⁵⁷⁶ Because security is a key factor for internal legitimacy,⁵⁷⁷ any opposition, including journalists, politicians, and activists, needs to be stamped out. Transnistria also chose a non-liberal path of development,⁵⁷⁸ in many ways similar to the Donbas de facto states, including a centralized, state-capitalist, rentier economy.

Not sufficiently discussed in the literature, the higher tolerance of corruption is related to the authoritarian turn and can also be explained by unrecognized status. De facto state economies are often informal and illicit,⁵⁷⁹ and the destruction of war causes criminalization of post-conflict economies.⁵⁸⁰ Mandić⁵⁸¹ and King⁵⁸² write more extensively about black marketeering in de facto states. This thesis argues that the internal power struggles, centralization of the economy, and little international monitoring also led to more corruption: non-recognition created the perfect storm for the political, economic, and criminal elites to become intertwined in this second phase of state-building, and they had little incentive to stop corrupt practices.

The discrepancies revealed in the second phase of state-building can be visualized as follows:

Causal Mechanisms – State-Building in Phase II

January 2017 – January 2022



NB: Arrows indicate a reinforcing influence.

Asterisk *: literature cannot sufficiently explain outcome.

Figure 4: State-Building in Phase II of Rebuilding

⁵⁷⁶ Mandić, *Gangsters and Other Statesmen*, 23.

⁵⁷⁷ Bakke, et al., “Convincing State-Builders?,” 593.

⁵⁷⁸ Gudim, “Evolution of the Transnistrian Economy,” 6.

⁵⁷⁹ Johnson and Smaker, “State Building in De Facto State,” 5.

⁵⁸⁰ Kolstø, “The Sustainability and Future of Unrecognized Quasi-States,” 753.

⁵⁸¹ Mandić, *Gangsters and Other Statesmen*.

⁵⁸² King, “The Benefits of Ethnic War.”

This figure visualizes the causal mechanisms linking de facto independence to the negative discrepancies in state-building put forth in this chapter. It includes the three main entities and their actions involved in determining these outcomes. Arrows represent reinforcing influences between certain actions. The portion of outcomes in the green box with asterisks are those outcomes that were observed in the comparative analysis but could not be sufficiently explained on the basis of de facto state research.

7. Conclusion and Outlook

Researchers of de facto states have noted that “there is no blueprint for internal state reconstruction [...] [as] scholars have devoted little attention to this issue.”⁵⁸³ The thesis at hand helps de facto state research better understand physical rebuilding and other state-building aspects in de facto states, using the de facto Donbas “People’s Republics” as a case study.

This research first analyzed the persons and patterns involved in the post-conflict rebuilding in these ‘republics’ to understand *how* the de facto states at hand rebuild, and found discrepancies in them compared to Ukrainian government-controlled territory. Further, in order to understand *why* certain decisions were made, process-tracing was applied in three phases between 2014 and 2022 to link de facto independence to the negative discrepancies highlighted in the comparative analysis. This thesis argues that de facto statehood sufficiently explains many of the shortcomings in the state-building process of the “DLPR” vis-à-vis Ukrainian government-controlled areas of Donetsk and Luhans’k oblasts. Outcomes that can be sufficiently explained include the poorer economic performance, slower institution-building, strong dependence on a single patron and consequential loss of independence, deficient human rights resulting (eventually) in a monopoly of *extreme* violence, and the inflexibility and unpreparedness in facing political challenges. Collectively, these findings posit that, for a majority of outcomes, “separatism is a remedy worse than the disease,”⁵⁸⁴ though, contrary to an assumption in this research, not every discrepancy was worse in the de facto states: similarities shared across the ‘border’ exist, and even one case of more negative performance in government-controlled territory could be identified.

While these findings are the result of careful and detailed analysis, it should be noted that asymmetric causation is an important limitation of process-tracing: although the trigger of

⁵⁸³ Marina Ottaway, “Rebuilding State Institutions in Collapsed States,” *Development and Change* 33, 5 (2002). taken from Dembińska and Campana, “Frozen Conflicts and Internal Dynamics of De Facto States,” 264.

⁵⁸⁴ Mandić, *Gangsters and Other Statesmen*, 21.

unrecognized statehood can explain the outcomes presented, it cannot be confirmed without doubt that other factors do not also play a role or that the outcomes would not have occurred without the trigger. Furthermore, although it may be tempting to apply these findings to all de facto states, process-tracing as a within-case research method has limited transferability. Nevertheless, Aljukov stated that the “DLPR” have several traits in common with Abkhazia, South Ossetia, and Transnistria,⁵⁸⁵ therefore providing at least some potential for comparability. The structure of this research can, however, be applied to compare and explain state-(re)building in other parent states and de facto states, particularly in post-communist contexts in Eurasia where the similarities are apparent. This can ultimately give way to a better understanding of de facto states, their structures, behavior, and weaknesses. Furthermore, this research is limited to a focus on state-building, but analyzing nation-building aspects in a similar fashion could further contribute to an improved understanding of de facto states. Practically, any such similar research will inform how third countries deal with de facto states and their parent-states, and how parent states themselves can, with their allies, deter and target separatists more effectively.

This research also set out to locate areas of de facto state research which can benefit from more scholarly attention. Negative outcomes in the state-building of the Donbas de facto states that could not be sufficiently explained due to lack of research or discord within scholarship reveal potential for future research in the following fields:

- While a debate on ‘earned’ sovereignty, i.e. the possibilities of democratic development leading to external legitimacy,⁵⁸⁶ exists, too little attention has been paid to how authoritarianism affects internal and external legitimacy. In any case, due to these disagreements, it cannot be argued that non-recognition sufficiently explains the violent authoritarian polity in the Donbas de facto states.
- This research labeled the Donbas de facto economy as “state-capitalist”, and descriptive research of de facto states’ economies confirms that centralized, state-controlled economies with heavy patron-state involvement exist in other cases, too. Nevertheless, this research cannot claim that non-recognition sufficiently explains these economic developments, because many of the features of a state-capitalist economy are also present in states that do *not* struggle with non-recognition, especially small states, heavily sanctioned states, and ideologically motivated states.

⁵⁸⁵ Aljukov, “Von Moskaus Gnaden,” 123.

⁵⁸⁶ Discussed by Pegg, “Twenty Years of de facto state Studies.” and (partially) disputed by Caspersen, “Separatism and Democracy in the Caucasus,” 127.

- This research presented an argument linking various factors of de facto statehood to the omnipresent corruption in the Donbas de facto states. It argues that corruption is a secondary effect related to other outcomes in de facto states, rather than a quintessential and unique characteristic of non-recognition itself. Many examples of de facto state research that observe corrupt practices of de facto states were presented throughout the research. Nevertheless, the root causes of corruption in de facto states need to be further analyzed in order to sufficiently explain them.

In addition to the aspects listed above, this research identified two unique findings in the Donbas that seem to be missing entirely from conventional de facto state research:

- The importance of long-lasting internal power-struggles: without a doubt, the violent power-struggles in the Donbas led to delayed state-building and more violence in the local societies. The ‘nationalization’ of enterprises and the centralization of the ‘state’-economy led to the concentration of wealth and power in the hands of a few. Therefore, it is not surprising that the prominent military and economic elites in the de facto states were willing to fight violently over control of these assets. Although other de facto states have surely had similar experiences, there is an insufficient pool of research analyzing these power-struggles and the (negative) effects they have on physical rebuilding and other aspects of state-building.
- The reverse alienation practiced in the Donbas “People’s Republics:” International organizations and fully recognized states in the world are often seen as shunning or ostracizing de facto states, which is well-documented in the literature. The choice of the “DLPR” to block access to most non-Russian humanitarian, aid, and monitoring organizations, thereby furthering the alienation of their ‘states’ by excluding international organizations from their territory, is revealing. There may be logical reasons as to why the Donbas de facto states did this, most obviously to better hide local Russian influence or their human rights abuses, but there is still much room for research on this topic.

With the expansion of Russia’s war of aggression against Ukraine in February, 2022, all state-(re)building efforts in the Donbas since 2014 are history. The destruction of infrastructure, massive migration outflows, and political changes have reversed almost all state-building aspects identified in this research. Nevertheless, this research is not irrelevant, because it preserves a detailed historical record of the developments in the post-Maidan Donbas. Furthermore, this research has presented *how* the Donbas rebuilt and *why* leaders made some of the decisions they did. This research therefore strengthens

the explanatory power of many definitions, descriptions, and assumptions of de facto statehood, while also determining that many aspects of de facto state research requiring further analysis remain.

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