

"Strengthening the Ceasefire, New Impulses, Permanent Presence: Why and How the New Federal Government Should Actively Participate in Donbas Conflict Settlement"

1. Description of the Problem

More than seven years after the outbreak of an armed conflict in the eastern Ukraine, the situation in the Donetsk and Luhansk Oblasts remains tense and the conflict remains active. The current ceasefire regime is regularly violated; the military and civilians* on both sides of the contact line in the conflict zone are regularly killed or injured. The humanitarian situation is especially challenging where there is fighting or the movement of troops and equipment.

Since the onset of crisis caused by the coronavirus pandemic, the authorities of the so-called "Donetsk People's Republic" have significantly restricted movement across the contact line. The checkpoint crossing had been a serious challenge even before the pandemic, and in 2020-2021, the new restrictions effectively blocked the movement. At the same time, the implementation of the Minsk Peace Agreements, concluded in early 2015, has come to a deadlock. From a civil society perspective, it is obvious that the Russian Federation, as a party to the conflict, is not interested in its political settlement. It can be safely assumed that this situation will not change in the medium term. Since the end of 2019, that is, for almost two years, there have been no Normandy Format summits; the work of the Trilateral Contact Group is also blocked. Since the spring of 2020, not a single simultaneous release ("exchange") of detainees has taken place, which confirms the stagnation of the negotiation process. The coordination of lists of detainees has become a subject of political bargaining and another lever of pressure for Russia. Moreover, the Russian Government is purposefully integrating the occupied territories of the eastern Ukraine into its political, economic and cultural spheres. Evidence of this is a mass issuance of passports, attraction and coercion of residents of NGCAs with Russian passports to participate in the elections to the State Duma in September 2021, propaganda, hate speech and an authoritarian local regime. The deliberate severing of ties and communications of people living in the temporarily occupied territories of Ukraine with people living in the

*From January 1 to September 30, 2021, the UN Human Rights Monitoring Mission in Ukraine recorded a total of 84 civilian casualties: 18 dead (13 men, one woman, three boys and one girl) and 66 injured (42 men, 18 women, five boys and one girl).

Government-controlled areas also continues. In this context, both the Ukrainian and Russian sides began to send alarming signals that call into question the Minsk Agreements as such.

Since 2014, the German Government headed by Angela Merkel, contrary to the expectations of many experts, acted not only as a guarantor of stability, but also as a leading force and voice in matters of protecting the sovereignty and territorial integrity of Ukraine. Angela Merkel, despite the opposition of influential forces from her Government and representatives of German business circles, opposed Russia's actions in Ukraine, and her resignation raises the question of further direction of German foreign policy in resolving the conflict in Donbas. Will German politics and diplomacy, after Merkel's resignation, have the same authority on the international scene, as well as the will, in order to maintain the leading role existing up to this point? Recently, Ukraine has expressed concerns that, given the agreement with the United States on

Nord Stream 2, Germany no longer wants and cannot take the same active part in settling the conflict in the eastern Ukraine as before. The revisionist leadership of the Kremlin can interpret this as a signal that there are more opportunities for them to influence the Ukrainian issue.

A number of geopolitical world events have led to the fact that the conflict in Donbas has been de-emphasized and is perceived against the background of significant international policy challenges and objectives as a regional conflict. Moreover, a number of western partners of Ukraine are again looking for opportunities for cooperation with Russia. US President Joe Biden called successful domestic reforms in Ukraine a condition for further support for the country*, and he, like his predecessor, views the conflict in Donbas as an issue for European politicians to deal with. In the EU, there is still a split regarding this topic, associated with diverse foreign policy interests and internal political situation in the member countries. Given the insufficient resources, as well as the lack of active involvement of the leading member states at the pan-European level, the EU remains a secondary participant in the settlement of the conflict, and the potential to influence the conflict's resolution remains unused.

*See [here](#)

It can be stated that at the time of elections to the Bundestag, the situation for external participants, political elites and civil society supporting Ukrainian sovereignty and territorial integrity has become much more complicated. The problem is that at the international level and within the framework of negotiation formats, there is no stable counterbalance to Russian pressure on the Ukrainian authorities, which, moreover, is constantly increasing. The Kremlin's policy, which is gradually undermining the sovereignty of Ukraine in a wide variety of forms, is aimed at the internal political and economic destabilization of the neighboring state and establishing direct control over it. In part, the Ukrainian leadership also contributes to the potential escalation. In the absence of a clear strategy for the safe reintegration of the temporarily occupied territories and effective communication about transitional justice policies, space is created for rhetoric that divides, rather than bringing people together on the opposite sides of the contact line.

Further in the document, recommendations are presented to the new Government of Germany to prevent escalation and unblock the political and diplomatic peace process.

2. Interests: Basis of German Policy towards Ukraine and Eastern Europe

Why should German political elites continue to demonstrate the same significant interest in Ukraine and, in particular, in conflict in Donbas, as during the time Angela Merkel was in office? What are the risks associated with the ambivalent role of Germany, which in its relations with Russia has again become guided primarily by geo-economic interests, such as energy supply, and is trying to quickly restore a strategic partnership with Russia? German foreign policy should take into account the following key points when building its relations with Russia, Ukraine and the region as a whole:

Revisionist aspirations in Russia: German policy towards Russia should stop engaging in wishful thinking based on regularly reproduced ideas about it as a country where modernization and transformation are taking place, and take note of

the empirical reality of recent decades and draw the right conclusions. The Eastern European policy of the Federal Government has traditionally proceeded from the idea that Russia has already satisfied its territorial claims and is now aware of the primacy of the economic factor in international politics, and is also interested in establishing partnerships on a mutually beneficial basis. However, the current Russian leadership is trying by all means to regain its previously lost influence in the post-Soviet space. The Russian leadership is a revisionist and authoritarian regime, which, against the background of increasing political competition in the world arena, intends to rely only on its military capabilities. The goal of the Russian leadership is to weaken the perceived hegemony of the West and its institutions such as NATO and the EU. And relations with their member states are currently perceived as a zero-sum game.

The European peace order should be a priority: The challenge posed by the Russian leadership is of a fundamental and supra-regional nature. Having annexed Crimea, the Russian authorities crossed the line that seemed untouchable back in 2014, and thus called into question the entire post-war order in Europe. The undermining of Ukrainian sovereignty by creating pseudo-republics in the Donbas is currently continuing in the Black and Azov Seas. Within the framework of the Ukrainian issue, for Germany, it is about preserving the European peace order and the effectiveness of security systems based on rules, not on violence. If Russia is allowed to continue to undermine this system, it will be primarily to the detriment of European democracies, like Germany, as well as Russia's immediate neighbors, which cannot and do not want to rely on their military capabilities. The quintessence of the "policy of the strongest", pursued by Moscow in relation to Europe, may be the strengthening of Russia's influence on the politics and economies of the EU countries. Therefore, the conflict between Russia and Ukraine in general and in Donbas in particular should be viewed from the perspective of maintaining the existing peace order. The current and future Federal Government must understand that the credibility and success of German politics and trade, as well as the EU as a whole, also depends on the preservation of the European peace order.

Protecting achievements in Central and Eastern Europe, as well as the European Neighborhood Policy and the Eastern Partnership: One of the greatest successes of German and European foreign policy of the last two decades has been the

successful democratization and economic growth in the countries of Central and Eastern Europe in the course of their European integration. The expansion process made it possible to significantly reduce the division of Europe into West and East, settle the long-standing conflicts and improve the level of security of all member states. With the help of the European Neighborhood Policy, it was also possible to give an impetus to the transformation in the countries bordering the EU, as well as to involve such countries as Ukraine and Moldova in the European project. These landmark achievements are jeopardized by the policy of Russia, which wants to return to the 2013 status quo not only in Ukraine, but also in the countries of Central and Eastern Europe through supporting, directly or indirectly, the anti-European forces there. The functions in the EU's foreign policy have been distributed in such a way that the task of stopping these intentions and again take the top in Central and Eastern Europe lies, first of all, with Germany. If the German Government and political elites are not ready to take the leading role in a decisive situation, this shall jeopardize the credibility of the EU in the whole region, as well as foreign policy achievements of recent decades.

Another rapprochement with Russia from a position of strength: The goal of the German and European politics cannot be the isolation of Russia in the long run and the creation of a new image of the enemy. The goal should be to return to predictable and international rules-based cooperation, in which both sides rely on pragmatism and realism about what is possible at a given moment, and which, at the same time, will withstand a multi-year phase of distant and potentially conflicting relations with Russian leadership, while not ignoring political repression within the country. The events of recent years show that the Russian leadership respects only those actors of international politics that are clearly aware of their foreign policy priorities in relations with the Kremlin and are ready to use the appropriate means to achieve them. Ambivalence is perceived by the country's leadership, security services and pro-government analysts as a weakness and an opportunity to use someone else for their own purposes. Therefore, the foreign policy course in the form of attempts to balance on a fine line without realizing the fundamental priority of democratic values and the norms of international law in relation to Moscow and Kyiv, as it looks after the conclusion of the agreement on Nord Stream 2 in Berlin, would be fatal from this perspective. A successful

containment policy for the current Russian leadership requires a largely clear position in which security policy issues are a priority. It also requires political and diplomatic will to maintain the sanctions imposed for violations of international law, and, if necessary, to expand them, as well as coordinated actions within the framework of the European, or better transatlantic unification.

3. What Should Be Done Now:

The proposals outlined below may be useful to the new Federal Government for a better understanding of conflict in Donbas, for the resumption of the peace process and the phased development of concrete steps with a view of long-term restoration of the territorial integrity of Ukraine and compliance with international law, as well as preservation of peace and security on the European continent.

- **General reflections:** The upcoming change of Government in Berlin brings not only risks, but also opportunities for settling the conflict in Donbas, which during the transition period until the end of 2021 should be thought out and formalized in the form of concrete proposals. The new Chancellor has both the mandate and the capacity to generate entirely new impulses and, if necessary, to correct the weaknesses in the previous approach. For example, the question how the steps agreed in Minsk can be implemented and in what sequence remains unresolved. The new Chancellor will also have to deal with the changed situation in the Donbas. The previous Government did not react in any way, for example, to Moscow's integration policy in the occupied territories, which contradicts the letter and spirit of the Minsk Agreements. In addition, it is unclear whether the Normandy Format in the current situation is in a position to exert pressure on Russia in this asymmetric conflict, or whether it is necessary to involve new partners. Moreover, the new Federal Government should try to rebuild its policy towards this conflict from the perspective of the ongoing debate regarding the need to strengthen European foreign and military policies. This requires a close partnership not only with France, but especially with the Visegrad Group countries, as well as with the Baltic countries, which have a high level of competence, and which these security issues directly concern.

- **More permanent presence:** One of the most worrying trends of the last two years is the significant decline in the operational capacity of the Normandy Format. Since December 2019, not only has not a single summit been held at the level of heads of state and government, but also the participation and presence of European politicians in the settlement of the conflict at all other levels has significantly decreased. At the same time, there is a danger of the growing domination of the Russian leadership – as in other formats for settling the conflict (such as, for example, the OSCE Minsk Group). Through domination, the Russian side imposes its own interpretation of events and blocks the entire peace process. A more obvious daily presence of the EU countries participating in these formats, such as, for example, within the framework of the Special Representative for the settlement of conflict in Donbas appointed by the European Council (or a high-ranking mediator sent by Berlin or Paris) would allow constant pressure to be exerted on all participants, as well as again would return the conflict to the sphere of public attention. In any case, the new Federal Government should continue to facilitate the holding of at least one Normandy Format summit a year.
- **Seeking strategic answers:** The Federal Government must acknowledge that the conflict in Donbas is not frozen and that the Russian Government and the “administrations” under its control in the so-called “Republics” regularly take action to pressure Kyiv and make the takeover of the occupied territories into the Russian cultural, economic and political space an irreversible process. The issuance of Russian passports to residents of the occupied territories and their involvement in voting in the elections to the State Duma evidence this more than unequivocally. If these actions are not followed by an appropriate response, then the Minsk Agreements can be considered obsolete – this will lead to the absence of an international format for political negotiations, which is what the Russian Federation is striving for, and will increase the risks of escalation and expansion of Russia’s aggressive actions in the Eastern Europe and the Black Sea region. In this regard, the Federal Government should do everything possible in the near future to re-establish communication between the occupied territories and the territories under the control of Ukraine. To do so, it is necessary to more actively listen to and support the initiatives emanating from civil society, which aim at developing contacts between the population of these territories and strengthening local structures of civil society, as well as developing plans for social

- and economic reintegration and supporting the socio-economic development of the region. The purposeful efforts to prevent the separation of society in the separatist-occupied territories from Ukraine and the gradual expansion of separatists' influence to other regions like the Black and Azov Seas should become an important part of the peace process.
- **Readiness to play 'the long game'**: The conflict around the occupied areas of the Donbas, as well as other territorial conflicts in the post-Soviet space, is unlikely to be settled in the next few years. Therefore, it is important for the new Federal Government to be tuned for the long-term participation in the region and create the appropriate conditions for this. Ukraine will be able to isolate and free itself from constant Russian pressure only as a democratic and economically successful state. For that reason, the German Federal Government should continue to make efforts to strengthen the state institutions of Ukraine, support civil society and further rapprochement with the EU. This support includes, inter alia, expressing a clear position on negative trends in Ukraine, for example, insufficient efforts to combat corruption, unfinished reforms of the judicial and law enforcement systems, negligence of the rule of law principal, and some anti-democratic trends in the domestic politics. The full reintegration of the occupied territories and restoration of the territorial integrity of Ukraine are possible and will be truly sustainable only if effective domestic reforms are completed, a well-thought-out communication strategy, the rule of law, respect for fundamental human rights and freedoms, and bringing perpetrators of the war and accountable for war crimes to legal responsibility are ensured. Possible reintegration of the currently occupied territories into only partially reformed or even returned to authoritarianism Ukraine would be 'a Pyrrhic victory'.

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About CivilMPlus

The international platform CivilMPlus aims at strengthening the role of civil society in the process of restoring peace, international law and advocating for the protecting of human rights in eastern Ukraine. Since 2017, CivilMPlus has brought together over 25 independent European NGOs and experts and coordinates their joint projects. In addition to creating a solid foundation for peacebuilding and dialogue, we use our vast know-how in Donbas to anchor the situation in Ukraine on the European agenda. Through our partnerships at local, national and international levels, we strengthen the influence of civil society and continually expand our network. It is our fundamental conviction that restoring Ukraine's sovereignty and supporting its democratic development are prerequisites for sustainable peace, security and prosperity in Europe.