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DONBAS: NO EASING OF TENSIONS AFTER THE ELECTIONS

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Volodymyr Zelensky won the Ukrainian presidential elections with a clear majority. The political newcomer placed Ukraine's unity and the social development in the centre of his campaign. The new elected president follows a pragmatic approach regarding the conflict in Crimea and the Donbas. First reactions from Russia, however, do not indicate a decline in political tension. The International Crisis and Conflict Management is still required to prevent further escalation and provide humanitarian aid for the population affected.

On April 21, 2019 Volodymyr Zelensky won the second round of elections with 73.22% of the votes. Only 24.45% of the Ukrainians voted for the incumbent president Petro Poroshenko, who admitted his defeat on election day and congratulated the winner – a rare gesture in Ukrainian politics. The election was overshadowed by the five-year conflict over Crimea and the non-government-controlled areas (NGCA) in Donetsk and Luhansk. The settlement of the conflict and the country's further development were the decisive electoral motives.

Zelensky: a Clear Winner

In the first election round on March 31, 2019, 41-year-old Zelensky had received almost twice as many votes as Poroshenko. In the second round, Zelensky won in all regions of the country, except for the West Ukrainian region and city of Lviv and the votes of Ukrainians living abroad. Both rounds had a high voter turnout of about 63%. In this regard, the country seems to be much less divided than in the 2014 elections. Zelensky is expected to take office at the end of May. According to a

first statement by the OSCE, the elections were “competitive” and conducted with respect for fundamental freedoms. However, it criticized the “show character” of the campaigns and unnecessary bureaucratic barriers, especially for internally displaced persons (IDPs). Free and formally correct elections are an important step towards the consolidation of democracy in Ukraine.

The election result can be seen as a protest vote against Poroshenko. The main election motives include wide-spread dissatisfaction with current policies, economic problems, corruption and the ongoing war in Eastern Ukraine. Moreover, the desire for a new leader, who is not part of a system of oligarchs and corrupt elites, was a significant factor in the elections. Poroshenko failed to convince Ukrainians with his nationalist agenda based on the three pillars: army, language and faith.

However, he announced to remain in politics and to form a strong opposition in the Ukrainian parliament (Verkhovna Rada).

The Parliament Determines the Balance of Power

Like many analysts expected, Zelensky dissolved the Rada and called for snap-elections in order to influence power relations in his favour. The elections are set for July 21. Their outcome is considered to be more important than the presidential elections, as the constitution of 2004 (re-enacted in 2014) strengthens the parliament and the government. The president has a veto power over bills and can determine foreign and security policy. However, the composition of the Rada will determine the direction and success of the president's domestic reform plans. Zelensky's party "Servant of the People" requires a strong parliamentary representation to support his policies. According to the first opinion polls, "Servant of the People" is the most popular political force, but still needs to form a coalition with either Yuriy Boiko's pro-Russian "Opposition Platform – For Life", the Bloc Petro Poroshenko or Yulia Tymoshenko's "Fatherland".

It will be difficult to implement Zelensky's policies without a majority in parliament. This fact was illustrated by the recently adopted language law in the Rada. The law was enacted by president Poroshenko on May 15, just five days before he left office. The law forces print and online media to publish in either Ukrainian exclusively or provide Ukrainian translations for publications in another language. However, publications do not need to be translated, if they are in Crimean Tatar, English or an official language of the EU. Such a law obstructs an important proposal by Zelensky for reconciliation with the population in Donbas. He advocates Ukrainian to be the official language but encourages an equal use of Russian language in all spheres of life. By that, he gained large support amongst those disagreeing with Poroshenko's Ukrainization policies.

Humanitarian Situation in Eastern Ukraine

The number of people killed since the conflict broke out in Eastern Ukraine in 2014 has risen to more than 13,000, including 3,000 civilians. About 25,000 people were injured, 9,000 of whom are civilians. Some 3.5 million people still depend on humanitarian aid as a result of inadequate medical, water and food supplies. In 2018, the number of victims fell significantly. However, there were 280 civilian casualties—40% of them caused by mines and unexploded ordnance.

Especially elderly people in the non-government-controlled areas (NGCA) suffer from the conflict. Since direct payments of pensions to people living in the NGCA were stopped in 2014, retirees must regularly cross the "contact line" at one of the five checkpoints to collect their money. Some even die during these dangerous crossings. The opening of new crossings for civilians has failed so far due to the reluctance of the separatists. Russia also lacked to pressure the separatists to provide international humanitarian organizations with access to the NGCA. Currently, the International Committee of the Red Cross (ICRC) and the United Nations Office for the Coordination of Humanitarian Affairs (UN OCHA) are the only humanitarian organization being able to operate on both sides of the contact line.

Since mid-2015, about 60,000 members of the Ukrainian armed and security forces and an estimated 35,000 separatist fighters have entrenched themselves on both sides of the about 500 km long contact line. The ceasefire agreement of February 12, 2015 is being violated by both sides on a regular basis—using weapon systems banned in the Minsk Agreements, such as artillery.

Zelensky's Proposed Solutions

During the election campaign, European and U.S. media occasionally described

Zelensky as “Putin’s candidate” due to his moderate positions on Russia. Unlike any other candidate, he preferred a human-centred and conciliatory narrative over nationalist slogans. His main competitors Poroshenko and Tymoshenko, on the other hand, criticized Russia harshly. They tried to put pressure on the population living in the NGCA, for example by continuing to link the receipt of social benefits to a place of residence in government-controlled territory.

Zelensky firmly refuses a military solution to the conflict. However, he underlines that there cannot be peace at any price, meaning there is no possible scenario of a recognition of Crimea as Russian territory. As a solution, he proposes new approaches to solve the conflict in Eastern Ukraine and for dealing with the Russian-speaking population in the country. He supported the proposal of a UN mission along the line of contact during his campaign. Zelensky views it as a crucial opportunity to bring peace to the region, provided that the mission will be successively expanded to the entire NGCA. Zelensky wants to continue with the reforms that already started in 2015, strengthening local self-government and decentralization, which might also meet the separatists’ claim for self-determination. Zelensky also raised the idea of an offensive information campaign in the Donbas, addressing the local population as an integral part of the Ukrainian nation. In his opinion, pension payments for people living in the NGCA should be resumed immediately.

Only three days after the presidential election, Zelensky’s proposals appeared in a different light. Russian president Vladimir Putin signed a decree making it easier for the population in the NGCA to obtain Russian citizenship. While Russia sees this as an act of “humanitarian aid”, Poroshenko, Zelensky and the USA regard the decree as a further attack on Ukrainian sovereignty. Germany and France also noticed that the Russian approach does not help reducing tensions in the region. Unlike other heads

of state, president Putin did not congratulate Zelensky for winning the election. He even refused to offer his congratulations on the inauguration of the new Ukrainian president.

International Crisis and Conflict Management: New Actors, Old Problems

The lacking implementation of the Minsk Agreements continues to be the main challenge for International Crisis and Conflict Managements (ICCM) regarding conflict resolution in the Normandy format and the Trilateral Contact Group. Nevertheless, the OSCE Special Monitoring Mission (SMM) has repeatedly succeeded in mediating local and time-limited ceasefires, e.g. to enable water supply maintenance work to be carried out. As part of its patrols, OSCE regularly identifies the need for humanitarian aid, thus facilitating rapid and targeted assistance.

However, the OSCE mission is struggling with various limitations. Patrols are only allowed to be carried out during the day. Security guarantees and access to contested areas must be renegotiated with the commanders of the conflict parties on the ground on a regular basis. Since a SMM patrol member was killed by a mine explosion in April 2017, the OSCE mission’s freedom of movement is restricted, as its vehicles are bound to paved roads. Therefore, OSCE has started to use long-range unmanned aerial vehicles (UAV) again after more than one year. The long-range UAVs enable observations at night and in areas too dangerous or inaccessible for OSCE ground patrols. Fixed cameras at particularly contested points along the contact line further support the monitoring of violations of the Minsk Agreements. However, cameras and UAVs are being targeted or electronically disrupted on a regular basis. OSCE lost already three long-range drones since autumn 2018.

Against the background of Putin’s decree on simplifying the access to Russian citizenship (and passports) for residents of

the NGCA, the SMM's work as a neutral observer is gaining relevance. More confidence-building measures and compliance with the ceasefire agreement by both sides are necessary to prevent further escalation. Due to Russian "passportization", the next civilian victims in the NGCA might be Russian citizens—with unforeseeable consequences.

Moreover, personnel changes in the ICCM are imminent. Zelensky could replace the Ukrainian representatives at the Trilateral Contact Group (TCG) with Russia and the separatists. However, Zelensky retains to both the TCG and the Normandy format, although some experts consider a combined format involving the USA to be more efficient. The leadership of the OSCE mission will be completely renewed by mid-2019. The new Chief Monitor Yasar Halit Cevik will take office in June. New deputies have already been appointed.

Conclusions

Despite initial positive signals before and shortly after the elections, both Russian and Ukrainian reactions have not contributed to a decline in political tensions. The effects of the change of power in Kiev are not foreseeable yet, many things are just starting to move. Nevertheless, some conclusions are possible:

- Zelensky's victory could promote dialogue on controversial issues such as language, memory and cultural policies. External actors should encourage and support these efforts.
- Observers should keep a close eye on Zelensky's personnel policy and the results of the parliamentary elections in July 2019. This will determine Ukraine's political direction. The basic

orientation towards the EU and NATO, however, is not being questioned.

- Currently, the EU's position is reserved. The crucial actors for International Conflict and Crisis Management are Germany and France, who are part of the Normandy Format.
- Confidence-building measures in Eastern Ukraine should be strengthened. To avoid further escalation, the reintroduction of the Russian-Ukrainian Joint Centre for Control and Communication (JCCC) could be debated in the Normandy Format and the TCG. However, as long as there is no political solution to the conflict, the top priority of the international community should be the improvement of the humanitarian situation.

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