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The temptation of autocracy: military-civil administrations in the government-controlled territories in the vicinity of the contact line in eastern Ukraine

Report based on the findings of the DRA/VOSTOK SOS
international human rights monitoring mission



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Donbas landscapes

Introduction

Since its beginning in the spring of 2014, the armed conflict in eastern Ukraine has revealed the inability of local governments and civilian administrations to operate effectively during intense hostilities. In Donetsk and Luhansk regions, the local authorities at the oblast, district, city and settlement levels — i.e. the local councils elected in 2012 and dominated by the ex-President Yanukovych's Party of Regions, as well as these councils' executive committees — stopped their operation almost entirely, leading to a dramatic decline in the humanitarian situation in the districts close to the contact line. The local self-government bodies did not resume operation even after most of these territories were taken under control by the Anti-Terrorist Operation (ATO) forces in the summer of 2014. In some settlements near the contact line, many local councils members were simply absent, having fled to the non-government controlled territories; in some others, council members engaged in overt sabotage, e.g. by blocking the adoption of local budgets.

Instead, settlements in the ATO zone were governed by the so-called "military commandants." They enabled the local communities to maintain the minimum livelihood level and thus served as a prototype of military-civil administrations. "Military commandants" had basically the same functions, which are not performed by the military-civilian administrations, however their authority was not regulated by any law. Most frequently military commandants were recruited from the local civic, or political activists. They were appointed by the heads

of the oblast administrations, reporting and receiving tasks from them. Before the structures of civil – military cooperation were created, "military commandants" were also responsible for the communication between state administration and ATO forces. Eventually, in an effort to ensure sustainable livelihoods and to implement local government functions in the conflict zone, this practice was institutionalized. Thus, the Law of Ukraine "On Military Civil Administrations," No. 141-VIII, was adopted on 3 February 2015,¹ and the first 14 MCAs were established in Luhansk and Donetsk regions on 5 March 2015 by Presidential Decree No. 123/2015.²

Before April 2018, the MCAs were coordinated by the Anti-Terrorist Center, a body within the Security Service of Ukraine (SBU) responsible for the ATO. Later, with the adoption of the Law "On the peculiarities of State policy on ensuring Ukraine's State sovereignty over temporarily occupied territories in Donetsk and Luhansk regions," No. 2268-VIII of 18 January 2018,³ and subsequent re-qualification of the anti-terrorist operation into an operation to contain Russia's armed aggression, the MCAs were made part of the Joint Operational Headquarters of the Armed Forces of Ukraine. In matters of day-to-day management of social and economic life of their settlements – which is the key function of the MCAs and their heads – the administrations engage directly with the Cabinet of Ministers and the Presidential Administration of Ukraine.

Although initially the establishment of MCAs was considered "a temporary forced measure,"⁴ in subsequent years their number has increased to ten in Luhansk region and twelve in Donetsk region, as of this writing;

the most recent MCAs were set up in the towns of Volnovakha, Donetsk region, and Shchastya, Luhansk region, in January 2019.

How successful has been this practice of replacing the collegial bodies of local self-government with military-civil administration? Has the institution of MCAs helped deal with the challenges of the wartime period? How effective have these administrations been during a stable ceasefire? We attempt to answer these questions in the following report which is based on the findings from a field monitoring mission undertaken between 13 and 18 May 2019 by DRA, a German NGO, and VOSTOK-SOS, a Ukrainian charitable foundation with participants from France, Germany, Poland, and Ukraine.

This report is based on three main sources. First and foremost, we consider firsthand evidence collected by the monitoring mission, in particular interviews with MCA staff in four cities in Donetsk region near the contact line, namely Toretsk, Avdiivka, Marjinka and Krasnohorivka, and with local activists and residents of these communities. The interviews focused on the key challenges of day-to-day life near the contact line, the local MCAs' performance, in particular in terms of providing essential livelihood support in the frontline communities, and also the forms of engagement between the MCAs, civil society actors and local civilians. In addition to this, the report is informed by field observations made by the mission participants, in particular the VOSTOK-SOS human rights defenders who have worked in Donetsk and Luhansk regions from the start of the military conflict and have monitored the MCAs' activities since their establishment. Secondary sources were also used in writing this report, such as publicly available information from MCAs' official websites, other online resources, mass media, etc.

Part one: Military-civil administrations from the legal and socio-historical perspectives

a) MCA as an institution: legal aspects

According to the Ukrainian Law "On Military-Civil Administrations," MCAs are established as temporary government bodies in villages, towns, cities, districts and regions to enforce the Constitution and laws of Ukraine, to ensure security and normal lives of local communities, to maintain the rule of law, to contribute to suppressing armed aggression, sabotage and terrorist attacks, and to prevent a humanitarian catastrophe in the areas which face armed aggression of the Russian Federation (Article 1, para 1, part 1).

MCAs are established by decisions of the President of Ukraine (Article 3, para 1) in communities where the incumbent local authorities are not capable of carrying out their functions due to self-dissolution or self-removal from authority or failure to fulfill their responsibilities in practice (Article 3, para 2). At the district and regional levels, MCAs are established if the respective local council fails to convene a session by a legally set deadline or if their establishment is required to protect public order and security (Article 3, para 3).

Thus, MCAs take over the key functions of the local councils (and their executive branches) at each level – such as managing the local economy, housing and utility services, social and cultural policies – thus supporting the livelihoods of the local communities in the situation



Krasnohorivka, district Solnechniy

of a military conflict. Regional and district MCAs perform the functions of regional and district councils as well as regional state administrations, while the MCAs of other administrative units perform the duties of village, town and other local community councils and their executive committees. In addition to this, MCAs are vested with other political powers defined by the aforementioned law.

The main functions of the MCAs (Article 4) include managing the local economy in the respective administrative units, namely designing and implementing socioeconomic development programs, generating product manufacturing and service contracts, drawing up and approving the local budget, setting rates for local taxes and tariffs for housing and utility services, and supporting municipal improvement and housing construction efforts. The MCAs are also responsible for social policy implementation, including management of educational institutions, healthcare, cultural and sports activities, and maintenance of social and cultural facilities in communal ownership. Public utilities are yet another area of MCA responsibility: they manage property owned by the community, settle land ownership issues, provide emergency public utility services, arrange for the collection, removal and disposal of household waste, and approve routes and schedules of local passenger transport.

In addition to this list of functions traditionally performed by local authorities, the MCAs also carry out certain political functions, such as providing military-patriotic education and abolishing any prior acts of the respective local councils which are contrary to the Constitution and laws of Ukraine. The MCAs engage with the ATO/JFO units and assist in organizing the military call up, mobilization and training, including reservist and civil defense training, and provide housing and utility services to members of the Ukrainian Armed Forces.

And finally, the MCAs are empowered to impose curfew, restrict or ban the movement of vehicles in certain areas, oversee telecom companies, use local radio, television and publishing outlets for public awareness campaigns, initiate and organize evacuation of people from unsafe places and areas, and, if necessary, supply and ration drinking water, food, daily necessities and medicines (Article 5).

According to the law, the heads of MCAs are recruited mainly from the Armed Forces and law enforcement (rank-and-file and senior) personnel but can also include former employees of the local councils' executive committees who sign an employment contract with the SBU Antiterrorist Center (before 2018) or the JFO HQ (Article 3, para 4). In regional and district-level MCAs, military and law enforcement officers are allowed to replace civil servants in senior positions (Article 3, para 5). Based on a list of positions approved by the President of Ukraine,⁵ a number of administrative positions must be filled by military or law enforcement personnel. In city-level MCAs, these positions include the head

and first deputy head of administration, the deputy head of administration for security and public order, and the chief specialist of the informational policy department. In the village- and settlement-level MCAs, military or law enforcement officers must be appointed to the positions of the head and first deputy head of administration, and at the regional level, they can serve, in particular, as the head of administration (regional level) and as the deputy head for security and public order (regional and district level).

The heads of city-, village- and settlement-level MCAs are appointed to position and dismissed by the head of the corresponding regional MCAs in coordination with the Head of the SBU Anti-terrorist Center or the Joint Forces Commander (Article 6, para 2). In turn, the heads of regional MCAs are appointed by the President of Ukraine. Deputy heads of city-, village- and settlement-level MCAs are nominated to these positions by the respective head of administration and appointed by the Head of the SBU Anti-terrorist Center or the Joint Forces Commander (Article 3, para 13). There is no competitive process involved.

In the absence of an elected representative body, collective decision-making and separation of legislative and executive functions, checks and balances are weak. The MCA heads exercise personal control over their administrations (Article 6): they hire and fire MCA employees, oversee the entire operation and are personally responsible for all areas of the MCA's performance. In addition to this, they are the sole managers of the MCA's budget. The law on military-civil administrations does not require any community boards to be established in association with the MCAs, and this lack of external supervision further increases the personal power vested in the MCA head and removes all barriers to autocratic governance.

b) Toretsk, Avdiivka, Krasnohorivka and Marjinka: from the "Russian spring" to MCAs

In the spring and early summer of 2014, members of the local councils and their executive committees in Toretsk, Avdiivka, Krasnohorivka and Marjinka, most of whom belonged to the Party of Regions at the time, either supported the separatist movement – and some even welcomed the so-called "DPR" – or avoided any political engagement and focused instead on managing public utility services.

After the settlements were taken under control by the ATO forces in late July-early August 2014, ending the brief period of their temporary occupation, the city heads in Krasnohorivka and Marjinka retreated from their duties, while their colleagues in Toretsk and Avdiivka stayed in their positions but engaged in sabotage, in particular by deciding not to hold local elections in October 2015 in any of the settlements located in the five-kilometer zone near the contact line. According to the explanation given at the time by the regional administrations and

the Central Election Commission, they were not able to ensure security of the voting process and therefore decided not to hold elections in those locations.

Indeed, intense fighting for control over strategically important cities such as Toretsk, Avdiivka, Krasnohorivka and Marjinka continued in 2014 and 2015. The mining center of Toretsk is located on the road from Horlivka to Kostiantinivka further extending to Kramatorsk and Slavyansk. Avdiivka is home to the largest coke chemical plant in Europe which is part of the Metinvest Group owned by Rinat Akhmetov. Apparently, the intense artillery shelling of the city was part of the pro-Russian armed groups' effort to take control of this enterprise. Integral parts of the Donetsk agglomeration, Marjinka and Krasnohorivka are located on the western outskirts of Donetsk. Marjinka also stands near the Donetsk-Zaporizhia highway and the road to Mariupol.

The security situation in these communities improved significantly in 2017-2019. Both the locals and the OSCE SMM in Ukraine note a significant decrease in fighting intensity, although some parts of these cities are still located on the line of fire, including the private sector in the so-called "Old Avdiivka," the village of Yuzhne on the south-eastern outskirts of Toretsk, and the eastern districts of Marjinka and Krasnohorivka. However, despite significant improvements, no elections to local self-government were scheduled in any of these cities. Nor has there been any progress with setting up the new type of administrative units – "united territorial communities" – as part of the decentralization reform.

The serious challenges of managing the liberated territories and ensuring their subordination to the central government, as well as the need to support the livelihoods of people living on the line of fire, were the main reasons leading to the establishment of MCAs in these communities in 2015-2016.

Toretsk (40,000 inhabitants before the armed conflict), located on the contact line seven kilometers northwest of the occupied Horlivka, served as one of the hubs of the pro-Russian separatist movement in the spring of 2014. Vladimir Sleptsov, member of the Party of Regions and mayor of Toretsk (then Dzerzhinsk) since 1998, openly supported separatism. On 15 April 2014, speaking to thousands of people who gathered in the city square, the mayor declared his endorsement of a referendum to decide the future of the "Donetsk Republic." He also campaigned for making the city part of the "DPR" and participated in organizing an illegal referendum on 11 May 2014.⁶ Sleptsov also headed the city during the DPR occupation. However, despite his open support of the separatist referendum, Sleptsov remained in the mayor's seat even after the ATO forces took the city under control on 21 July 2014.⁷ It was only after a group of local residents blocked the Armed Forces' vehicles in July 2016 after yet another shelling of the city that the mayor, suspected of involvement in organizing the blockade, was arrested on 17 August 2016 on charges of conspiracy against Ukraine's territorial integrity.

Sleptsov, however, denied any collaboration with separatists during the city's occupation.⁸ The ex-mayor was on the list of persons to be released to the DPR as part of the December 2017 exchange, but at the last moment, he refused to be exchanged and returned to the government-controlled territory.⁹

In late August 2016, following Sleptsov's arrest, members of the Toretsk city council passed a "vote of no confidence" against him, and Yuri Yevsikov, the city council secretary, formally succeeded Sleptsov as mayor, but his powers were limited to supervising over the payment of pensions and benefits. The only body authorized to receive and distribute funds allocated by the Cabinet of Ministers for capital expenditures, such as road repair and housing restoration, was the city council whose members stopped attending the council sessions in early 2017. This stalemate necessitated the establishment of an MCA in Toretsk by Presidential Decree No. 128/2017 of 12 May 2017. This MCA headed by Yaroslav Rudenko also governs a number of other communities, such as the urban-type settlement of Zhalizne (formerly Artemove) and, since the spring of 2018, Novgorodske, Severne and Yuzhne, previously located partly in the "gray zone" between the positions of the Ukrainian forces and those of the illegal armed groups.

Like Toretsk, Avdiivka (35,000 inhabitants before the armed conflict), located 10 kilometers north of Donetsk in the immediate vicinity of the Donetsk airport and the Donetsk-Horlivka highway, used to be controlled by the Party of Regions' business and political stakeholders. The town's systemic enterprise and main employer is the Avdiivka Coke and Chemical Plant (ACCP) which is part of Rinat Akhmetov's Metinvest group. Yuri Cherkasov, a member of the Party of Regions, became Avdiivka's mayor in 2003. According to some reports, in the spring of 2014, Cherkasov publicly supported separatists and urged the local people to participate in the separatist referendum,¹⁰ but he denied it later.¹¹ Cherkasov headed the city during the temporary occupation and after its return to the government control by the ATO forces on 28 July 2014.

For a long period, the city was a hotbed of contact line hostilities and lived under heavy shelling in the autumn of 2014 and winter of 2014-2015. Throughout 2015, fighting continued on the outskirts of Avdiivka at the Butovka-Donetskaya mine, aka "Avdiivka industrial zone", and in Old Avdiivka in the south. The fighting for control over the "industrial zone" – which periodically left the city without water, electricity or heating – peaked in the spring of 2016, before the UAF succeeded in driving the pro-Russian forces further south to the so-called "Yasinovataya junction" on the Donetsk ring road. The city center experienced heavy shelling in January-February 2017.

An MCA was set up in Avdiivka in the spring of 2015 by Presidential Decree No. 123/2015 of 5 March 2015,¹² and Pavel Malykhin was appointed to serve as its head in June. At the outset, Malykhin chose to focus on

interfacing with the military and on the political process, while the local council, led by Yuri Cherkasov, continued to manage the local economy. This situation of dual power persisted until September 2016, when Mayor Cherkasov and the regional council secretary Artyom Sabadash both stepped down, and the city council voted to accept their resignation.¹³ Since that time, the MCA has been in full charge of the city's affairs.

Marjinka (10,000 inhabitants before the war) borders directly on the western outskirts of Donetsk, including the village of Trudovske and the city's Petrovsky district. The local city and district authorities maintained relative neutrality in the spring of 2014 and disengaged from the referendum which was nevertheless held in Marjinka.¹⁴ In May 2014, checkpoints of the so-called DPR controlled access to the city, which also had a high concentration of illegal armed groups.

Active fighting began on the night of 11 to 12 July 2014, and a month later, most of Marjinka was controlled by the ATO forces. However, the eastern part of the city, in particular on the side of Trudovske, has still been exposed to shelling. On several occasions – e.g. in early June 2015 – pro-Russian armed groups of the so-called DPR attempted to capture the city, presumably to use it as a springboard for attacks on and an access point to Zaporizhia and Mariupol. The intense fighting of 2014 and 2015 left the city heavily damaged and its residents without water, gas or electricity for a long time.

After Marjinka was liberated in August 2014, its mayor resigned and was succeeded by Andrei Gavrish, the newly appointed secretary of the Marjinka city council, but his powers were very limited. A decision was made in August 2015 to set up an MCA to govern the city of Marjinka and the village of Pobeda. In November of that year, Alexander Teslia was appointed to serve as the MCA head.

Krasnohorivka (15,000 inhabitants before the war), like Marjinka, is part of the Donetsk agglomeration located six kilometers to the west from Donetsk. In the spring of 2014, the city authorities led by Mayor Sergei Legkostup arranged a separatist referendum in the city and eventually stepped down following the city's return to government control.

In July-August 2014, prolonged fighting¹⁵ for control over the city caused major destruction of residential buildings and infrastructure; in particular, the main onshore gas pipeline was destroyed, leaving local residents without gas and central heating.¹⁶ Continuous shelling in 2015 led to a mass departure of residents from the city, so that its population dropped to four thousand. In the same year, an MCA headed by Oleg Livanchuk was set up to support the livelihoods of the remaining locals.

However, Livanchuk conflicted with the Donetsk Regional MCA and its then head Pavel Zhebrivsky over differences concerning the supply of heating and other basic necessities to Krasnohorivka's residents. To help people with heating their homes in the winter, the

Donetsk MCA allocated emergency assistance worth 1,188,000 hryvnias to be spent on purchasing 264 potbelly wood stoves; however, by December 2016, only 120 stoves were delivered, including numerous pieces of substandard quality.¹⁷ The head of Krasnohorivka MCA Livanchuk refused to accept the stoves and cover up the apparent misuse of public funds; he accused Zhebrivsky of trying to involve him in corruption schemes, while Zhebrivsky blamed Livanchuk for incompetence. Later, Livanchuk also reported facing pressure after the heavy shelling of the city in May 2017; in particular, he reported attempts to force him to write a letter of resignation.¹⁸ In March 2018, Livanchuk was fired by the head of the Donetsk regional MCA, allegedly following a complaint about informal dump sites in the city. Yuri Malashko who had previously served as deputy MCA head in the neighboring Marjinka has headed the Krasnohorivka MCA since November 2018.

c) Social profiles of MCA staff

According to the law on MCAs and the official list of positions approved by the President of Ukraine,¹⁹ a number of administrative positions may only be filled by military or law enforcement personnel; these positions include the head and first deputy head of administration, the deputy head of administration for security and public order, and the chief specialist of the informational policy department of city-level MCAs. Once appointed, they are dispatched to their new place of service, while formally remaining in the military or law enforcement ranks.

Other positions, in particular those with responsibilities for business and economy, can be filled by e.g. former employees of local council executive committees who have signed an employment contract with the SBU Anti-terrorist Center (before 2018) or with the JFO HQ.

As a result, MCA employees are a mix of military/law enforcement officials on one hand and former city administrators who held positions of responsibility over economy when the Party of Regions was in power, on the other. The heads of Avdiivka, Krasnohorivka and Marjinka MCAs – Pavel Malykhin, Oleg Livanchuk (until March 2018) and Yuri Malashko (November 2018 to this day), and Alexander Teslia, respectively, are military officers. None of them had worked in Donbas before their appointment.

Pavel Malykhin, aged 50, a native of Drogobych, Lviv Region, serves in the National Guard of Ukraine. According to his biography posted on the Avdiivka MCA website,²⁰ he graduated from the Kharkiv Higher Military School of the National Guard of Ukraine; built a military career from a soldier to the head of the armament service of the 11th separate battalion of the National Guard of Ukraine and then to deputy commander of the armament battalion. Before his appointment as head of the MCA, Malykhin had served as deputy commander of the 22nd separate brigade protecting foreign diplomats and consular missions.

Very limited biographical information on the Krasnohorivka and Marjinka MCA heads is publicly available. Oleg Livanchuk, a native of Sumy, is a career officer who retired from active service in 2006. From the first days of this war, he volunteered for frontline duty as part of the Sumy Territorial Defense Battalion, later changed to the 15th Sumy Motorized Infantry Battalion of the Armed Forces. Yuri Malashko, a member of the SBU who served as deputy head of the neighboring Marjinka between 2015 and 2018, replaced Livanchuk as head of the Krasnohorivka MCA in November 2018. The head of Marjinka MCA Alexander Teslia, aged 43, is a colonel of the National Guard and a native of Pavlograd, Dnepropetrovsk Region.²¹

The Toretsk MCA head Yaroslav Rudenko, aged 32, is an exception, because unlike other MCA heads, he comes neither from the military nor from the law enforcement background. A businessman who relocated from Donetsk, Rudenko served as deputy head of the city council after 2016, being responsible for cooperation with the law enforcement agencies. He was called up to the army – and thus received his status of a military serviceman – shortly before his appointment as MCA head.²²

To ensure the livelihoods of communities in their jurisdiction, MCA heads often rely on weathered civilian administrators knowledgeable in management processes. In Toretsk, Yury Yevsikov, who was formerly a teacher at the Dzerzhinsky Mining College, a member of the Dzerzhinsk city council from the Party of Regions after 2010, the city council secretary after 2013, and an acting head of Dzerzhinsk (renamed as Toretsk) between August 2016 and the MCA establishment, stayed on as the deputy MCA head. In Avdiivka, Roman Shakhov, aged 42, manager and economist by training, who served at the Avdiivka City Council as head of division

(2006-2014) and head of department (2014-2016) for housing, public utilities and environment, has been acting deputy head of the MCA since October 2016, being in charge of providing essential livelihood services to the city residents.²³

In Marjinka, housing and public utilities are the responsibility of deputy MCA head Lyudmila Radichuk, aged 58, who formerly held the CEO position at Donspetsmash LLC and was elected to the Marjinka Regional Council from the Party of Regions in 2010.

The MCA in Krasnohorivka is the only exception in this respect. According to Oleg Livanchuk, he had to recruit his MCA staff “from scratch,” as the former mayor’s team had stepped down and refused to manage the affairs of the city in which, in addition to damaged infrastructure and destroyed housing, garbage had not been removed for two years in 2014-2015.²⁴

Part Two: Military-civil administrations facing the war zone challenges

a) MCA budgets

In contrast to the overall trend in other parts of Ukraine where decentralization boosted local budget revenues due to redistribution of funds and increase in the share of local earnings, settlements in Donetsk and Luhansk Regions located on the contact line continue to face a challenging situation. The war has damaged their local economy, bringing the main employers – major industrial companies – to a full or partial halt and causing



Krasnohorivka, meeting with locals



In Dontetsk steppe

other businesses to flee. In Marjinka, the fighting caused seven of the eight factories which operated in the city before the war to stop, including a tire repair factory, the Lakti dairy plant, and the Marjinka bakery and food and flavoring factories. The only remaining business, an agricultural enterprise, is struggling to survive in the adverse circumstances. In Krasnohorivka – left without gas supply since the summer of 2014 due to the fighting – the Refractory Plant cannot fully resume its operation, and the local auto repair plant stopped as well. In Toretsk, where the key employers, state-owned mines of the Toretskugol Company (Tsentralna and Toretska), and one private (St. Matrona) mine continue to operate, the economic situation is less acute. But even here, the war has left its mark: the Severna and Yuzhna mines had to stop operation in the summer of 2014 due to active fighting, thus adding to the list of mining enterprises (the Artyom and Nova mines) which had closed before the war because they had become unprofitable. In terms of the situation with key local employers, Avdiivka is much better off than Marjinka, Krasnohorivka and even Toretsk, mainly because the largest in Europe Avdiivka Coke and Chemical Plant (ACCP) did not stop production even during the intensive shelling in 2014-2015.

Destroyed infrastructure, suspended operations of major industrial and agricultural facilities, as well as tax breaks awarded by the government to businesses and individuals located near the contact line, have all led to a decrease in local budget revenues which the MCAs manage. Before the war, the budgets of small towns were funded mainly through three types of taxes: a flat-rate tax paid by entrepreneurs (both individuals and entities), an excise tax charged on excisable goods, and a land fee which included both a land tax and rent payable under lease of land plots in state or municipal ownership. In addition to income earned on their own

assets, municipal budgets received proceeds from personal income tax, local taxes and administrative fines, and other fees and charges.

However, in an attempt to support and encourage business in the ATO area, the government passed the Law “On Temporary Measures for the Period of the Anti-Terrorist Operation” No. 1669-VII of 2 September 2014 which exempted them from paying rent for the use of land and other property in state and municipal ownership.²⁵ In addition to this, the Law “On Amendments to Tax Code to Improve the Investment Climate in Ukraine” No. 1797-VIII of 21 December 2016²⁶ further expanded tax breaks for all taxpayers in the ATO area. Specifically, in its paragraph 38 (10), this law exempts taxpayers from paying real estate taxes on land and other property located in the temporarily occupied territories and in settlements on the contact line.

As a result, starting on 1 January 2017, the local budgets of Avdiivka, Toretsk, Marjinka and Krasnohorivka, all located near the contact line, lost a major source of their revenues, because proceeds from the real estate tax had in some cases contributed up to 75% of their funds. While stripping the local authorities of this essential income at a time when restoration required huge investment, the lawmakers however failed to provide any compensatory mechanism, such as equivalent transfers from the central budget. Indeed, MCA representatives in Avdiivka, Toretsk, Marjinka and Krasnohorivka attribute the lack of financial and other material resources needed for full restoration of the local livelihoods specifically to the abolition of the land tax. Due to their respective economic situations, the 2019 budget revenues generated locally differ widely across the four cities, totaling 198 million hryvnias in Avdiivka, 130 million in Toretsk and 7 million in Marjinka. Unfortunately, no data

for 2019 is available on the Krasnohorivka MCA website, but in 2017, the city's locally earned revenues stood at 1.7 million hryvnias.

Only the presence of a profitably operating systemic company in a frontline community can offset its underfunding from the local, regional or central budgets, e.g. by co-financing the reconstruction of housing and infrastructure, as can be observed in Avdiivka in particular. Each year, the Avdiivka MCA signs social partnership agreements with the Avdiivka Coke and Chemical Plant, part of the Metinvest Group, whereby the company agrees to finance the city's social programs. The funds thus allocated by the ACCP – 18.1 million hryvnias in 2019²⁷ – are used to restore normal life in the city, rebuild and repair schools and kindergartens, and develop municipal infrastructure. During their visit to Avdiivka, members of the monitoring mission could often see Metinvest's logo displayed on educational and infrastructure facilities (schools, bicycle stands, passenger buses) signaling that the company had financed their repair, installation or purchase as part of its social partnership arrangement with the local administration. The ACCP has also contributed part of the funding in 2017-2018 to build a 14-kilometer new main gas pipeline from the Ocheretino gas distribution station in Yasinovatsky District to Avdiivka to ensure uninterrupted gas supply from the government-controlled territory.

b) Restoration of destroyed housing

Housing restoration – concerning in particular the private sector houses heavily affected by the fighting – is the biggest challenge for communities on the contact line, as well as for their MCAs. A lack of state mechanism to compensate or facilitate the private housing stock restoration contributes to the problem. While central and local budgets can finance the restoration of multi-story apartment buildings and other real estate in state or municipal ownership, there are no legal provisions to allow public financing of repairs and restoration of private housing damaged by the war. All attempts to address this problem through the government or the Verkhovna Rada have been unsuccessful.²⁸

Therefore, international humanitarian organizations are currently the only donors willing to support efforts to repair and restore private housing, while the MCAs' role is limited to documenting the damages and forwarding their detailed descriptions to international humanitarian funds and to the State Emergencies Service. In addition to this, since 2017, the Donetsk Regional MCA has been dispensing construction materials from its reserves to the local administrations which, in turn, distributed the materials to owners of private houses willing to repair their homes themselves.

The monitoring mission's findings suggest that despite shared challenges, such as a shortage of funds in the local budget, a lack of authority to carry out restoration of private sector houses and problems with finding private contractors for the restoration of state and municipal housing, the situation in each of the four settlements – Avdiivka, Toretsk, Marjinka and Krasnohorivka – is different due to factors such as proximity to the contact line, presence of active systemic industries and the relative proportions of private and public sector housing.



District Solnechniy, building 7

In Toretsk – hit by intense fighting in 2014 and 2015 but spared since 2016 – the restoration of damaged multi-story buildings is almost completed thanks to support from international humanitarian organizations, alongside funding from the local and regional budgets. According to Yuri Yevsikov, deputy head of the Toretsk MCA, communities under its jurisdiction which are the closest to the contact line, such as Zhalizne, Severne and especially Yuzhne located directly on the line of fire, have sustained the greatest damage.²⁹

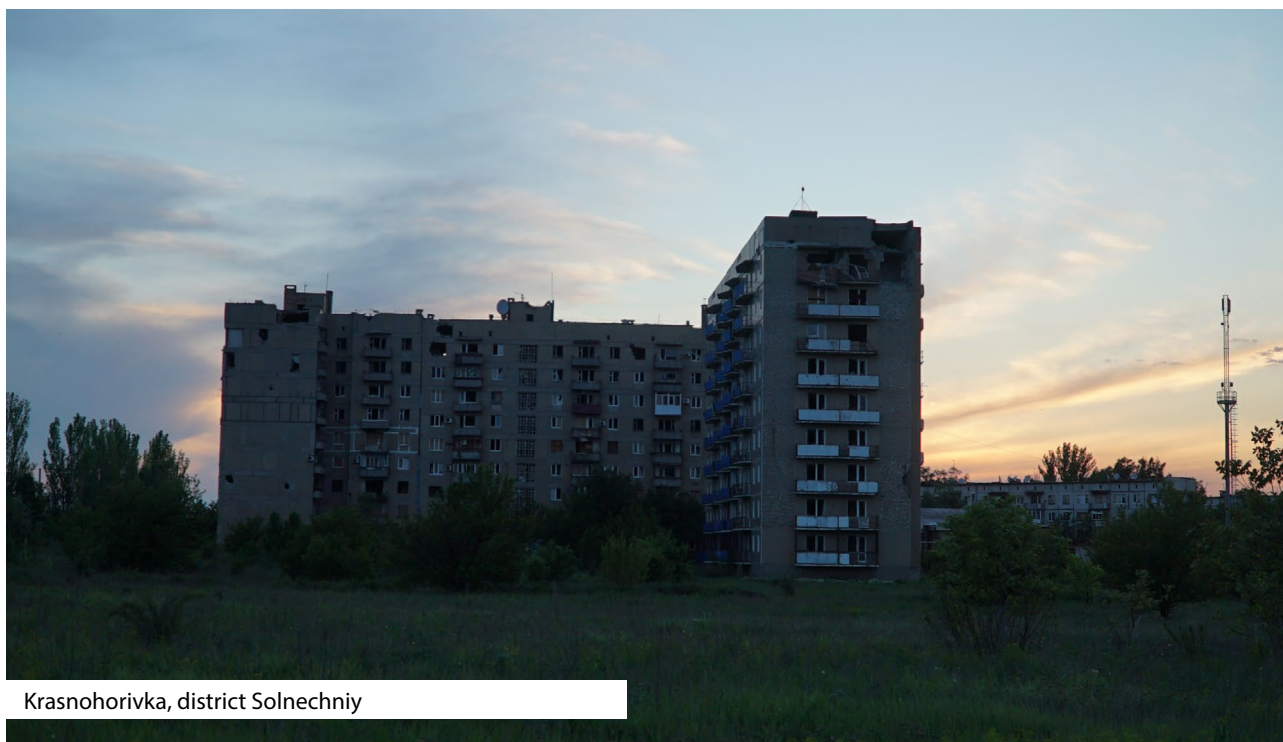
According to Yuzhne residents whom the monitoring mission was able to interview, assistance from international humanitarian organizations, such as donated construction materials (bricks, cement boards, windows, etc.) and funding, is the only reason why restoration work is still ongoing in the community, mainly performed by the local residents or by State Emergencies Service teams, usually paid by the same international organizations. Yuri Yevsikov has confirmed this statement, adding that about 90% of all restoration work on private houses is carried out and financed by international humanitarian funds, and some construction materials have been disbursed by the Donetsk Regional MCA from its reserves.

In Avdiivka, according to Roman Shakhov, deputy head of the city MCA,³⁰ restoration of multi-story buildings is ongoing, financed by the regional and city MCAs with additional support from the ACCP. Indeed, the ACCP has contributed to the restoration of some 80 of the 111 multi-story buildings – a fact that once again confirms the crucial role of large private companies in recovering the livelihood of communities affected by the war. According to Shakhov, the ACCP's contributions have mainly enabled small-scale repairs (windows, roofs), whereas the local administration, with financial support

from the Donetsk MCA, bears the costs of major repairs such as the restoration of supporting structures. As an example, Shakhov referred to the so-called “mural house” – a nine-story building at 20 Molodizhna Street famous for its mural but heavily damaged by artillery fire in 2014-2016. Its restoration finally started in the spring of 2019.

Shakhov stressed one of the key challenges periodically faced by the Avdiivka MCA as well as other MCAs on the contact line, namely the problems with finding restoration contractors willing to work in the conflict zone – which many firms refuse to do. In fact, the Kiev-based Megagrad LTD was the only construction company that agreed to take up the “mural house” restoration. Other damaged buildings, such as the one at 17 Molodizhna Street (damaged in the summer of 2014) and at 1 Gagarin Street (damaged in 2017) are on the waiting list, as no funds are available in the local budget to finance their restoration.

The situation with private sector housing restoration in Old Avdiivka and in the villages outside Toretsk remains problematic. It was in Old Avdiivka that three private houses were damaged by shelling in early May 2019. According to an MCA representative, some 1,000 out of the 1,190 affected houses have been partly restored, mainly with construction materials provided by international humanitarian organizations and by the regional MCA.³¹ Since 2017, Avdiivka and other settlements have periodically contracted Ministry of Emergencies teams to perform the restoration work; their services were paid for either by the MCA (for municipal housing) or by international humanitarian organizations (for both municipal and private housing).



Particularly challenging is the situation in Marjinka which is partly located on the line of fire and consists mainly of private sector houses. In the first few weeks of May 2019, several private houses in the southeastern part of the Marjinka (in Prokofiev Street, Heroes of Chernobyl Street and Shevchenko Street) located in the “red zone,” i.e. on the line of fire, were damaged by shelling, including direct hits. Restoration of the private housing stock in the “red zone” is also paid for with funds from international humanitarian organizations and often performed by the local residents themselves. According to Marjinka MCA head Alexander Teslia, even when restoration is carried out by Ministry of Emergencies teams, any operation in the shelling zone, in particular roof repair work, is fairly dangerous in Marjinka due to its location in a valley and thus being an easy target for shooting from surrounding slag heaps. Teslia also noted that his MCA, like those of other cities, has been distributing construction materials to “red zone” residents willing to restore their homes themselves. In such cases, however, the local administration requires that residents complete the works within three months and sometimes inspects their progress.³²

Due to lack of funds in the Marjinka MCA budget, in particular after the abolition of the land tax, a large part of the restoration work in multi-story buildings and other municipal property had to be financed by international humanitarian funds; the Dom Byta consumer services center destroyed in July 2014 and rebuilt by the ICRC is one example. It was only in late 2018 that the Marjinka MCA received funds to support the repair of several multi-story buildings along Druzhba Street; the repairs are scheduled to be carried out by private contractors before the end of this year.

In the neighboring Krasnohorivka, the situation is largely similar: the city was unable to repair multi-story building for a long time due to lack of funds. However, according to the MCA head Yuri Malashenko, things have changed for the better, and since the beginning of 2019, restoration work has been ongoing in these buildings with funds from the DonMCA.³³ However, the question remains whether it is feasible for the state to invest in restoring municipal buildings in the “red zone” given the risk of new damage. Malashenko cites the example of Solnechny, a block of several heavily damaged and partially abandoned multi-story buildings. According to the remaining residents of these buildings whom the monitoring mission was able to interview, partial restoration of damaged apartments there was made possible only by support from international humanitarian organizations. Similarly, international humanitarian groups are the only ones to finance restorations in the private sector. According to Malashenko, 86 houses were thus partly restored in 2018.³⁴ Like in other cities, the MCA has been distributing construction materials received from the regional reserves towards some of the restoration work.

c) Restoration of essential infrastructure

Another important challenge for the MCAs in Avdiivka, Toretsk, Marjinka and Krasnohorivka has been to provide public utilities and transportation services of adequate quality and to ensure uninterrupted functioning of the vital infrastructure (electricity, water, gas, heating in winter, road pavement and transport connections) near the contact line. In this role, the administrations have to interface with respective service providers, specifically with DTEK Donetskoblenergo, Voda Donbasa, Donetskoblgaz, and also with international organizations (OSCE, ICRC) capable of facilitating relatively safe access to the damaged infrastructure on the contact line.

Most of the time, the residents of Avdiivka, Toretsk, Marjinka and Krasnohorivka have relatively stable supply of electricity and water (albeit “technical” and not fit for drinking). However, service interruptions do occur from time to time due to damage caused by the fighting to power lines, pumping stations of the South Donbas water main or filtering stations. Although the four cities share the same regional electricity, gas and water supply systems which have been badly damaged by military operations – and some facilities continue to be exposed to shelling and need repairs – each settlement faces its specific infrastructure-related challenges, in particular due to their respective financial and technical capabilities to minimize service interruptions by reconnecting their supply systems from sources in uncontrolled areas to those in the government-controlled territory.

In terms of consistent electricity and gas supply, the situation in Avdiivka is different from that in other cities on the contact line. Back in 2017, a new power line was brought down from Ocheretino in Yasinovatsky District located in the government-controlled territory to supply electricity to Avdiivka, the ACCP and the Donetsk Filter Station. Gas supply interruptions were resolved after the launch of a new gas pipeline, also from Ocheretino, in the second half of 2018 – the latter project was partly financed by the ACCP. A cogeneration plant owned by the ACCP and located on its premises supplies heating to most of Avdiivka’s multi-story buildings, but private sector homes usually burn coal for heat.

Water supply remains the worst challenge for Avdiivka, because the city receives water from the Donetsk Filter Station located in the gray zone and periodically exposed to shelling. According to Roman Shakhov, deputy head of the Avdiivka MCA, there are plans to build a water supply system connected to the Karlivka Filter Station in the controlled territory as well as a first-lift pumping station, but no funding is available for this development at the moment.³⁵ Each time the Donetsk Filter Station stops operation, the MCA and international humanitarian funds organize alternative delivery of both drinking and technical water to the city.

The frontline communities of Marjinka and Krasnohorivka also experience problems with water supply. The centralized water supply to both cities provides only untreated “technical” water which is not fit for drinking; therefore, some international humanitarian funds such as ADRA in Krasnohorivka deliver drinking water to schools, kindergartens and hospitals, and also to houses of culture – public buildings where local residents can collect water for their homes. One of the projects (worth an estimated 122 million hryvnias³⁶) designed to supply high-quality drinking water to these cities requires a 19-km water pipeline to connect them to the Pokrovs’k Filter Station located in Karlivka, but no funds are available for this construction either. Adding to the problems with public utilities in Marjinka and Krasnohorivka is the absence of domestic gas supply since the summer of 2014. Although the high-pressure gas pipeline has since been restored, it is not yet been possible, due to continuous shelling, to connect it to the Krasnohorivka gas distribution station located in the gray zone between Marjinka and Oleksandrivka. Residents of private sector houses and multi-story municipal buildings are therefore forced to heat their homes using electric heaters or potbelly wood stoves. In the Solnechny neighborhood of Krasnohorivka, one can often see stove pipes sticking out of windows boarded up with plywood. According to Marjinka and Krasnohorivka MCA representatives Alexander Teslia and Yuri Malashenko, although funding is available to restore domestic gas supply, no restoration can be undertaken without reliable guarantees of the workers’ safety – which means a long-term ceasefire.³⁷

While Toretsk has a fairly steady supply of both electricity and domestic gas, its main problem is water supply, similarly to Avdiivka. Water is supplied from the Horlivka Filter Station to Toretsk via a 900-mm Horlivka-Toretsk pipeline running from the uncontrolled territory via the gray zone. In recent years, damage caused to the water pipeline has on many occasions left the city without water for periods ranging between two and 6 weeks. According to Yuri Yevsikov, deputy head of the Toretsk MCA, the administration expects to receive funding to develop design documentation for alternative water supply options bypassing Horlivka, including the construction of a local filter station in the controlled territory and the purification of coal mine water.³⁸ In the meantime, Toretsk remains exposed to water supply interruptions every time shelling resumes in the gray area.

As for the road infrastructure, its critical condition in the cities on the contact line hinders passenger and freight transport, but according to all four MCA representatives, neither the local administrations, nor the local branches of Ukravtodor, the state agency responsible for automobile roads, have funds available for road surface repair. In addition to this, according to Yuri Yevsikov, the central government has not yet decided whether undertaking major road repairs in the conflict zone makes sense: in 2016, the surplus of three billion hryvnias – saved by not disbursing road maintenance subventions to

the uncontrolled territories – was reallocated only to those cities in Donetsk Region which are located at a considerable distance from the frontline.³⁹

As a result, makeshift road surface repairs have been undertaken only in communities which have their own funds available. According to Roman Shakhov, the MCA in Avdiivka purchased a road roller and has been using it to repair some sections of the local roads. The ACCP has contributed by supplying blast furnace slag used as a base layer in road construction. Other cities cannot afford even these makeshift solutions.

As for public transport services, their disruption mainly concerns neighborhoods and settlements located in the red zone, i.e. on the line of fire, where public transport drivers refuse to go for safety reasons. Thus in Toretsk, minibuses do not run to Yuzhne, and the local residents have either to walk, sometimes under shelling, to Zhalizne and use its transport infrastructure, or to drive their own vehicles. The residents of Marjinka and Krasnohorivka’s red zones face the same challenge.

d) Authoritarian tendencies among MCA heads and “difficulties” of having a dialogue with civil society and broader public

The relationship between the local MCAs and the civil society activists trying to watch over the administrations’ performance in frontline cities has not been without problems. Indeed, the authoritarian tendencies of MCA heads can be clearly observed in their attitudes towards civic activists and the broader civilian community. Given that by virtue of their professional socialization and military or law enforcement background these leaders can be prone to authoritarian practices, their almost unlimited power over the territories in their charge can further strengthen such attitudes.

For example, in Avdiivka, a conflict between the MCA head Pavel Malykhin and Volodymyr Dergilyov, an anti-corruption activist and the head of the Civic Platform for Protection of Ukrainian Constitution and Citizens’ Rights NGO, resulted in physical violence against Dergilyov. As part of his NGO, Dergilyov has been working to monitor procurement tenders conducted by the MCA. According to Dergilyov, the administration has on many occasions bypassed tendering procedures legally required for purchases worth over 50,000 hryvnias, which must be made via the ProZorro public procurement system.⁴⁰ Dergilyov also accused the city MCA of non-transparent tendering practices, such as giving access to tendering opportunities only to “favored” firms which are often connected with the MCA officials, adapting the tendering terms and conditions to match the profiles of such firms, refusing to give reasons why certain bidders are disqualified from the tendering process, and others. However, all complaints filed by Dergilyov and his colleagues with the police, the prosecutor’s office and the SBU have been dismissed.



Krasnohorivka, meeting with locals

Dergilyov's anti-corruption work and uncomfortable questions directed to the MCA head resulted in an open attack against the activist who reports that in July 2018, when he approached the MCA with questions about some purchases made for one of the city schools, the MCA head Malykhin insulted him and punched him in the face breaking his nose – the injuries were documented by the police and medics called to the site. At the end of the same month, as Dergilyov once again attempted to meet with the MCA head in his office to ask another question, a group of masked men, whom the activist described as members of the Ukrainian Volunteer Corps, burst in, dragged him out of the office and drove him out of town to an industrial zone often targeted by shelling; the kidnappers threatened Dergilyov with violence and left him there.

According to Dergilyov and his colleague Alexander Meleshko, head of the Nadezhda Charitable Foundation, there is no civilian oversight mechanisms in the city to monitor the MCA and its head's performance. Nominally, there is a community board which was formed at the time when the city council still operated. However, the community board expressed criticism in respect of the new administration and its actions and has not been convened ever since, while some of its members who still engage in civic activism have come under pressure from the MCA. It is worth recalling that the law on military civil administrations does not provide for any community bodies attached to these administrations or any other form of civilian oversight of their activities.

Local activists in Toretsk have voiced similar criticism of their city's MCA. According to Yevgeny Fedorichev, volunteer lawyer with the Ukrainian Helsinki Human

Rights Union chapter in Toretsk and with Your New City NGO, while certain aspects of the city administration's work are clearly positive, such as the availability of relevant information at the MCA website to enable anti-corruption watch, the administration's reluctance to answer uncomfortable questions deserves criticism.⁴¹ As an example, the activist refers to a recent tender to procure a car for the MCA, noting that the cost of the vehicle appears to him to be beyond what the administration can afford. In addition to this, Fedorichev criticizes the absence of checks and balances to the authority of the MCA head Yaroslav Rudenko who unilaterally controls all processes in the city, assisted by his loyal and obedient staff selected from the city's former self-government bodies.

Likewise, Olga Rudenko, head of the Ecology and Social Protection NGO, notes the MCAs' general tendency to engage only with loyal "lapdog" activists, whereas NGOs which raise uncomfortable issues – such as violence against women during the military conflict – are never invited to contribute to discussion and decision-making.⁴² In contrast, Deputy Head of Toretsk MCA Yuri Yevsikov assured the monitoring mission that the city administration was open to cooperation with all "reasonable" ("adequate" as he put it) civic initiatives as long as their criticism was constructive.⁴³ However, the monitoring mission was not able to clarify the criteria of "reasonableness" used by the MCAs in Toretsk and other visited contact-line cities to select certain civil society representatives over others for cooperation.

Civil society activists interviewed by the monitoring mission in Avdiivka, Toretsk and Marjinka all agree that elections to local city councils should be held in the

contact-line cities and that MCAs as an institutional model should be abolished. According to the activists, the MCAs certainly played a role at the time of intense hostilities, but replacing self-government and collegial decision-making by autocracy is unacceptable. In contrast, the Marjinka MCA head Alexander Teslia believes that single-person decision-making has value both during a military conflict and beyond. Indeed, Teslia argues that the principle of autocracy should be applied at all levels of government in Ukraine.⁴⁴

The MCA heads' authoritarian leadership style is also manifested in their treatment of civilian residents, particularly in Marjinka and Krasnohorivka. The administrations of both cities use coercion to "educate" the local public, e.g. by requiring people to perform community service as a condition for accessing humanitarian aid, which the MCAs receive free of charge for distribution to local residents. While the MCAs argue that this approach is necessary to prevent people's excessive reliance on handouts, the administrations are neither humanitarian nor educational organizations, and imposing such restrictions is outside of their mandate.

The monitoring mission also notes that the MCAs fail to adequately communicate with the residents, in particular those in the red zone. Their contacts with the local public are usually limited to certain office hours. In fact, the Marjinka MCA head seems to believe that posting information on a physical bulletin board is sufficient for community outreach, although the law on military civil administrations offers them a wide range of public information and communication options. During his conversation with the monitoring mission members, Teslia repeatedly stressed his broad powers and his reluctance to consult with local residents before making decisions. He even made a few arrogant remarks about the Marjinka residents and admitted that he would be willing to use force to ensure their compliance.

The previous monitoring mission report entitled "Everyday life in the shadows of war" (16-22 December 2018)⁴⁵ raised the issue of authoritarian tendencies and corruption risks in MCAs stemming from their non-transparent appointment process and lack of external oversight. In particular, the previous report discussed the case of Konstantin Ilchenko, the MCA head in Zolote, who abused his position by putting pressure on an NGO and on the Protestant community. Like Teslia, Ilchenko emphasizes his unlimited powers and displays arrogance towards most local residents; to create an appearance of community involvement, he has coopted a few activists to his side.

Based on observations of military-civil administrations since their inception, VOSTOK-SOS researchers have found that the performance of each individual MCA and the resulting humanitarian situation in their jurisdiction are unacceptably dependent on the MCA head's personal and professional qualities. Moreover, the procedure for their appointment is non-transparent and does not involve any public discussion of proposed

candidates. The appointment of an incompetent and/or unmotivated person to this position often has a noticeable negative impact on the local humanitarian situation. Examples include the MSA of the group of villages including Trekhizbenka, Kryakivka, Lobacheve, Lopaskine and Orekhovo-Donetske, in which the first two MCA heads who filled this position in 2015-2016, Grigory Prigeba and Ruslan Tkachuk, neglected their duties, rarely showed up in the area under their jurisdiction and thus allowed the situation in the five frontline villages to worsen to a point where it amounted to a humanitarian disaster. An opposite example is Yuri Konstantinov, the MCA head of the frontline Krymske. Faced with the same dire situation and resource constraints as Trekhizbenka, the Krymske MCA nevertheless found a way to meet the challenges associated with the ongoing military operation and to restore the damaged infrastructure and housing, provide the local population with food and other necessities, and raise funds outside of the public budget to finance important local projects.

Conclusions

Based on the findings of the international human rights mission by the DRA/VOSTOK SOS to Avdiivka, Krasnohorivka, Marjinka and Toretsk on 13-18 May 2019, and on long-term observations of MCA performance in other settlements of Donetsk and Luhansk regions, our conclusions are as follows:

Originally created to recover the livelihoods and ensure effective management of territories in the conflict zone, MCAs are currently falling short of these expectations. During a sustained truce, MCAs are inferior in many ways to local self-government.

MCAs tend to be less efficient than local councils and their executive bodies in using their budgets to restore livelihoods and develop local communities.

MCAs' inefficiency, in particular in areas such as the reconstruction of damaged housing and vital infrastructure, has adversely affected the humanitarian situation in frontline areas of Luhansk and Donetsk regions.

The procedure for establishing MCAs and appointing their heads is complex and non-transparent. There is no possibility for the public to get involved and influence their selection and appointment.

Too much power is concentrated in the hands of the MCA head, increasing the risk of authoritarian governance. In the absence of external oversight – either by government authorities or by the public – has led to a situation where the livelihoods of local communities unacceptably depend on the personality and competence of their MCA head.

Most MCAs are not accessible for community input. No legal mechanisms are in place to facilitate public involvement in MCA decision-making.

No performance indicators have been defined for measuring MCA performance. There is virtually no disciplinary or political accountability for MCA heads who turn out to be unfit for their position.

The non-transparent procedures and the absence of community oversight give rise to numerous corruption risks.

Recommendations

- The Ukrainian authorities should abandon, in practice, all attempts to use MCAs as a means of control over local self-government. Given the highly controversial MCA performance in terms of ensuring local livelihood recovery, such attempts may cause negative attitudes in the region towards the Ukrainian authorities in general.
- It would be advisable for the Ukrainian government to admit that the military-civil administrations are inefficient in the current circumstances and to take the steps needed to transfer their functions to local councils after holding local elections in the government-controlled territories of Donetsk and Luhansk regions.
- In addition to handing over the governance function to the local councils, the Ukrainian government should consider ways to offset the loss of local budget revenues caused by the abolishment of land and real estate taxes for businesses operating in settlements on the contact line. In order to function to their full capacity, local self-government bodies need to be compensated for the unreceived taxes which used to form a significant part of local budget revenues before 2017.
- As a type of governance model, MCAs are relevant in a situation of active hostilities. However, in the context of a sustained ceasefire, with the threat of active fighting still present, MCAs need to be transformed into civil-military cooperation mechanisms⁴⁶ capable of rapid deployment in the event of military escalation. The Laws of Ukraine "On Military-Civil Administrations" and "On Local Self-Government" will need to be amended to enable such procedures.

Endnotes

- 1 <https://zakon3.rada.gov.ua/laws/show/141-19>
- 2 <https://zakon2.rada.gov.ua/laws/show/123/2015>
- 3 <https://zakon.rada.gov.ua/laws/show/2268-19>
- 4 In fact, the preamble to the law "On Military-Civil Administrations" describes them as a "temporary forced measure involving elements of military command to ensure security and normalize the lives of people in the area of operation aimed to repel the armed aggression of the Russian Federation, in particular in the area of the anti-terrorist operation, which however does not aim to change or abolish the constitutional right of communities to local self-government."
- 5 <https://zakon.rada.gov.ua/laws/show/237/2015#n9>
- 6 <https://www.pravda.com.ua/articles/2018/01/24/7169369/>
- 7 <https://www.pravda.com.ua/articles/2016/08/31/7119119/>
- 8 https://ru.espresso.tv/article/2018/03/02/yspoved_beglogo_mera
- 9 <https://hromadske.ua/posts/interv-yu-z-merom-torecka-yakii-vidmovivsia-vid-obminu>
- 10 <https://www.pravda.com.ua/rus/columns/2015/01/27/7056526/>
- 11 <https://glavcom.ua/interviews/331803-gorodskoj-golova-avdeevki-jurij-cherkasov-ukraintsy-govorjat-cto-ja-%E2%80%93separatjuga.-a-s-toj-storony-obzyvajut-banderovtsem.html>
- 12 <https://zakon2.rada.gov.ua/laws/show/123/2015>
- 13 <http://novosti.dn.ua/news/261417-v-avdeevke-mehr-y-sekretar-gorsoveta-slozhly-svoy-polnomochyja>
- 14 https://www.bbc.com/ukrainian/ukraine_in_russian/2014/05/140503_ru_s_Marjinka_report
- 15 <https://www.svoboda.org/a/26568106.html>
- 16 <https://life.pravda.com.ua/society/2017/03/27/223366/>
- 17 <https://life.pravda.com.ua/society/2018/08/24/232841/>
- 18 <https://www.radiosvoboda.org/a/donbass-realii/29097080.html>
- 19 <https://zakon.rada.gov.ua/laws/show/237/2015#n9>
- 20 <http://avdvca.gov.ua/adm/struktura/24-administratsiia/kerivnytstvo/12-malykhin-pavlo-volodymyrovych.html>
- 21 <https://zaholovok.com.ua/pokinitii-donbas-yak-zhive-%C2%ABsira%C2%BB-zona>
- 22 <https://tyzhden.ua/Society/198484>
- 23 <http://avdvca.gov.ua/adm/struktura/24-administratsiia/kerivnytstvo/15-shakhov-roman-leonidovych.html>
- 24 http://kumar.dn.ua/news/komu_prinadlezhit_vlast_v_prifrontovoj_krasnogorovke/2018-03-15-6134
- 25 <https://zakon.rada.gov.ua/laws/show/1669-18>
- 26 <https://zakon.rada.gov.ua/laws/show/1797-19>
- 27 <http://Avdiivka.city/news/view/na-podderzhku-avdeevki-metinvest-napravit-bolee-18-mln-grn>
- 28 On 10 July 2019, the Cabinet of Ministers finally adopted a resolution providing for financial compensation (max. 300,000 hryvnias) to individuals whose private houses have been damaged, but the actual procedure whereby people can access this compensation is still lacking. See <https://mtot.gov.ua/ua/urjad-vstanoviv-mehanizm>
- 29 Interview, 16 May 2019
- 30 Interview, 14 May 2019.
- 31 Interview, 14 May 2019.
- 32 Interview, 15 May 2019.
- 33 Interview, 15 May 2019.
- 34 Interview, 15 May 2019.
- 35 Interview, 14 May 2019.
- 36 <https://www.ostro.org/donetsk/society/news/529752/>
- 37 Interview, 15 May 2019.
- 38 Interview, 16 May 2019.
- 39 Interview, 16 May 2019.
- 40 Interview, 13 May 2019.
- 41 Interview, 16 May 2019
- 42 Interview, 16 May 2019.
- 43 Interview, 16 May 2019.
- 44 Interview, 15 May 2019.
- 45 <https://www.civicmonitoring.org/wp-content/uploads/2019/04/RU-DRA-report-shadows-of-war-23.04.pdf>
- 46 Civic-Military Cooperation Unit was created within the structure of the Ministry of Defence of Ukraine to coordinate interaction between army and other law enforcement structures with the local authorities, business and international organisations for efficient resolution of the problems of the civilian population in the zone of the armed conflict. However in the past years the Unit had limited authority and was basically fulfilling the functions similar to the press service, working on creation of the image of the army as a friendly to the population structure. However, considering the developed infrastructure and experience, Civic-Military Cooperation Unit has all the capacities to replace MCA in the tasks related to communication between the civilian population and administrations with the structure of the Joint Forces Operation

Konstantin Reutski, Ioulia Shukan

The temptation of autocracy: military-civil administrations in the government-controlled territories in the vicinity of the contact line in eastern Ukraine

Report based on the findings of the DRA/VOSTOK SOS international
human rights monitoring mission

Since its beginning in the spring of 2014, the armed conflict in eastern Ukraine has revealed the inability of local governments and civilian administrations to operate effectively during intense hostilities. The local self-government bodies did not resume operation even after most of these territories were taken under control by the Anti-Terrorist Operation (ATO) forces in the summer of 2014. To solve the issue the Law of Ukraine "On Military Civil Administrations," was adopted and the first 14 MCAs were established in Luhansk and Donetsk regions on 5 March 2015 by Presidential Decree. Although initially the establishment of MCAs was considered "a temporary forced measure," in subsequent years their number has increased. How successful has been this practice of replacing the collegial bodies of local self-government with military-civil administration? Has the institution of MCAs helped deal with the challenges of the wartime period? How effective have these administrations been during a stable ceasefire? We attempt to answer these questions in the following report which is based on the findings from a field monitoring mission undertaken between 13 and 18 May 2019 by DRA, a German NGO, and VOSTOK-SOS, a Ukrainian charitable foundation.

Situation in the non-government controlled areas is out of the scope of this report, however you can learn more about it through the newsletters of civicmonitoring.org and vostok-sos.org

