

## Ukraine's "Type 4" Conflict: Why Is It Important To Study Terminology Before Changing It?

*A reaction to Jesse Driscoll's PONARS Eurasia Policy Memo: "[Ukraine's Civil War: Would Accepting This Terminology Help Resolve the Conflict?](#)"*

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In his February 2019 policy memo, Dr. Jesse Driscoll argues that we should consider accepting the terminology of "civil war" for Ukraine. In Driscoll's view, calling the conflict in Ukraine a civil war should be a prerequisite for free and fair elections in the Donbas (Donetsk and Luhansk regions) and the ultimate implementation of the Minsk Agreements. I believe that the arguments presented in his memo are detached from empirical reality and thus extremely harmful for both peace-building in Ukraine and sustainable international relationships in the region.

### **What Are Driscoll's Arguments?**

#### *1. Commitment problem*

The main argument presented by Driscoll is that the Ukrainian government faces the so-called "commitment problem." In simple words, if we believe that the war in Donbas is an invasion or occupation by a foreign enemy, then we expect that most of the political problems in the Donbas will be resolved if the foreign soldiers went home. This idea implies that the Ukrainian government is not incentivized to take more responsibility for the re-integration of Donbas as well as be inclusive for all citizens who have fought on both sides. Accepting the terminology of "civil war" will create necessary incentives.

#### *Evidence?*

Unfortunately, Driscoll does not present any evidence to support that Kyiv lacks integration incentives. One has to understand that the "commitment problem" (or

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dilemma) is a theoretical framework. There is no shortage of such dilemmas in social science (such as the “prisoners’ dilemma” or “tragedy of the commons”). These dilemmas do not have to be tested empirically by going to a real jail and talking to real prisoners. They are theoretical models that illustrate mechanisms of individual and/or collective behavior. However, things change when we draw policies. Policies require context. Is there any empirical evidence that Ukraine is incentivized to re-integrate Donbas? Plenty! For example:

- a) The [speeches of all major politicians](#) show that they all recognize the issue of peace and re-integration of Donbas as significant.<sup>2</sup> While they disagree on how to solve the issue, they all agree that the issue is important.
- b) A [survey among members of nine political parties](#) in the parliament showed that none of them (even the opposition) agree with the term “civil war.”<sup>3</sup> These politicians offered a pallet of opinions on how the Donbas should be reintegrated (some of them were quite harsh, like temporarily denying people their voting rights), but there was no lack of commitment.
- c) [Representative surveys](#) show that most Ukrainians agree that compromise is the best solution for peace.<sup>4</sup> Moreover, similar results can be seen in [qualitative interviews](#).<sup>5</sup> Drawing on these interviews, Ukrainian researchers argue that Donbas should be reintegrated by the Ukrainian government using “soft power.” This kind of opinion displayed by the public and experts create a certain pressure on politicians. All in all, Ukraine has shown lots of signals that regular people and political elites are committed to reintegration.

## 2. Commitment to whom? “The Russians” in Ukraine

The second part of the argument is tricky. As many before him, Driscoll tries to say something about the Russian population of Ukraine. Unfortunately, he does not provide any clear definition of this group. Although he is not talking about ethnic Russians, Driscoll still brings in ethnic-related comparisons to other parts of the text, such as ethnic quotas in Bosnia. Essentially, he talks about people who are either “Russian-speaking” or “who see themselves as Russians.” He also emphasizes that they were exposed to the war, “carry the personal scars,” and “are going to reside in territorial Ukraine.” Most importantly, he applies the word “multi-million” to this vague group of people. Is this approximation correct?

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<sup>2</sup> The article investigates over 4,000 statements that the main presidential hopefuls made in the first seven months of 2018. It was published on December 5, 2018.

<sup>3</sup> The survey was executed by ДТ (Дзеркало тижня). The results were published on July 13, 2018.

<sup>4</sup> The study was conducted by the Democratic Initiatives Foundation. The results were published on January 16, 2018.

<sup>5</sup> The study was conducted by the Democratic Initiatives Foundation and the Ministry of Information Policy of Ukraine in collaboration with the International Renaissance Foundation and the Swedish Embassy in Ukraine. The results were published on August 28, 2017.

*Evidence?*

- a) According to [the 2001 census](#), there were about 2.8 million people who reported their nationality as Russians in the Donbas, which was about 38 percent of the then-Donbas population. There were many Russians in cities there that are now under the control of the so-called Donetsk People’s Republic (DNR) and Luhansk People’s Republic (LNR), but no more than 45 percent of the population.
- b) The [2001 census](#) shows that those who reported their nationality as Russian mostly used Russian as their language. At the same time, quite a lot of ethnic Ukrainians speak Russian in Donbas (see maps [here](#) by datatowel.in.ua based on the 2001-census data). Therefore, one has to be very careful when making claims about the Russian-speaking population – not all Russian-speaking people are ethnic Russians. As I argue next, an even greater mistake would be to attribute some pro-Russian agenda to all of Russian speakers or ethnic Russians.
- c) [Survey data](#) from the Institute of Sociology of the National Academy of Science of Ukraine show that in 2014, on the eve of the war, about 30 percent of respondents in the Donbas called themselves Russians. With some reverse calculations, 30 percent in 2014 was about 1.9-2.0 million people. How many of them, as written in the memo, “are already home and are going to reside in territorial Ukraine after the guns go quiet”? It would be safe to assume that a considerable number of them moved to Russia and Ukrainian-government-controlled areas. [According](#) to the most recent data from the Ministry of Social Policy (February 4, 2019), there are 1,358,020 registered IDPs from Donbas and Crimea in the government-controlled areas of Ukraine. This number includes both Donbas and Crimea and is only a weak approximation of how many people moved from the Donbas. Yet, some of them moved. There are also people who did not register at their new destinations and there are people who moved to Russia. It is also reasonable to assume that those who moved included self-identified Russians.
- d) When it comes to considering the political attitudes of these people, [according](#) to KIIS, in 2014 only about 30 percent of self-identified Russians who lived in Donbas wanted to join Russia. Again, self-identified Russians are not homogeneous in their views and many of them actually support the Ukrainian government.

Playing devil’s advocate, we could suggest another way to measure “Russians.” For example, we can argue that some Ukrainians could be collapsed into one group of “Russians” if they share certain pro-Russian or anti-Ukrainian attitudes and narratives. However, such people lived in other regions of Ukraine as well (March 3, 2015, [KIIS](#)). In other words, this constructivist theory does not help us to identify the specific political grievances and demands of the people in Donbas.

All in all, it would be reasonable to say that the real number of self-identified Russians who stayed in the Donbas must be considerably lower than 1.9 million. Moreover, [many of them](#) actually support the Ukrainian government. Therefore, I believe that the wording “the multi-million...population” is a serious manipulation that cannot serve any good. Wrong numbers are the basis for ill-functioning policies and institutions, and should be condemned by academics and researchers.

### ***3. Ukraine's "Type 4" Conflict - Not a "Civil War"***

In order to justify his application of the term “civil war,” Driscoll refers to an independent academic opinion. However, some fact-checking reveals another picture. He states: “The language of civil war meets the face validity standard for academics, as evidenced by the fact that the Peace Research Institute of Oslo (PRIO) codes the Ukraine conflict as a civil war.”

First, he did not provide a link to the source. Second, he misstated the name of the source. He most likely meant to write “UCDP/PRIO Armed Conflict Dataset” (Uppsala Conflict Data Program (UCDP) at Uppsala University; [link 1](#), [link 2](#), [Link 3](#)). The dataset is a joint effort by more than one institution, therefore it is difficult to infer whom is Driscoll citing exactly. Most crucially, there is no phrase “civil war” in the dataset. In fact, the dataset [codes the conflict](#) in Ukraine as “Type 4,” which covers situations in which “Internationalized internal armed conflict occurs between the government of a state and one or more internal opposition group(s) with intervention from other states (secondary parties) on one or both sides.”

The definition above does not include the word “civil war,” yet one still could argue that this definition describes civil wars in some generic way. Nevertheless, such an argument reminds to be interpretation. If Driscoll believes that “Type 4” is about civil wars, he should lay claim to that rather than saying that PRIO claims it while merely citing the organization.

### **Additional Areas of Concern**

*Was there an issue of terminology in the first place?*

Driscoll says that “invasion and civil war are not mutually exclusive terms in academic parlance.” If academics are wise enough to see that, why can’t policymakers? The answer is that they can, and they have been doing so for a long time. The problem of terminology does not exist in the first place. Major international organizations, in fact, recognize that Ukraine is exposed to both internal and external conflict.

For example the International Criminal Court writes that Ukraine is going through “a non-international armed conflict” ([paragraph 168](#)) and “an international armed conflict... in parallel to the non-international armed conflict” ([paragraph 169](#)). In the same vein, the Rule of Law in Armed Conflict Project (RULAC, an initiative of the

Geneva Academy of International Humanitarian Law and Human Rights) [states](#) that “...in addition to the non-international armed conflicts between the rebels and the government, there appears to be a parallel international armed conflict between Ukraine and Russia.”

In other words, there is a considerable consensus among legal experts that the conflict includes both inside and outside forces. Usually academics spend a lot of time justifying a problem (in terms of academic and social relevance), and only then they start working on a solution. Driscoll used an opposite approach. He proposed a solution to a problem forgetting to justify the existence of the problem in the first place.

Playing devil’s advocate for the second time, Driscoll could argue that the Ukrainian people are the ones who could or should change their attitudes about the terminology of “civil war.” However, such an argument can be debunked as well. As I stated above, the Ukrainian people (and politicians) are aware of the complex nature of the conflict. Moreover, major Ukrainian think-tanks and pollsters use the language “Russia and separatists” when performing surveys. When asked, as [shown](#) by a February 2018 KIIS-Detector Media poll, a majority of Ukrainians (52 percent) believe that the war was initiated by “Russia and separatists.”<sup>6</sup>

It seems that the language used by international institutions and Ukrainians (in the public sphere) reflects the complexity of the conflict. It seems that the issue of language and terminology did not exist in the first place.

#### *Is It All Hypothetical? No*

Dealing in hypotheticals, Driscoll proposes we consider what would happen if the Russian soldiers went home. In fact, this had already happened. A good example is the case of the city of Sloviansk, which was seized by Russia-backed troops, and then was retaken by Ukrainian forces. The city’s citizens returned to normal life. In 2015, after local elections, 36 new deputies were elected – granted, few people showed up to cast votes ([28 percent turnout](#)) – but 22 of the elected deputies (60 percent) were from the “Opposition block” party. This party is, first, in opposition to the government and, second, popular among those who vote for, as Driscoll writes, “an entity that no longer exists (Party of Regions).” Thus, there is no evidence that either this party or its electorate is under oppression. Moreover, there is no evidence of an extreme commitment problem on behalf of the Ukrainian government that prevents peace building.

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<sup>6</sup> The sample did not include territories that are temporarily out of control of the Ukrainian authorities (Crimea and certain areas in the Donetsk and Luhansk regions).

### *Pros and Cons?*

I believe that any policy suggestion should be evaluated carefully using an approach involving “pros and cons,” “a costs and benefits analysis,” or a “SWOT analysis.” Unfortunately, Driscoll avoids such complex analyses. He does not talk about the possible negative consequences of using the terminology of “civil war,” for example, that doing so would allow Russia to get away with international crimes.

### *Rhetoric*

Driscoll frames his argument as a long-term solution. Thus, his critics are framed as shortsighted. Although he claims that Russia is responsible for the aggression and that he has no intention to whitewash the acts of this country, the author says nothing about how “civil war” terminology would influence the “commitment problem” of Russia. Instead he focuses only on the “commitment problem” of Ukraine – a worrisome lack of balance.

### **Conclusion**

I expect that policy memos justify the problem and then present an evidence-based solution. Unfortunately, Driscoll’s memo does not quite do this. The list of issues is excessive. The author does not present evidence that the problem is relevant. In fact, references to the International Criminal Court show the opposite. Moreover, local public discussions involving Ukrainian politicians, pundits, and the broader population indicate that the problem is significantly overstated.

Most importantly, Driscoll justifies his ideas with two significant manipulations. First, he attributes his own opinion about terminology in Ukraine to a respectful international database. Second, he uses very strong language regarding the size of the Russian population in Ukraine (“multi-million”) to sound convincing, although the numbers could be easily debunked with data. In addition to this, he ignores the local context, neglects censuses, polls, qualitative data from local researchers and scholars, frames a discussion of real events in a hypothetical manner, and exhibits a lack of balance. Overall, it seems that Driscoll relies on theoretical dilemmas, clichés, and, perhaps, his experience of working in post-Communist Central Asia and the Caucasus, which is not often applicable to Russian-Ukrainian relations, neither current nor historical. His policy suggestion ignores data and, thus, is a serious threat to peace-building in Ukraine and Ukraine’s international relationships.

I would like to emphasize that I am not criticizing a theory per se, nor am I denying anyone’s right to challenge common wisdom, ask tough questions, and search for complex long-term solutions. Nevertheless, I believe in the supremacy of data, operationalization, and empirical analysis. I hope that many years of data collection (both qualitative and quantitative) by numerous Ukrainian scholars and organizations will not be neglected by foreign scholars and that local contexts will not be missed.

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