Essay

'Living Between Two Fires' in Eastern Ukraine

Sovereignty Gaps in Conflict-Affected Areas

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Abstract The essay discusses the concept of sovereignty in relation to the conflict zone in eastern Ukraine. In 2014, clashes between Russian-backed separatists and the Ukrainian state culminated in a proclamation of unrecognized republics (Donetsk and Luhansk People's Republics). In the upsurge of the conflict over 2.5 million people were forced to leave their homes. At the same time, millions of individuals remained in conflict-affected areas, lacking the means to leave or being too vulnerable to escape the warfare. In the essay, I focus on how people experience a specific mode of sovereignty that emerges in the so-called 'grey zone' or 'no-man's land,' a space along the contact line where state power is porous and yet tangible through the constant presence of military forces. Drawing on Miriam Ticktin's ideas about sovereignty as spatially inconsistent, I explore the idea of *sovereignty gaps*, where the manifestations of the state are limited and reduced.

Key words sovereignty, citizenship, conflict, mobility, Ukraine

'Sovereignty' has become a political buzzword in recent times. From a widely discussed speech by Donald Trump at the United Nations where he mentioned 'sovereignty' almost as often as his signature word 'great' (New York Times 2017) to Vladimir Putin's strong emphasis on sovereignty in his public addresses. The growing use of the concept marks a real-time shift in political rationalities, a backlash to the neoliberal internationalist and 'globalist' agendas that have resulted in increasing socio-economic inequality and massive concentration of wealth in the hands of a tiny elite. Developments like Brexit, the tightening of migration regulations, the growing support for far-right political parties, and a strong focus on internal security thus push us to rethink sovereignty as a counterweight to the processes of globalization. The past decade shows that we are moving from a world where boundaries were being blurred to a world where physical walls are erected to further restrain the mobility of populations.

While preservation of domestic interests defines the current political agenda of many countries, in some cases it has led to dramatic attempts at breaking-away, such as independence referendums in Scotland in 2014 or the Catalan independence movement of 2017. In other cases, a tension between political views of the center and the periphery can serve as an excuse for the creation of quasi-state formations, such as unrecognized 'states' or states with limited recognition in Moldova, Georgia, Serbia, or more recently in Ukraine. Considering the growing tendency towards state disintegration, it is important to understand how sovereignty is performed. How does

DOI: <http://dx.doi.org/10.5617/jea.6380>

Journal of Extreme Anthropology, 2018, 2(2): 118-133, 2535-3241

fragmentation of sovereignty affect people living in zones of contestation and conflict? How can people's experiences of living on the edges of conflicting state formations nuance our understanding of sovereignty? What is the nature of belonging of these people? What aspects of sovereignty are exaggerated?

In this essay, I look at the effects of contesting sovereignty on people who live in the government-controlled and conflict-affected areas of eastern Ukraine. The concept of sovereignty is discussed in relation to the conflict zone, where an ongoing combat exacerbates political and everyday realities. To capture the functioning of the state in these contested areas, the notion of sovereignty gaps comes handy as it highlights how the power of the state can be porous and reduced, rather than homogenous and omnipresent.

Unlike the original notion of the sovereign, which presumes that one person consolidates authority and power, contemporary political sovereignty has many layers and is dispersed through numerous state institutions. The dissolution of power is complicated by internal processes within the state, such as tensions between different groups that question the state's monopoly on legitimate power. As Clifford Geertz noted, 'the compact and sovereign nation-state animated by a distinct and singular populace [...] is neither present nor anywhere near coming to being' (Geertz 2004, 584). This calls us to reconsider the integrity and singularity of sovereignty, as well as the scope of its effect on people. Sanctioned violence and military action are both extreme yet very tangible ways of manifesting sovereign power. At the same time, they question the state's liability and its responsibility to protect civilians who experience the consequences of such actions. This essay aims to explore how people conceptualize this kind of power on-the-ground and how they understand their place in the state order when their homes, belongings, and lives are on the line of fire.

My observations are based on fieldwork data collected in the government-controlled areas of the Donetsk region between 2017 and 2018. Drawing on in-depth ethnographic interviews with the residents of the conflict zone, humanitarian workers, and civilian activists, I seek to outline some critical insights into how the struggles for territories and rearrangements of political powers influence the lives of people who chose to stay and live in the conflict-affected areas. Because of the restricted access to the Donetsk region, my inquiry depicts only one part of the conflict zone that is under the control of the Ukrainian state.

Sovereignty Beyond Biological Bodies

In recent years, discussions of state power — its nature, composition, and effects — have centered on the omnipresent control over the human body and its ways of living. Since Foucault's widely adopted intervention into the disciplinary nature of governance and biopower (Foucault 1978), sovereignty and state power in social sciences are often discussed in relation to the physical body. The notion of 'biopower,' as an implicit and penetrative control over bodies, in many ways defined the conceptualization of sovereignty as a mechanism to manage entire populations (Humphrey 2007). Elaborating on Foucault, Giorgio Agamben developed the idea that biopower is inseparable from state violence, whilst 'a biopolitical body' is produced as an act of

sovereign power (Agamben 1998, 6). An emblematic image of a camp, employed by Agamben, as a 'permanent spatial arrangement' for the state of exception is particularly illustrative for the new political arrangement, where violence is used not to kill, but to sustain human existence (Agamben 1998, 169). A camp, thus, represents a paradigmatic locus, an area of active control and exception, where the validity of laws can be suspended. These fundamental theorizations are mostly focused on mechanisms of control and violence. However, the complex nature of the state shows that not all of its mechanisms are so ubiquitous. If so, how does the lack of sovereignty affect people? Moreover, a strong focus on the sovereign power over biological human body limits our understanding of the state as a more complicated constellation of institutions and subjects, where territory is also one of the objects of control.

The territoriality of the state is one of the prepositions and preconditions of the modern state's existence. As Balibar points out, 'territories in our political tradition are not only associated with the "invention" of the border, but also inseparable from the institution of power as sovereignty' (Balibar 2009, 192). What he also accentuates, following Deleuze and Guattari, is that the process of 'territorialization' of the state presumes assigning shared identities to its collective subjects. The crucial connection between the territory and the people that define that territory is an important factor for shaping the ideas of what Benedict Anderson referred to as imagined communities (Anderson 1983), contributing to the set of limits that define community belonging. Not surprisingly, some states have the 'jus soli' or 'right of the soil' – the principle of granting citizenship to anyone born on its territory. In this conjecture between citizenship and place, the role of the territory is often underestimated and undertheorized. While it calls for a more nuanced exploration, in this essay, I focus on a particular paradox: how does state power affect people in so-called 'no-man's land' – spaces of active contestation?

Researching issues of territory in times of conflict and emergency becomes even more important in the context of the changing nature and scope of state power. Analyzing the role of Russia in amplifying regional conflicts in Moldova, Georgia, and Ukraine, Dunn and Bobick point out that Russian interventions on behalf of 'compatriots' spread its political and military presence to other regions (Dunn and Bobick 2014). This presence remains publicly unacknowledged, but can be considered as a new form of warfare. Furthermore, they argue that this kind of intervention is Russian signature way of challenging the bureaucratic principles of governance and extending new forms of sovereignty, where the state employs forces outside of its defined territories. External presence of state power is also a subject of Ticktin's analysis of the 'offshore camps' in Libya and Morocco. Managed by EU countries, these camps aim to control the flow of migrants, which is essentially a way to protect EU citizens (Ticktin 2009). Located outside of the EU, these camps showcase how sovereignty can be externalized and extended beyond the border limits of certain states. What these examples show is that the territory of the state does not necessarily limit the area of state power and governance. However, they also force us to question the extent to which the presence of the state is homogeneous within its own borders. Thinking through this question is central for understanding of areas where conflicts erupt because of separation and parting.

To explore the different modalities of sovereignty, the situation in Eastern Ukraine, and more particularly its conflict-affected, government-controlled areas, can serve as an apt case study. While the areas are still defined as under governmental control, the presence of state authorities is reduced to military forces. Accordingly, the state power is not comprehensive, but rather focused on the territorial aspects of state integrity. Analyzing the issues of safety, infrastructure, and involvement of non-state actors, the idea of sovereignty gaps captures that even within government-controlled areas, there are certain loci where the state's presence is porous, ruptured, and unstable.

The 'Contact Line' and Grey Zone in Eastern Ukraine

The violence of armed conflict is a new reality in Ukraine. In 2014, Russian-backed rebel militants proclaimed the so-called 'Donetsk People's Republic' (DNR) and 'the Luhansk People's Republic' (LNR) in the eastern regions of Ukraine. In response, the official Ukrainian state employed regular army forces. The violent clashes escalated by the fall of 2014 and led to the Minsk negotiations that more or less separated areas of control, which have been divided by the so-called 'contact line.' While the scale of the fighting decreased after the Minsk agreements, the conflict has become a protracted development.

'They say that the conflict has stabilized since the Minsk agreements. But the only thing that is stable here is the contact line. It is fixed now,' as one of the humanitarian workers put it in an anonymous interview in the Donetsk region. He pointed out that people tend to have a short memory for prolonged conflicts. Though the Ukrainian situation does no longer make media headlines, it does not mean that the conflict is 'frozen' or simply over. Rather, this is an ongoing process with only short periods of ceasefire and frequent flare-ups. For people who reside in the conflict-affected area, the contact line brought some clarity in terms of where the fighting sides are, but it has not brought peace or stability.

A so-called contact line, or as it is also commonly referred to in Ukrainian – a 'division line', delineates the government-controlled areas (GCA) from non-government controlled areas (NGCA). In the Ukrainian state's narratives and official discourses, the NGCA are referred to as 'temporary occupied territories.' This title accentuates the Ukrainian state's idea that it will gain control over the territories in a matter of time, as well as forefronts the territorial aspect of sovereignty as a critical one.

The contact line is 457 kilometers long; when the line was first formed in 2014 by the Minsk accords, the contact line was a band of land between 20 and 40 km wide, a buffer area now commonly referred to as the 'grey zone.' In 2017, the line was re-drawn with some changes, which further intensified confrontation among the conflicting sides.

The contact line is neither clearly demarcated, or defined/explained within the Ukrainian legislation. The conflict-affected areas were defined through the list of settlements, considered by the Government as those located in the conflict area (Cabinet of Ministers decree No. 1085-p). This ambiguity of the imaginary boundaries underlines that there are no black and white lines, but rather an amalgamated grey zone – a space where the usual state order is no longer relevant.

What is referred to as the contact line is not an armistice line and has never been an actual object. Rather, the contact line is reified in the form of shapes and contours on the maps of the conflict, military blockposts, and five crossing checkpoints that allow civilians to travel back and forth between the GCA and NGCA. So far, there have been no walls, barbed wires, or border signs constructed to physically mark the separation, other than the arrangements at the checkpoints.¹ The absence of a unified demarcation and clear division reflects the hybrid nature of the conflict itself, where an external intervention blended with pre-existing internal regional tension. As a result, it creates an area of contestation, where danger and violence are dispersed and their limits are not set. In some places, the line exists only as a matter of specific knowledge of where the GCA ends and the NGCA starts. In others, it runs through the same village, cutting streets into areas belonging to different authorities.²

The consequences of the protracted and yet not frozen conflict affect the population who find themselves living in-between two fighting forces. There are currently over 600,000 people, including 100,000 children, who reside in the areas surrounding the contact line (OCHA 2017). According to the UN reports, people in the grey zone experience very limited access to infrastructure, the lands are contaminated with land mines, and critical water supply infrastructure hangs in the balance (OCHA 2017). In contrast to internally displaced people who try to settle in other areas of the country, conflict-affected populations are not entitled to any kind of additional social assistance or payments. Neither do they receive state support to compensate for damaged and destroyed property, something that raises outspoken concerns of international actors, such as UN Refugee Agency (UNHCR), International Organization for Migration, Norwegian Refugee Council to name a few (Protection Cluster Report 2017). The life that people experience in the conflict areas is marked by the stark presence of the state in the form of military forces and the state's devastating absence through limitations on social and economic guarantees. Additionally, the services of state bodies like post offices, state banks, or even emergency services are limited. Thus, the power of the state is shrined, securitized, and is focused on the priority of territorial integrity.

¹ In fact, among the international community there is a specific intention not to call it a border, since this would imply the recognition of the rebel-controlled territories as state formations.

² For instance, Zaytseve village in Donetsk region.

‘We are Living Here, Always Prepared to Die’ – Uncertainty of the Grey Zone

Every day, Vira³ leaves her house with a small blue backpack. In it she carries all of her documents and medical records of her 8-year old son, Nikita. No matter if she goes to buy a loaf of bread or to visit her friend, who lives in the next street, or to walk her son to a school bus, she never leaves her small package behind. Vira learned this the hard way. In 2014, her small town became a ‘frontline’ settlement, located on the contact line. One morning a missile hit her yard, hurting her son. A piece of shrapnel was removed from the boy’s head. Another day, a fragment of a missile hit the house. Vira considers herself lucky, as it was not a direct hit that would burn everything down, just like it happened to her neighbours. Vira’s house is located right behind a military post. She literally lives in-between two fighting parts – de facto DNR forces and Ukrainian army – that frequently exchange fire. In Vira’s own words, ‘living here, one should always be prepared for the worst.’

For over four years, the conflict and regular fighting has become a part of everyday life for many residents of the grey zone. Admitting that the conflict was unexpected from the very beginning, people often comment on how drastically it altered their ways of living. The normalization of the danger was keenly captured by a schoolteacher from a small town, part of which is cut by the contact line. She commented saying that ‘our people can get used to everything. It is terrible, but we got used to this conflict as well. It is always somewhere in the background. We do not even hide in the basement anymore, unless it [shelling] becomes intense. Last Saturday I was working in my garden. I heard shooting, but decided to go to the house, when the ground was shaking really hard’ (Natalia, 51 y.o.).

Fig. 2. A local store in one of the towns of the grey zone, destroyed by the ongoing fighting. December 2017. Photo: author.

Uncertainty and lasting exposure to the dangers of an active confrontation is seen by the residents as an inability of the state to provide security and stability. While affected civilians might have differing views on sympathizing with Russian-backed separatists, the damage of the conflict is frequently categorized as a failure of an overarching and powerful state system to prevent ruination and to protect people. Since the framework of life was disrupted, people are now seeking to find their place within the new parameters of their reality. The most visible and tangible presence of the state is reified in the deployment of military forces. In settlements where most people used to know each other, the presence of the military — the new ‘others’ — serves as a continuous reminder of the disturbing change. The special status of the conflict area entails additional bureaucratic procedures, such as checking of documents and belongings during travels. The status also presumes suspension of certain laws and ad-hoc regulations that replace them. Restrictions and regulations often create additional chaos and pressure for the residents. Often they are not communicated in a clear and accessible way, which reinforces frustration and confusion. One of the most crucial issues for people is the question of property rights and restitution, which remains unsolved at the time of writing. For instance, Nadiya, a 65-year-old resident in the grey zone, left the conflict area for just two weeks in 2015. When she returned, her house was looted — ‘They took all the appliances, even a washing machine with clothes in it and our old iron.’ Furthermore, the house was occupied by the army because of its strategic positioning. Now the woman lives with five other family members in a small 2-room house. She grieves the loss of her house, but admits that the most painful thought is that she does not know if she will ever be able to return. The uncertainty of shelling is amplified by changing policies and legislative norms, making the notion of order a questionable and illusive phenomenon.

The void created by the impossibility to establish a functioning state order is partially filled by humanitarian actors in the area like the UN Refugee Agency (UNHCR), the UN Children’s Fund (UNICEF), the International Committee of the Red Cross (ICRC), or Caritas Ukraine to name few. Their visible presence additionally signals the incapability of the state to fully provide the security and support of the civilians who suffer from the conflict. Humanitarian actors largely overtake the protection of affected citizens, one of the key principles of sovereignty, formulated in the late 1980s as ‘sovereignty as responsibility’ (Cohen and Deng 1998a, Cohen and Deng 1998b). Through the interventions, humanitarians impose a different mode of sovereignty. Mariella Pandolfi refers to this specific type of sovereignty as ‘migrant sovereignty,’ since it migrates through sites of ‘crisis’ situation and humanitarian disasters (Pandolfi 2003, see also Fassin and Pandolfi 2010).

Fig. 3. Mariya, a resident of the grey zone. During one night in 2015 her house was hit by three missiles and was completely destroyed. After the first strike, the woman managed to get out of the building together with her daughter and a 3-year-old grandchild. While humanitarian organizations are rebuilding the house, the family moved in with their relatives who own a house on the same street. However, Maria is not recognized as an internally displaced person by the state, since the family has not moved out of the town. December 2017. (c) UNHCR/Tetiana Bulakh.

While conflict-affected people are supported by humanitarian actors, the assistance is rather episodic, limited, and aims to mitigate the results of the damages that have already been done. At the same time, civilians continue to live in uncertainty, facing risks and threats of living under fire. According to the OSCE reports, most of the flare-ups in the area take place at night or early in the morning – exactly in those moments when the international monitoring mission is not working in the field. This feeds the feeling of abandonment at the most critical time. ‘They come and go. But what they really need to do is to stay here with us over night, to live through it with us, to spend a night in the basement or with shuttered windows’ (Andriy 65 y.o.). As a result, neither state sovereignty, nor humanitarian sovereignty is absolute or comprehensive in the conflict area.

Living for over four years in the environment of conflict hostilities, Vira admits that she is still scared of gunfire and shelling, but it is the silence that she fears the most. Anticipation of a sudden flare-up and a constant anxiety recalibrated the everyday understanding of safety. Living close to the military positions, Vira is concerned that the protection of the state integrity dismissed the protection of her as a citizen. Her hopes for peace are simple, narrowed down to apolitical stability – ‘We do not care who started

Fig. 4. A picture of the Cross Road map, distributed through one humanitarian organization in grey zone. The map features stations where white crosses are put for prayers as well as places of the main conflict clashes.

all this and for what [purpose]. We just want some quiet life for our children' (Vira 36 y.o.).

The dilution of the state sovereignty, insecurity and unstable guarantees also create more space for the strengthening of religious beliefs. Hopes for miracles and God's mercy often represent a last resort, where control and order cannot be established through political practices. One of the everyday practices in the grey zone is for people to put small icons in their windows, calling upon religious figures to protect house from bombing. Another religious manifestation in the grey zone is a symbolic 'Bridge of Hope,' which appeared in 2015 along the contact line. The pilgrimage road has 14 'stations of Cross Road,' where people pray for the peaceful future of the country. In the physical landscape of the grey zone, this project is marked with noticeable white crosses that serve as stark reminders of existential challenges.

The religious component is crucial for understanding the popular hierarchy of power: where the political power mechanisms cannot maintain order and safety, religion and beliefs emerge as a substitute as does calling upon higher powers for sympathy and justice.

'Blood vessels of the state' - Traveling and Infrastructure

Ironically, the grey zone has many shades. In interviews, humanitarian workers pointed out that they consider some areas as 'red zones.' Because of the proximity to military positions, aid workers have no access to the settlements that are located there. Accordingly, the residents are not only cut off from the supply of goods, but from emergency services such as ambulances or firefighters. Alarmed by the disastrous humanitarian consequences of such 'red zones,' humanitarian actors work to facilitate 'green corridors' for civilians, special passages that allow civilians to leave or move in the area, making possible the delivery of humanitarian aid and emergency kits. For instance, in May 2018, such a corridor was negotiated for the residents of Chygari village in the government-controlled areas of the Donetsk region. The village has been on the line of fire for over four years, but an intensification of clashes forced people to abandon places they cling to.⁴

In addition to the places that are cut off, the grey zone overall has limited facilities and access for the residents. Critical civilian infrastructure – such as water and electricity supply – remains under continuous fire. However, in everyday life, damaged roads and restricted freedom of movement are the most critical and noticeable effects of the conflict.

⁴ The recent re-formatting of the military operation in the eastern Ukraine also introduced three regimes of access to the conflict-affected area: a 'green zone' with no restrictions, 'yellow zone' where the movement is possible with ID and search is allowed, and a 'red zone,' where the presence of individuals is restricted or prohibited. Though segmentations of the areas were introduced, its mapping is not clearly defined, which leaves it up to a case-to-case decision when it comes to the issues of accessing certain areas.

Fig. 5. One of the 'stations of Cross Road' in the grey zone, located next to the town of Volnovakha. March 2018. Photo: author.

'Roads are like blood vessels of the state, you know. They also reflect how the state functions and how it treats its people' said Viktor, a 57-year-old resident of the grey zone. Since the conflict started, Viktor, like many others, has lost his job. The man relies

on his old Lada car to support the family by taking his wife to sell home-grown produce in the market. Therefore, the problem of roadways is dire for him. The high saturation

of land mines and other explosive ordinances makes it impossible to use unpaved roads (OCHA 2017). There are two roads that connect Viktor's village to the town nearby – one is cut by the contact line, the other one is seriously damaged by the movement of heavy military equipment. Viktor's car can barely make its way through the endless potholes. Active conflict developments make road repairs almost impossible in the area. Because of this, the conflict has drastically redrawn the geographies of everyday practices, while decreasing the economic mobility of residents.

Fig. 6. The condition of the main regional roads. March 2018. Photo: author.

The dynamics of the economic activities can be seen in REACH project's visualization of the pre-conflict and current networks of selling produce in areas of hostilities (Fig. 8).

As Madeleine Reeves keenly points out in her study of the rural border communities in Central Asia, we should look at the 'mobility rather than stasis' to have a comprehensive understanding of what the state and what its physical limits mean (Reeves 2014, 138). The grey zone is a case where mobility can turn out to be a quest for survival, but

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Pre-Conflict and Current Network for Selling Produce

For Humanitarian Purposes Only
Production date : 10 October 2017

staying in one place does not bring safety either. Limited ways of movement, difficulties in accessing emergency services, and complications in receiving social entitlements lead to physical and social marginalization. Unequal access to resources makes people in the conflict-affected areas more vulnerable under the overarching state strategy to restore its sovereignty. Ironically, Viktor's car was once a recognition of his hard work at the metallurgic plant — he received it through the USSR state program for the most productive workers. Today, he drives it through the drained 'veins' of the state, as a bitter reminder of how his relations with the entity of the state have changed.

Fig. 7. A woman walks on the only road that links her village to a town nearby. Waking on the side of the road is not considered safe because of the land mine contamination. March 2018. Photo: author.

Conclusions

The structuring idea of state sovereignty — particularly, its Westphalian model — is grounded in the fact that the state enforces order and maintains different modalities of control over populations in certain territories. Indeed, one of the rationalities for the state's existence overall is to balance uncontrolled chaos. While much of the discussion surrounding sovereignty is centred on the implicit and ubiquitous presence of the state, the lack of the state's presence is rarely acknowledged. In this light, out-of-order situations challenge our thinking about the mechanisms of sovereignty and question the difference between the chaos and control that the state can deliver to its people. In situations of protracted and active conflict, contested areas, such as parts of eastern Ukraine, become sites that are more often than not characterized by what residents see as the absence of the state. Uncertainty and lack of security, destruction, damaged infrastructure, the shutting down of facilities, disrupted transportation systems, and

limited service provision – all these elements indicate not just the absence of order, but a sovereignty gap.

Limbo state and unpredictability of conflict that civilians experience in their everyday lives push us to rethink what can be considered as ‘control’ in a commonly used

Fig. 8. The dynamics of the economic activities can be seen in REACH project's visualization of the pre-conflict and current networks of selling produce in areas of hostilities.

definition of ‘government-controlled areas.’ The fact that people can be cut off from essential services and basic provisions, elucidates that enforced control in the contested zones is mostly related to the ambitions to restore the state’s territorial boundaries. Stabilization and maintenance of territorial integrity as a key focus of the state action symbolically removes lives of affected people from the picture. While critiques of humanitarianism suggest that there are migrant modes of sovereignty that are de-territorialized (Ticktin 2009), the absence of decent living conditions in conflict areas as well as state’s involvement in facilitation processes indicate that certain modes of sovereignty are de-humanized. The lives of conflict-zone residents are not sacrificed and are not direct objects of state violence, as Agamben describes (Agamben 1998). They are not kept alive for the sake of keeping bare life. They rather live in a space where state power is not pervasive and control cannot be steadily maintained, in a gap where sovereignty exists in a reduced mode.

The idea of the spaces where sovereignty gaps exist challenges how we see the comprehensiveness of the state rule within its fixed borders. In times when securitization of the internal affairs and raising walls are shifting the state’s gaze inwards, the existence of such blind spots should be further explored and critically evaluated.

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