

Fighting on behalf of the state—the issue of pro-government militia autonomy in the Donbas War¹ [Query 1]

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This study investigates the degree of autonomy the Ukrainian volunteer battalions had from the regular forces during the war in Donbas. The findings indicate that the degree of autonomy was high, and that in particular three initial conditions were decisive for this outcome: (1) the relative level of militia military strength in the initial states of conflict; (2) the degree of agenda overlap; (3) the degree of bottom-up organization. The empirical evidence further suggests that the three factors produced the identified outcome through the mechanisms of “institutional lock-in,” “performance interdependence,” and “entitlement.” Consequently, the Ukrainian state and regular forces ended up accepting a higher degree of autonomy, in terms of command and control, on the part of the volunteer battalions than they otherwise probably would have preferred. This outcome contributed significantly to saving the sovereignty of the Ukrainian state in 2014–2015, but may also have created conditions for challenges to the same state further down the road.

Keywords: Ukraine; Donbas; militia; autonomy

Introduction

To what extent were the Ukrainian volunteer battalions subordinated to the regular Ukrainian forces during the war in Donbas? This article argues that the volunteer battalions enjoyed a high degree of autonomy from the regular forces during the conflict, and it suggests causes and mechanisms that may explain why this was the case. With its military-on-the-ground emphasis, it highlights an aspect of the Ukrainian volunteer battalion phenomenon that has not so far been singled out for study in the literature.

The volunteer battalion autonomy is still a highly controversial topic in the interpretations of the post-Maidan political developments in Ukraine. The more autonomy the volunteer battalions enjoyed, the more the Ukrainian state’s monopoly on the use of force was compromised. Examining the processes that led to battalion autonomy in 2014 and 2015 is crucial both in terms of understanding post-Maidan Ukrainian politics, and in order to evaluate the prospects for future challenges to the state monopoly on the use of force in Ukraine.

The broader relevance of the study goes back to Charles Tilly’s concepts of war making and state making (Tilly 1985, 181). The first is about eliminating or neutralizing external enemies to the state, and the second is about securing a domestic state monopoly on the use of force. Tilly recognized that the two types of activity interacted, but he did not foresee that society

under certain circumstances could be more capable and willing than the state to do war making. This is arguably what happened in Ukraine in 2014. A potential problem in such a situation is that war making in the longer run may come at the expense of state making. Non-state actors who on their own initiative take part in war making may later become a challenge to the state monopoly on the use of force to a degree that creates problems for successful state making. Whether or not this challenge will arise is among other things dependent on the degree of autonomy that the violent non-state actors enjoy during the war making. By studying the Ukrainian example, this article aims to make a contribution in terms of understanding what it is that determines this degree of autonomy.

There is now an emerging scholarly literature on the Ukrainian volunteer battalions. In this literature there is significant concern about potential long-term negative effects for Ukrainian state making as a result of the battalion phenomenon. None of these works, however, contain a systematic analysis of battalion autonomy in particular (Aliev 2016, 509; Malyarenko and Galbreath, 2016, 123; Hunter 2018, 102; Käihkö 2018, 161). This is most likely because the collection of empirical data and structuring of the analysis was not directed towards a detailed and nuanced analysis of the on-the-ground regular force and battalion interaction specifically.

The article mainly discusses factors external to the Ukrainian state that influenced the degree of autonomy, but this does not mean that the state was devoid of independent agency. As will be explored in more detail below, the degree of volunteer battalion autonomy was an issue of intense controversy among Ukrainian political and military leaders. The explanatory factors identified here should thus be understood as circumstances that narrowed the options of Ukrainian political and military leaders, rather than as a full explanation for the degree of autonomy. These various factors pushed leaders in the direction of autonomy, but the same leaders could in principle still have chosen to act differently, for example by trying to suppress or take full control over the volunteer movement.

The findings of the study suggest that the high degree of autonomy was the result of three factors: (1) the militarily pivotal role that the battalions played in the initial stages of the conflict; (2) a high degree of overlap between the agendas of regular Ukrainian forces and those of volunteer battalions; and (3) the bottom-up, rather than top-down, organization of these battalions. Yet exactly how these three factors resulted in a high degree of autonomy is not necessarily self-evident. To reveal more about the *mechanisms* involved, this article tries to trace the empirical evidence for “causal processes that are triggered by causes [here initial conditions] and that link them with outcomes [here degree of autonomy]” (Beach 2017, 3).

First, “institutional lock-in” is one mechanism that contributed to the high degree of autonomy. The militarily prominent role played by the volunteer battalions in the early stages of the conflict created autonomy-based patterns of interaction that were subsequently difficult to reverse once regular forces had come to dominate the Ukrainian part of the warfighting.

Second, the investigation reveals that the overlap of agendas (in addition to being a precondition for the presence of trust between regular forces and volunteer battalions in the first place) promoted a high degree of autonomy through the mechanism of “performance interdependence.” Regular forces and battalions often fought together rather than in parallel. This arrangement made their individual contributions to success or failure difficult to disentangle. Thus, volunteer battalion under- or mis-performance, even if it happened, was difficult to use as an argument for decreasing battalion autonomy. A factor (agenda overlap) contributed, through a specific mechanism (performance interdependence), to the outcome (high degree of autonomy).

Finally, the strong bottom-up organization of the volunteer battalions contributed to the high degree of autonomy through a mechanism of “entitlement.” Because the battalions often organized themselves on their own initiative, without government prompting or assistance, and because they initiated fighting with the enemy at a time when the regular forces were reluctant to do so, they developed a strong sense of *deserving* a high degree of autonomy. This claim to entitlement was also partly recognized by regular force commanders.

The factor of a militarily pivotal role is logically and temporally prior to the two others. If the regular forces had been able and ready to efficiently take on the uprising from the beginning, then there would not have been much incentive to create volunteer battalions in the first place. Agenda overlap and bottom-up organization, on the other hand, are factors having effects on the outcome in parallel. One may easily imagine each of them having the same effect also in the absence of the other [Query 2]. These findings are summarized in Table 1.

[TABLE I ABOUT HERE]

This article mainly discusses the period from the spring of 2014 to the spring of 2015. After that, with a few important exceptions, most of the battalions disintegrated or became more or less standard units in the regular forces. After the second Minsk ceasefire agreement in February 2015, the character of the war gradually changed: where previously it had involved active maneuvers and relatively heavy fighting, it became a much less violent stalemate along a recognized separation zone.

The empirical data come from fieldwork conducted in Kiev and Donbas in September 2016, as well as from a significant number of other primary sources.² Face-to-face, but anonymized, interviews were conducted with the commanders-in-chief of three of the 37 volunteer battalions, as well as with 10 soldiers and lower-level commanders from the same and other battalions. The fieldwork included visits to the bases of the Dnipro-1 battalion in Dnipro and the Azov battalion in Urzuf and Iurivka, as well as to the Azov battalion’s recruitment center in Kiev. On the government side, Ihor Kabanenko and Ihor Dolhov, both former deputy ministers of defense at times when the volunteer battalions fought in the east, were interviewed. In addition, to provide context, interviews were conducted with about 20 non-fighting volunteers in the cities of Dnipro, Kramatorsk, Mariupol, and Kiev. The non-fighting volunteers provided much of the logistical support for the volunteer battalions, and took care of dead and wounded fighters.

In terms of their relationship to the state, the Ukrainian volunteer battalions should probably be described as semi-official pro-government militias (PGMs). They had formalized links to the state, but were still separate from the regular armed forces. Other examples of this type of PGMs include the Revolutionary Committees in Libya under Gadaffi and the Rondas Campesinas in Peru (Carey, Mitchell, and Lowe 2012, 251). However, since the actual on-the-ground interaction between PGMs and regular forces is identified as a subject of little or no systematic analysis in the PGM literature, there are not many studies to compare the Ukrainian experience with so far (Jentsch, Kalyvas, and Schubiger 2015, 758–759; Carey and Mitchell 2016, 17).

Sources differ on the total number of battalions, but the Ukrainian military prosecutor’s office in 2016 operated with a figure of 37 (Vasylenko 2016). It is not possible to establish the exact number of individuals fighting within each battalion. No official register exists, and the battalions themselves often did not keep any inventory of their personnel. Furthermore, the numbers changed significantly over time. In September 2014, Minister of the Interior Arsen

Avakov estimated that 7,000 individuals were fighting in the volunteer battalions (Liga Novosti 2014b). By February 2015, the government website uacrisis.com had increased that figure to 13,600 (Ukraine Crisis Media Center 2015). In April 2016, Ukraine's President Petro Poroshenko, summing up the war experience thus far, said that the volunteer battalions had taken part in approximately 600 military operations during their service in what the Ukrainian government at that time called the Anti-Terrorist Operation (Ukrainian National News Agency 2016).

The article proceeds as follows. First, the in-theatre interaction between the regular forces and the volunteer battalions is investigated in order to identify the degree of autonomy. Second, the three empirically identified factors—the relative military strength of unofficial units in the initial phases of hostilities, the degree of agenda overlap between actors, and the bottom-up organization of PGMs—are discussed in order to ascertain their effect on the degree of autonomy. The aim of the study, however, is not only to establish *correlation* between potential causes and a result. The third section therefore elaborates on the *mechanisms* by which the three factors led to a high degree of autonomy. Finally, a conclusion is offered.

In-theater interaction between volunteer battalions and regular forces

There never was a “contract” in the sense of a written document delineating how the volunteer battalions should cooperate with regular forces in combat. However, looking at the empirical evidence on how this interaction took place in practice, certain patterns or principles emerge. The following five characteristics stand out as being among the most representative of the interactions between regular forces and PGMs in Ukraine:

- a) Almost all volunteer battalions, with the exception of parts of the radical right-wing Pravii Sektor, officially recognized that they fought on behalf of official Ukrainian authorities and for the same cause. Thus, their aims were the same on the strategic level.³
- b) Most of the time, volunteer battalions would wait for official approval before taking operational decisions. However, they had almost unlimited autonomy over tactical decisions.
- c) Volunteer battalions would reserve for themselves the right not to participate in campaigns they disagreed with, even at the operational level.
- d) The interaction between regular forces and volunteer battalions in combat was largely one of subordination at the operational level and coordination at the tactical level.
- e) Most volunteers had the right to leave the battlefield at any time and for any reason without penalty. Neither the regular forces nor the volunteer battalion commanders could prevent that.

On the first point, most commanders and rank-and-file troops in the volunteer battalions recognized as a fact that Ukrainian unity, even though they often despised political leaders in Kiev, was a political and military necessity in the face of Russian aggression.⁴ As one battalion commander said, despite his grave doubts about the political leadership in Kiev “I just could not go against my own government.”⁵

This display of loyalty did not mean that no volunteer battalions showed discontent with the government. Indeed, there are several important examples of such behavior. However, the displays of discontent did not in most cases involve questioning the government's right to exist, or its right to lead the fight against the eastern rebellion.

The second point refers to the fact that the battalions most of the time did not initiate larger operations without official approval. However, once the operations had received this approval, the battalions were often on their own in how to conduct them. The major offensive to liberate the city of Mariupol in June 2014 is one of the best examples. Although the operation was the Azov battalion's initiative, and was largely carried out by that battalion, the forces involved obediently waited for official approval before executing the offensive. This was the case despite what battalion commanders saw as unjustified and even dangerous lingering on the part of the official Ukrainian authorities. According to the Ukrainian journalist Veronika Mironova, even after the operation had been planned to the smallest detail, it was a struggle for Azov to get the official go-ahead from the authorities in Kiev. The latter only agreed after General Nikolai Klimchuk of the National Guard pleaded on behalf of the Azov battalion (Hladka et al. 2016, 365).

Another example was when, in January 2015, forces from the Donbas battalion wanted to return to the fighting in the east, following a period of recuperation in Kiev. When the official authorities lingered over the decision, Donbas commander Semen Semenchenko led his men in a demonstration outside the Ukrainian parliament. Three days later, Donbas was ordered back to the fighting (Sibirtsev 2015). Of course, no official armed force could have done anything like that, but the main point here is that Donbas battalion troops, despite their annoyance, did not go back to the east until official permission had been granted.

However, the practice of waiting for official approval before initiating operations was probably more a norm than a strictly followed rule. Pravi Sektor's activities outside Slavyansk in April 2014 represent a partial exception here. Official approval was far from clear in this case. After the skirmish at Bilbasivka, Pravi Sektor leader Dmytro Yarosh met with one of the Ukrainian generals. The general shouted at Yarosh that "you have destroyed the peace process; you have started a war with Russia!" (Hladka et al. 2016, 282–289).

On the third point, about PGMs refusing to participate in operations with which they disagreed, there are several examples. Artem Skoropadskiy from Pravi Sektor stated frankly, "we reserve for ourselves the right to treat the orders from the General Staff in an eclectic manner. We will cooperate closely with them, but not subordinate without question as the army does" (Siniak 2015). Another example was when the Azov battalion unilaterally decided to withdraw from the battle of Illovaisk in August 2014 and return to Mariupol. Its commanders thought that this was a better use of resources (Zinenko 2016, 75-76). However, the battalion may later have partly compromised on the refusal principle. According to one of its fighters, only up until February 2015 did its forces avoid operations with which they disagreed.⁶

A variant of this point is that the battalions may have refused to follow orders they disagreed with from local regular force commanders, but still agreed to follow them if they came from the very top. The operation to retake the city of Illovaisk, which was controversial among some of the volunteer battalions, offers one such example. Iurii Bereza, the commander of Dnipro-1, said:

I was categorically against the Illovaisk operation because I knew the situation at the front better than the General Staff... I told them that we [i.e. *Dnipro-1*] will only go to Illovaisk if we get a direct order from the Minister of the Interior. Thus, when I got this order there was no way I could refuse to take my people to Illovaisk. (Hladka et al. 2016, 392)

On the fourth point, about operational subordination and tactical cooperation, one volunteer battalion commander has claimed that “we agreed on joint efforts at the level of battalion commander, or maximum at the level of brigade commander.”⁷ Other commanders have also stated that the relationship was one of coordination and not subordination at the tactical level.⁸ However, in some cases there seems to have been a period in which volunteer battalions and regular forces fought in parallel before the need for coordination was recognized. According to one battalion fighter, cooperation with the regular forces was initially bad: “They were very sceptical of us until mid-June [2014]; however, after the battles around Popasna, where we fought the Prizrak rebel battalion, the regular forces understood that cooperation and coordination was necessary.”⁹

The system of command used during the battle of Illovaisk illustrates the same point. Army General Ruslan Khomchak, the commander responsible for the whole operation, could obviously give direct orders to all army and National Guard units, but not to the volunteer battalions. In fact, Khomchak was forced to be present in the theater of operation himself specifically to take care of coordination with the volunteers. A commander known by the call sign “Filin” from the Donbas battalion was in charge of all volunteer battalion forces at Illovaisk, and Khomchak had to coordinate with him in person.¹⁰ The regime of tactical coordination rather than subordination demanded a level of personal connections and deal-making that would have been unnecessary had the volunteer battalions been at least partly within the official chain of command. As the commander of the Shtorm battalion later remembered, “This whole war was based on individual-level deals” (Hladka et al. 2016, 293).

In several instances, regular troops would formalize coordination with the battalions via a liaison system. For example, in the battles near the village of Pesky in July 2014, the 93rd Mechanized Brigade and Praviy Sektor fought together. The 93rd was chronically short of trained infantry, and therefore happy to use Praviy Sektor in this role. Here, however, fully aware of the impossibility of commanding Praviy Sektor troops, the 93rd instituted an arrangement whereby a senior officer was responsible for cooperation with volunteer battalions. This person was then in charge of negotiating with Praviy Sektor officers to establish how the battalion’s troops could contribute to the joint effort (Mamalui 2016, 81).

There was even an attempt by some volunteer battalion commanders during the conflict to adjust the terms of contract so that the principle of coordination would be elevated to the operational level. In February 2015, the respective leaders of the Praviy Sektor and Donbas battalions, Dmytro Yarosh and Semen Semenchenko, announced that they had decided to create a separate General Staff for volunteer units. The idea was that the regular General Staff should liaise with volunteer battalions through this new structure rather than engage with them directly. This new “militia General Staff,” which was to be based in the city of Dnipro, would then consider proposals for operations from the regular General Staff and accept or decline these plans on behalf of the volunteer battalions as a whole. If a proposal was accepted, command of the volunteer battalions would be delegated to the regular General Staff for the duration of that operation. This plan, however, was strongly criticized by many of the other volunteer commanders for disrupting the chain of command too much, and in the end it came to nothing (Romaniuk 2015).

There are also several important examples of the fifth point—volunteer combatants leaving the battlefield at almost any time without fearing sanctions. According to one anonymous battalion sub-commander: “During battle the youngest were the first to withdraw, 30% of my people asked to leave after the first encounter with the enemy—many found they were not ready to shoot to kill.”¹¹ Before the battle of Illovaisk, almost half of the troops from the

Mirotvorets battalion decided they did not want to go to Illovaisk and left the battalion (Hladka et al. 2016, 381). Neither official nor volunteer commanders seem to have been able to hold back soldiers who had decided they had had enough, or who chose not to participate in particular operations. Dnipro-1's commander, Iurii Bereza, explicitly gave all his personnel the opportunity to leave before going into Illovaisk, and 12 individuals left (Zinenko 2016, 79–80).

Based on these examples it seems fair to claim that the Ukrainian volunteer battalions enjoyed a high degree of autonomy from the regular Ukrainian forces. Under a system of tight control and little autonomy, one would not expect militias to have been able to do any of the following: demonstrate in the capital if they were disappointed with official decisions (or have decisions successfully overturned as a result of their objections); refuse to participate in operations if they thought they were a bad idea; insist on coordination rather than subordination on tactical decisions; or, on a personal level, leave the fight almost at any moment without being punished in any way. Nevertheless, there were limitations to the autonomy. The volunteer battalions were generally not allowed to initiate operations on their own, and, as we will see later, they were punished to some extent for instances of excessive violence and predatory behavior.

Now, having established that a high degree of autonomy prevailed in Ukraine, the next challenge is to explain *why* this was the case. As mentioned in the introduction, this explanation draws on the presence of three factors, and three mechanisms through which these conditions had their effect.

The three factors

As explained earlier, the three factors—military strength, agenda overlap, and bottom-up organization—were crucial in determining the degree of autonomy the volunteer battalions enjoyed. The purpose of this section is thus to determine the *extent* to which each factor was present in the Ukrainian case.

Military strength in the initial phases of the conflict

As mentioned, the first factor in this study is the military importance of the volunteer forces in the opening stages of the conflict. Here, more or less all sources indicate that PGMs indeed played a prominent role in comparison to official state forces at that time. Initially, neither the troops of the Ministry of the Interior nor those of the regular military were prepared to fight the rebellion in Donbas. Anna Kovalenko, who at the time was an adviser in the MOD [Query 3], has explained that “the attitude in the ministry was that there is no war and there will be no war.”¹² The interior troops did not have the numbers necessary after the dissolution of Berkut, and the military was demoralized because of years of neglect, and because it did not want to fight what at the beginning seemed like a domestic insurgency. Until substantial numbers of regular Russian troops took part in the battle of Illovaisk in August 2014, the eastern rebellion could largely be considered an insurgency. This was the case even though Russian political agents and special forces most probably played an important role in its instigation. In this situation, the Ukrainian military initially maintained that its job was only to fight foreign enemies. Several army generals stated that they would not “make war on the people” (Hladka et al. 2016, 291).

The weak state of the Ukrainian military soon became clear. When Russia annexed Crimea in southern Ukraine in early 2014, Ihor Teniuk, then Ukrainian Minister of Defense, stated in parliament that of the 134,000 troops in the Ukrainian military, at most 6,000 were ready for

combat (Fionik 2015). Thus, the Ukrainian leadership had very little in terms of regular units with which to counter the subsequent armed uprising. According to Anton Herashchenko, who was Deputy Minister of the MVS [Query 4] at the time, “The army was all the time oscillating,” and therefore “the state had no choice but to rely on private activists” (Hladka et al. 2016, 146). Vyacheslav Tseluiko, an independent Ukrainian military analyst, concludes in his study of the volunteer battalions that “the demoralization of the armed structures played a leading role in the developments of spring 2014” (Tseluiko 2016, 28). Indeed, this was one of the main factors that motivated Ukrainian society to establish volunteer battalions. As one fighter for the Azov battalion said, the “chaos in the army” was one of the main reasons why initiatives were taken to form that battalion in the first place.¹³ Another battalion commander-in-chief stated similar reasons for his decision to establish his own battalion.¹⁴

Agenda overlap

The second factor is the presence of overlap between the agendas of the regular forces and those of the volunteer battalions. By definition, PGMs support their government to varying degrees, but the extent of agenda overlap is far from a trivial question.

First, the volunteer battalions may agree with the regular forces on *what* is to be achieved, but still disagree about *how* to achieve it. The Ukrainian government and the volunteer battalions may have agreed, for instance, on the need to restore Ukrainian territorial integrity, but they may still have differed over how best to achieve this and exactly what role the volunteer battalions should play in pursuit of this objective. For example, the volunteer battalions, by the autumn of 2015, strongly disagreed with being withdrawn from the front line to rear positions. Ill-feeling was especially intense in the Azov battalion, which was militarily the strongest among them.¹⁵

Thus, while problems with agenda overlap did exist, they did not result in very serious conflict between the state and the volunteers. For the commanders of volunteer battalions, the joint aim of recovering Ukrainian territorial integrity seems to have outweighed other concerns sufficiently to persuade them to restrain their troops. In other words, they were not ready to sacrifice national unity.

Second, the volunteer battalions may have had their own personal agendas, in addition to the agenda they shared with the regular forces. They could, for example, seek personal enrichment, or they could just enjoy the exercise of power that comes from the possession of lethal arms. Both types of motivation could lead to excessive and/or misdirected use of force. It is perfectly possible to pursue a national agenda and self-interest at the same time. However, excessive pursuit of self-interest may ultimately compromise the national agenda.

Furthermore, excessive or misdirected use of violence may discredit the national agenda in the eyes of third parties whose support a government needs. For example, in the face of Russian aggression, Ukraine became wholly reliant on Western political and economic support. Deputy Minister of the Interior Mykola Velychkovych stated very frankly in 2016, in reference to the volunteer battalions: “We could never forget that the world kept us under intense monitoring. We had to demonstrate that Ukraine was not Somalia” (Hladka et al. 2016, 30).

Personal agendas were clearly a problem among the Ukrainian volunteer battalions. There is enough evidence of theft and other forms of misbehavior toward the civilian population to suggest that some volunteers were acting, at least in part, in self-interest. One former soldier in the Donbas battalion said of the Tornado battalion: “I know of the unbelievable brutality of

the commander of the Tornado battalion and his closest confidants. This was both in relation to the civilian population on the occupied territories and towards his own subordinates” (Hladka et al. 2016, 9). Amnesty International in 2014 produced a report on alleged abuses by the Aidar battalion in the Luhansk area, claiming that some of these actions amounted to war crimes (Amnesty International Briefing 2014). Furthermore, the UN High Commissioner for Human Rights has published quarterly updates on the human rights situation in Ukraine since the beginning of the conflict. The reports consistently refer to allegations of abusive behavior on the part of volunteer battalions towards civilians, especially in 2014; the alleged abuses include arbitrary detentions, enforced disappearances, and torture.¹⁶

It must, however, be pointed out that Ukrainian government officials both expected and admitted to such problems. Viktor Chalavan, a former adviser to the Minister of the Interior, said in 2016:

There is no reason to conceal the truth, there were indeed problems with lawlessness.... The fact of the matter is that not only patriots show up to defend their country. There will also be those who have problems with the law, romantics and fortune-seekers, adventurers and those who just love to be violent. (Hladka et al. 2016, 435)

One battalion commander-in-chief stated that, anticipating such behavior, he “gave regular talks to my troops about how US forces in Vietnam had committed atrocities towards the civilian population, and how this had undermined their war effort.”¹⁷

The reaction of the Ukrainian government and regular forces to such behavior also suggests that there were limits to how much autonomy they were willing to give. Examples of sanctions for unacceptable behavior include the disarmament and removal from the city of Lisichansk of members of the Donbas battalion by the 95th Mechanized Brigade after the former had engaged in looting (Marco 2015); and the court sentencing of 12 former fighters from the Tornado battalion to between eight and 11 years in prison for various crimes committed under the pretext of fighting for Ukraine (Gordienko 2017).

However, none of the independent reports seems to claim that abuses and indiscipline on the part of volunteer battalions were particularly systematic or the result of covert government instructions. In general, these reports do not paint a picture of abuses very much worse than those admitted to by official representatives of the Ukrainian government and official armed forces. By way of comparison, the accusations leveled by Amnesty International and the United Nations against Ukrainian volunteer battalions are significantly milder than their accusations against, for example, the pro-government Janjaweed militia in Darfur or the Shia militias in Iraq.¹⁸ In those cases, the allegations by Amnesty International and the UN concerned abuses on a much larger scale and, especially, of a systematic nature.

In summary, currently available evidence from both Ukrainian officials and independent monitoring agencies suggests that excessive violence and predatory behavior toward civilians were real problems with the Ukrainian volunteer battalions. However, such conduct does not seem to have been of an identifiably systematic or planned nature. In terms of what this means for overall unity of purpose, one can conclude that the issues were more a case of battalions having additional, peripheral agendas of their own than of there being substantial differences in overall national agenda between the state and the volunteers.

Bottom-up vs. top-down organization

The third factor in this study is whether the initiative to create volunteer battalions in the first place was mostly top-down or bottom-up. The argument here is that the empirical evidence suggests a mobilization that occurred more on a bottom-up basis than on a top-down basis. This also seems to be how many in the Ukrainian leadership saw the process. For example, Deputy Interior Minister Mykola Velychkovych has characterized the formation of the volunteer battalions as an “adequate reaction on the part of the state to the fact that the citizens wanted to defend their country” (Malko 2015). This bottom-up interpretation is also confirmed by the testimony of battalion representatives. For example, one former fighter of the Donbas battalion explained the formation of his particular battalion as “largely spontaneous.”¹⁹

The bottom-up formation of militias in Ukraine took several different routes. Some battalions, such as the right-wing Pravi Sektor and the Organization of Ukrainian Nationalists, had already been partly organized and trained as militias prior to the separatist rebellion in the east of the country. They went directly to the combat zone on their own initiative. In fact, forerunner organizations to Pravi Sektor had engaged in paramilitary-type combat training since the early 1990s.

Other battalions formed spontaneously as manifestations of local resistance to the rebellion, and were later formally made part of official structures. This seems to have been the case with several of the militarily most prominent battalions, such as Aidar, Donbas, and Dnipro-1. For example, the Dnipro-1 battalion was the successor organization to the Regiment for the Defense of Dnipropetrovsk Region, which had been formed locally by Iurii Bereza in the spring of 2014 in cooperation with local authorities (Hladka et al. 2016, 257). In the beginning, this battalion mostly erected roadblocks on the border with Donetsk, in order to prevent the rebellion from spreading to its own region. Similarly, the Luhansk-1 battalion was initially formed by Luhansk citizens who had participated in the Euromaidan movement in Kiev and had returned home, as well as by local people who “just showed up with arms in their hands” (Hladka et al. 2016, 290). A further example is the Artemivsk battalion. Konstantin Mateichenko, a local pro-Kiev politician from the city of Donetsk, describes how, faced with a growing pro-Russian rebellion in his city, he started calling Kiev for assistance. He told leading politicians and public servants in Kiev that if they did not send regular troops to his city’s rescue, they should at least arm local pro-Ukrainian civilians. After some time, Kiev appointed Mateichenko commander of a new Artemivsk volunteer battalion. However, despite officially establishing the new battalion, Kiev was reluctant to provide it with weaponry or allow it to engage in combat. In the end, Mateichenko sent a text message to Minister of the Interior Avakov saying,

Dear Arsen Borisovych, unless you by the end of next week give us arms and send us to the combat zone, half of my battalion will take matters into their own hands and go there on their own as partisans. (Moskaliuk 2016)

The next day Mateichenko was called to Kiev to get instructions and combat assignments, and soon thereafter Artemivsk was armed and sent to the combat zone. The examples above suggest that the emergence of volunteer battalions was largely but not solely a bottom-up phenomenon. Furthermore, it would be fair to claim that most bottom-up initiatives took place prior to top-down initiatives.

From the political leadership’s point of view—as demonstrated by the example of the Artemivsk battalion—there was a realization that such battalions were probably going to be

established in some form even in the absence of state authorization. In this situation the authorities felt that it would be better to get involved in the process of creating the battalions than to let them evolve in an uncontrolled manner. When the state itself had limited means at its disposal to counter the pro-Russian rebellion, it would not look good in the eyes of the population to prevent those who said they were ready to defend the country from taking action. Lending them state legitimacy would clearly be easier (D'Anieri 2017).

Despite such factors, the government's decision to allow and partly rely on militias in the initial stages of the conflict was not an easy one to make. There were severe doubts and disagreements, both in the political and military leaderships, about the wisdom of volunteer participation. In particular, the General Staff argued heavily against using volunteer units.²⁰ Andriy Parubiy, the head of the Euromaidan Samooborona (self-defense forces for the demonstrators during the 2013–2014 Euromaidan revolution) and later Secretary of the Ukrainian Security Council, has claimed that a majority of the Ukrainian leadership was initially against the use of volunteer battalions, and that he and Minister of the Interior Avakov had to “go around convincing them” (Liga.Novosti 2014a). There was fear that such units would get out of control, and also that they would commit abuses against the civilian population. In addition, some leaders feared being punished at a later date if they facilitated the establishment of militias. According to Viktor Chalavan, who was advising the Minister of the Interior at the time of the establishment of the battalions, General Poltorak opposed the use of volunteers, saying, “I am not going to do [prison] time later because I took part in this” (Hladka et al. 2016, 481). Avakov was probably the individual in government most eager to establish the battalions. However, he also had his doubts. In reference to the formation of the Azov battalion, Avakov later said:

Many political leaders, and me among them, had our doubts about the volunteer movement. And, we had even more doubts about the Azov battalion. In particular, we were sceptical towards the religious motives of several of their people, and about their right-wing radicalism. But I was thinking, what is worse, that they run the streets breaking shop windows or that they feel some responsibility for their country and do a bit of fighting? This was my logic at the time. (Hladka et al. 2016, 431)

Overall, it seems that the bottom-up initiative was strong enough to affect how the system of interaction between regular forces and volunteer battalions developed.

To summarize, with the Ukrainian volunteer battalions we have a case in which three crucial factors were present. First, the battalions played an exceptionally important military role in the early phases of the conflict. Second, the battalions' agendas overlapped to a relatively strong degree with the agenda of the Ukrainian government. Third, the establishment of the battalions involved a very strong element of bottom-up organization. These observations correlate with the existence of a high degree of autonomy enjoyed by the volunteer battalions, but are by themselves insufficient as explanations. We also need to know the *mechanisms* by which each factor had the identified effect on the terms of contract.

Mechanisms—why did the volunteer battalions enjoy a high degree of autonomy from the regular forces?

The empirical material available for this study suggests that the three factors identified above fostered a regime of high autonomy, and that they did this through three specific mechanisms: “institutional lock-in,” “performance interdependence,” and “entitlement.”

Institutional lock-in

The first mechanism through which a high degree of autonomy was achieved can be called “institutional lock-in.” This is a concept borrowed from the literature on technological change. It suggests a situation in which “sub-optimal technologies can acquire a competitive advantage that blocks the introduction of other superior technologies” (Palley 2017, 2–3). The lock-in effect comes from the fact that once the organization has become used to one type of technology or one way of doing things, the costs and disruption associated with changing to a new regime may seem prohibitive even in cases where an alternative technology or way of doing things is estimated to be better. The parallel in terms of regular force–volunteer battalion interaction in Ukraine is that, while a high degree of battalion autonomy may have been the only option in the initial phases of the conflict in Donbas, later, when the regular forces had become stronger, a more control- and sanctions-based system with stronger integration of volunteer battalions into the chain of command could arguably have been more efficient. By then, however, the high-autonomy approach was entrenched. The disruption associated with retraining volunteer battalions and regular forces to operate under new arrangements, and the military and political costs likely as a result of protests and resistance on the part of the volunteer units and possibly the Ukrainian population, probably led the regular forces to conclude that the system was not worth changing.

The mechanism of institutional lock-in is most easily seen in the decision-making process for arming the militias. On the government’s side, the idea from the beginning was that the volunteer battalions should only have small arms. However, in the course of operations, regular-force units sometimes saw it as necessary to provide the volunteers with heavier weapons. Once these battalions had demonstrated the ability to use such weapons to good effect, however, it became difficult to demand them back (Butusov 2014). To this day, both the Azov and Dnipro-1 battalions have armored vehicles, including tanks in the case of Azov.²¹

Furthermore, the country’s political leadership was not fully coordinated on this matter. For example, one source claims that while Pravi Sektor was waiting for official permission from the Ministry of the Interior to arm, the Azov battalion was already being armed on the private initiative of Oleh Lyashko, a member of parliament (Furmaniuk 2015). According to a battalion commander in chief, one of the heads of local regular military forces in Eastern Ukraine promised that “if the Russians come, we will give you arms” regardless of the instructions from Kiev.²² If one representative of official structures began to arm militias on his or her own initiative, this would obviously put pressure on other parts of the official system to do the same. Thus, once the original prohibition against giving the battalions heavy weapons was breached, a new principle stipulating that under certain circumstances it was permissible to do so became “locked in.” The provision of heavy weapons to the volunteer forces became a potent symbol of their high degree of autonomy.

Performance interdependence

One could argue that the causal relationship between agenda overlap and a high degree of autonomy is pretty obvious: if both volunteer battalions and regular forces want the same thing, then bestowing the volunteer battalions with this kind of autonomy should be easy. To some eyes, this may seem to obviate the need for a separate mechanism to explain the effect. However, the argument proposed here is that performance interdependence is a significant additional explanatory factor.

In the Ukrainian case, the overlap in strategic agenda between the regular forces and the volunteer battalions meant that both sets of actors often participated in the same battles, and indeed often fought together. This was especially the case from August 2014 (when both regular and volunteer forces fought in Illovaisk) onwards, until after the battle of Debaltseve in January and February 2015. The extensive joint fighting led to a situation in which regular force–volunteer battalion interactions displayed what Johan P. Olsen has called “complex and dynamic interdependencies.” In such situations, Olsen contends, “the assumption that actors [the volunteer battalions] can be made accountable by disentangling their contribution to fiascos and success is problematic” (Olsen 2014, 5). If the contributions of the volunteer battalions could not be convincingly separated from those of the regular forces, the regular forces would have problems using battalion underperformance as a reason for decreasing their autonomy.

One illustration of this mechanism can be found in the first accounts of why Ukrainian forces lost the battle for Illovaisk. In these accounts, the Prikarpattia battalion was assigned much of the blame because its forces had abandoned their positions close to the Russian border without official approval. This had made it easier for Russia to insert its own regular troops into Illovaisk. In October 2014, Ukrainian Deputy General Prosecutor Anatolii Matios declared that the Prikarpattia battalion’s unauthorized withdrawal was the main reason for the defeat at Illovaisk. However, in the same month a temporary parliamentary investigative commission concluded that the interdependencies between regular forces and volunteer units at Illovaisk had made it impossible to single out Prikarpattia as the main culprit (Ukrainska Pravda 2014). The high degree of agenda overlap probably had a direct effect on the degree of autonomy because both regular forces and volunteer battalions wanted the same thing; at the same time, this overlap led to a level of interdependency in the fighting that made it difficult to identify potential underperformance by a particular battalion, something that could have been used in efforts to decrease volunteer battalion autonomy.

Entitlement

“Entitlement” is arguably the term that best encapsulates the mechanism by which the third factor—the bottom-up organization of PGMs—led to a high degree of autonomy. This was because the manner of the Ukrainian volunteer battalions’ emergence led the battalions to think that they had earned *the right* to high autonomy. And, probably even more important, this sense of entitlement in part came to be seen by the regular forces as legitimate.

One example can be found in the operation to recapture Mariupol in June 2014. According to then Deputy Interior Minister Herashchenko, the government first tried to get regular military forces to try to retake Mariupol, but they refused. Thus, in the end, the rationale of members of the official leadership seems to have been that they had little choice but to trust Azov forces to launch an offensive on Mariupol—and arm them for the purpose—or risk losing the city. Of course, once the Azov battalion had successfully retaken a major city that regular units had refused to attack, military arguments for less autonomy would become less convincing. One battalion commander stated that “the volunteer battalions can take the credit for the fact that the rebellion did not spread beyond Donbas.”²³

The battalions’ feelings of entitlement were based on their volunteer composition, their combat successes, and a certain disdain for the regular forces. The commander of the Azov battalion, Andrii Biletskii, scornfully remarked that the regular forces had no need for professional soldiers who were informed and had their own opinions. They only needed “serfs and slaves that they can chase around and give all kinds of lunatic orders” (Hladka et al. 2016, 518).

The idea that the volunteer battalions had earned the right to high autonomy was also gradually accepted on the government side. Above all, there was a recognition, at least among some major officials, that the battalions had saved the day by playing the main military roles from May to October 2014.²⁴ Chalavan later acknowledged that “dealing with the volunteers was not always easy, since they *by merit* were entitled to their own opinion” (Hladka et al. 2016, 91), and Defense Minister Poltorak later stated: “The volunteers are special creatures. They are incredibly well motivated, and for them it is not interesting to subordinate to the strong discipline of regular units” (Hladka et al. 2016, 550).

Conclusion

This study suggests that three factors in particular explain the high degree of autonomy the volunteer battalions enjoyed in the Donbas war in 2014–2015: the relative military weight of such militias in the initial phases of the conflict; the degree of overlap between the agendas of the two types of forces; and the extent to which the initiative to create PGMs is top-down or bottom-up. The relative military weight of the militias contributed to autonomy through the mechanism of “institutional lock-in.” The degree of agenda overlap was both a precondition for the high degree of autonomy and a factor that influenced the degree of autonomy through the mechanism of “performance interdependence.” Bottom-up organization led to a high degree of autonomy through the mechanism of “entitlement.” The question of why most, but not all, volunteer battalions disintegrated or lost most of their autonomy after 2015 is beyond the scope of this article, and deserves its own follow-up study.

The study has a number of wider potential implications for research and policy. First, future studies and assessments of interactions between regular forces and pro-government militias in other conflicts may be able to take the factors and mechanisms identified here into account in their own analytical approaches to gain a better understanding of those conflicts. Both domestic and international constituencies will have a need for such understanding in assessing the character of warfare experienced, the better to inform the development of policy with regard to a particular conflict. Second, the study empirically reveals important aspects of the interaction between what Charles Tilly has called war making and state making that may have significant consequences for Ukrainian state making down the road.

It is important to keep in mind that the more limited role of the volunteer battalions in the fighting in Donbas today does not necessarily mean that they will not again become more prominent in the future. Ukrainian authorities tend to say that the battalions are now fully integrated into regular armed structures. This is indeed true for the majority. However, as mentioned, Pravi Sektor has continued to fight without formally submitting to the control of regular forces; and the Azov battalion, despite nominally being subordinated within official structures, continues in practice to operate with significant autonomy. It claims to be largely self-financed and to have its own recruitment structure. Most of its heavy weaponry is sourced from official supplies, but Azov builds its own base infrastructure and organizes its own training (according to the author’s interviews and observations). For Pravi Sektor and Azov, the significant degree of autonomy that both battalions have enjoyed so far still seems to be accepted by the Ukrainian government.

The Ukrainian regular forces, for the reasons discussed above, accepted a high degree of volunteer battalion autonomy in the period from the spring of 2014 to the spring of 2015. This approach was probably crucial in containing the anti-Kiev rebellion within the Donbas region, and possibly in saving the Ukrainian state, but it also sowed the seeds for potential political problems down the road. Volunteer battalions no longer benefit from the strong military importance they enjoyed in the initial phases of the conflict, but future declining similarities

between their agendas and those of the government and the regular forces could still revive the volunteer battalion phenomenon in Ukraine. Despite the fact that most battalions today are either integrated into regular military structures or have been disbanded, the examples of the Azov battalion and Praviy Sektor suggest that organizational structures, military culture, and ideas about the legitimacy of non-state armed structures persist in Ukraine. These could again become politically powerful. Practices of war making in the Donbas conflict, as important as they may have been for Ukrainian state survival and sovereignty, may still have sown the seeds for problems in Ukrainian state making down the road. The head of Azov, Andrii Biletskii, in November 2018 stated that he recognized the legitimacy of the principle of state monopoly on the use of force, but only for those states that treated their citizens fairly (Kuzmenko and Butusov 2018).

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Notes

1. “Volunteer battalion” has been the most common term for the Ukrainian militias throughout the conflict.
2. In particular, the personal memoirs of five volunteer fighters and three fighters for the regular forces have been used (Zinenko 2016; Orel 2016; Sova 2017; Voland 2016; Vyriy 2016; Mamalui 2016; Palval and Muzyka 2016). **[Query 5]**
3. According to the authoritative US Marine Corps’ doctrine manual, *FMFM-1 Warfighting*, the strategic level is about winning wars, the tactical level is about winning battles and engagements, and the intermediate operational level is about “where, and under what conditions to engage the enemy in battle—and when, where, and under what conditions to refuse battle in support of higher aims” (<http://www.marines.mil/Portals/59/Publications/MCDP%201%20Warfighting.pdf>).
4. General impression from author’s discussions with battalion commanders and regulars in Kiev and Donbas in September 2016.
5. Anonymous battalion commander-in-chief, personal interview, 2016.
6. Anonymous Azov battalion fighter, personal interview, 2016.
7. Anonymous battalion commander-in-chief, personal interview, 2016.
8. Author’s interviews with volunteer battalion commanders in Kiev and Donbas in September 2016.
9. Anonymous battalion fighter, personal interview, 2016.
10. Anonymous battalion commander-in-chief, personal interview, 2016.
11. Anonymous battalion sub-commander, personal interview, 2016.
12. Anna Kovalenko, personal interview, 2016.
13. Azov battalion fighter, personal interview, 2016.
14. Anonymous battalion commander-in-chief, personal interview, 2016.
15. Anonymous Azov and Dnipro-1 battalion fighters, personal interviews, 2016.
16. See <http://www.ohchr.org/EN/Countries/ENACARRegion/Pages/UARports.aspx>.
17. Anonymous battalion commander-in-chief, personal interview, 2016.
18. See <http://www.google.no/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0ahUK>

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19. Anonymous Donbas battalion fighter, personal interview, 2016.
20. Interview with former Deputy Minister of Defence, Ihor Kabanenko, Kiev, September 2016.
21. Author's personal observations in September 2016.
22. Anonymous commander-in-chief, personal interview, 2016.
23. Anonymous battalion commander-in-chief, personal interview, 2016.
24. Interview with former Deputy Minister of Defense, Ihor Kabanenko, Kiev, September 2016.

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