After the Ukraine-Russia War

IS THERE A SUSTAINABLE SOLUTION?

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The "Bosnia-zation" of Ukraine or the "Transnistria-zation" of the Donbas are the options Russian President Vladimir Putin seek to impose on Ukraine. He prefers the first option, as it ensures more hard leverage over Kyiv. Putin's plan is to make the Ukrainian state dysfunctional by giving Donetsk ("Novorossiya") veto power over key domestic and foreign policy decisions. For Ukraine, full-fledged sovereignty is a vital precondition for any sustainable solution to the crisis. If the United States and Europe want to see Ukraine transform itself into a functional democracy with strong institutions and an innovative economy, they should not be misled by illusions of Moscow-engineered "federalization." If Ukraine finds itself in a truly desperate position in the East—if it is unable to effectively contain direct Russian military intervention—it would be more appropriate to accept the "Transnistria-zation" of parts of the Donbas then the "Bosnia-zation" of the entire country.

Russia's Sabotage of Ukraine

The Russian annexation of Crimea and ongoing Russian-sponsored separatist conflict in the Donbas have already created a new political reality in Eastern Europe. Putin failed to persuade Ukraine to join the Russian-led Customs Union and Eurasian Economic Union (EEU) or prevent it from building deeper relations with the European Union. The future of the EEU is uncertain. Its other members, Belarus and Kazakhstan, have abstained from Russia's selective trade embargos against the West and expressed zero enthusiasm for Putin's policies toward Ukraine.

In his actions today, Putin seeks "compensation" for these losses, in particular through Ukrainian territorial, human, and industrial resources. However, his purposes are not limited to compensatory demands determined by the events of the last year. He feels himself strong enough to use the manufactured Ukraine crisis to reshape the global and regional order and to the extent possible regain even older losses (from 1991 and before).

Due to the level of Russia-Ukraine hostilities, the option of setting up a soft pro-Russian government in Kyiv is not viable, likely for decades. Meanwhile, the Kremlin will pursue military, political, and economic strategies aimed at "exhausting" Ukraine and ensuring dysfunctional national governance.

Russia's economic means include discriminatory natural gas pricing, selective export bans through "sanitary" and "standardization" measures, withdrawal from the existing CIS free-trade agreement, and introduction of high import duties. Its political means include the recognition of DNR/LNR/"Novorossiya" as an entity eligible to negotiate "substantive issues" on behalf of that region. Alternatively, Putin would like DNR/LNR representatives to speak on behalf of all southeast Ukraine. This is why the term "Novorossiya," which encompasses far more than the Donbas, has been actively used in Kremlin discourse since August 2014.

The Kremlin's end goal is unclear and may vary depending on dynamics. However, the destabilization of the whole of Ukraine (not just the Donbas) is likely an integral element of any scenario. Putin seeks to punish Ukraine for "unauthorized" developments (the Euromaidan) and prevent a similar scenario from taking place in Russia and its satellite states. At the same time, he seeks to take advantage of Kyiv's post-revolutionary weakness and the West's lack of courage to regain Russia's post-Cold-War losses.

No Long-Term Solution

At the moment, there is no sign of even an hypothetical consensus among the major players about Ukraine's future. Conceptually, Putin's regime does not accept that Ukraine, like other regional "emerging nations," is eligible to determine its own destiny. Recognition of Ukraine's sovereign rights is a precondition for any sustainable peace solution, but this seems unlikely to come any time soon as it would mean a dismantling of the "imperial core" of Russian statehood.

The annexation of Crimea and the war in the Donbas have damaged Ukraine-Russia relations to the point that the option of building some kind of "joint architecture" for both states in security or in economics is now virtually ruled out. A divorce is inevitable. Even under relatively positive circumstances, any reconciliation between Ukraine and Russia will take time, perhaps even two to three decades.

No Short-Term Solution Either

Attempts to find immediate, if temporary, common ground only provoke further scandal rather than bring the parties closer to consensus. One example of this was the June "24-Step Plan to Resolve the Ukraine Crisis," drafted by Russian and U.S. experts in

Boisto, Finland.[1] As a group of luminaries noted in their open letter about this meeting, any attempt to find a solution without Ukrainian participation is inappropriate:

> "We categorically oppose the non-Ukrainians in this initiative, because it plays to the worst instincts of domination by Russia and perhaps also by America. It turns out that Ukraine is not really an independent country, and Russia may, in agreement with the United States, determine her fate."[2]

Any solution should be based on an understanding and acceptance of change as established by Ukrainian society , unhampered by the severe circumstances of ongoing external aggression.

A sustainable solution must accept that a return to the status quo before November 2013 ("Like with Yanukovych but without him") is impossible. Moreover, the notion that Ukraine is a bridge between East and West is no longer viable.

Still, There is a Way Forward

Ukraine's path forward requires democratic institution building, fair governance, and European integration. Any solutions to resolve the crisis in Ukraine should include these three major elements. The establishment of effective democratic institutions and the rule of law was a foundation of the Euromaidan movement. Civil society groups continue to be active in promoting reform, even when the government is reluctant to speed the process.

Considering that the central government is not yet capable of implementing policies nationwide, imposing a formula of governance as a part of a political solution is not realistic. Fair governance should include strong anti-corruption measures, where no one region has special privileges.

European integration is another element in the road ahead. In November 2013, former president Viktor Yanukovych bypassed, and Putin tried to derail, Ukraine's Association Agreement (AA) with the EU. President Petro Poroshenko signed the AA in July, and the government declared a commitment to implement it. It has elaborated a national program for AA implementation and established a coordination system for EU integration.

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[1] http://www.theatlantic.com/international/archive/2014/08/a-24-step-plan-to-resolve-the-ukraine-crisis/379121/
[2] The response to the Boisto Plan is available at http://zn.ua/columnists/otvet-na-plan-gruppy-boysto-151975_.html

Nonetheless, the AA is not the endpoint for Ukraine. Kyiv will surely submit an EU membership application once it implements its AA obligations. EU membership may be a distant prospect, but it gives the nation a sense of direction. At the same time, it is clear that the DNR/LNR project was designed by the Putin regime in part to prevent Ukraine from implementing successful domestic reforms, including democratic institution-building, and a course toward European integration.

In their first political manifesto, released in Minsk on September 1, DNR/LNR representatives declared their wish to receive a "special arrangement for their external economic activities, taking into account their deepening integration with Russia and the Customs Union." They also sought their own law enforcement system, which would derail national governance in relevant areas.

LNR/DNR representatives are also seeking veto powers on domestic and foreign policy decisions made by Kyiv as a pre-condition for their regions to reintegrate into Ukraine. The arrangement they envision is likely akin to that which Moscow offered in the 2003 "Kozak Memorandum," which was a proposal for political relations between Moldova and Transnistria, which was finally rejected by Moldova's president at the time, Vladimir Voronin. Reportedly, LNR/DNR representatives also seek to give regions a veto on any issues put to a national referendum.

The kind of regulations LNR/DNR representatives propose would transform Ukraine into a dysfunctional Bosnia-like state or worse. Ukraine would be an asymmetric confederation with one region having exclusive quasi-state rights. This type of uneven system would eventually lead to the dismantling of the state. The solution instead involves local self-governance based on standardized norms, coupled with a strong and accountable central government.

Conclusion

Ukraine is on a difficult path. But if local communities have reasonable and equal rights, and Kyiv continues with needed reforms and remains accountable to the people, a workable solution can unfold. The West needs to support Ukraine in this. If that path fails, sadly, it would be less costly and more responsible for Kyiv to accept a "Transnistrian scenario" for certain parts of the Donbas then to accept a "Bosnian scenario" for the entire country.