

ENDING THE THREAT OF WAR IN UKRAINE

A NEGOTIATED SOLUTION TO THE DONBAS
CONFLICT AND THE CRIMEAN DISPUTE

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ANATOL LIEVEN



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Executive Summary

“Forget the cheese — let’s get out of the trap.”

Robert A. Lovett, U.S. secretary of defense, 1951–1953.

The unresolved conflict between Russia and Ukraine in the Donbas region represents by far the greatest danger of a new war in Europe — and by far the greatest risk of a new crisis in relations between the United States and Russia. The Biden administration does not wish to escalate tensions with Russia, and no doubt appreciates that admitting Ukraine into NATO is impossible for the foreseeable future, if only because Germany and France would veto it. Nonetheless, so long as the dispute remains unresolved, the United States will be hostage to developments on the ground that could drag it into a new and perilous crisis.

A war between Ukraine and Russia could end only in Ukrainian military defeat, and perhaps in the loss of much larger territories. The United States, which has declared “unwavering” support for Ukraine,¹ would face the choice of either going to war with Russia (an unthinkable proposition with disastrous consequences for the United States and its citizens, in addition to strengthening China’s hand) or leaving Ukraine to its fate and suffering a severe loss of international credibility.

The danger of outright war will not shift Russian policy, because Russia is confident that it would win.² Over the past seven years, U.S. and E.U. sanctions against Russia have also not worked in the slightest to make Russia accept Ukrainian terms for settling the Donbas and Crimean disputes.³ There can be no rational basis for thinking that they will

¹ See, e.g., Chiacu, Doina, and Ilya Zhigulev. “Biden offers Ukraine ‘unwavering support’ in Face-off with Russia.” Reuters, April 2, 2021. <https://www.reuters.com/article/us-usa-ukraine-biden-idUSKBN2BP14C>.

² See Walt, Stephen. “Why arming Ukraine is a really, really bad idea.” *Foreign Policy*, February 9, 2015; John Mearsheimer. “Don’t Arm Ukraine.” *The New York Times*, February 8, 2015; Anatol Lieven. “We have no intention of fighting Russia, so stop arming Ukraine for battle.” *Responsible Statecraft*, March 23, 2021; Rajan Menon and William Ruger. “The Trouble with Arming Ukraine: Sending lethal weapons would backfire.” *Foreign Affairs*, October 11, 2017; Simon Saradzhyan. “Arming Ukraine a Risky Escalation.” Carnegie Endowment for International Peace, February 2015. For the counterargument, see Alexander Motyl. “The West Should Arm Ukraine.” *Foreign Affairs*, February 10, 2015; “West must arm Ukraine to fight ‘invasion’: McCain.” CNBC, September 6, 2014.

³ Charap, Samuel. “Expanding the Scope for Statecraft in U.S.–Russia Policy.” *War on the Rocks*, May 14, 2021.

<https://warontherocks.com/2021/05/expanding-the-scope-for-statecraft-in-u-s-russia-policy/>; Stephen Pifer. “Five years after Crimea’s illegal annexation, the issue is no closer to resolution.” Brookings Institution, March 18, 2019.

work in future, not least because the strength of Russian nationalism means that no conceivable future change of government in Moscow will alter Russia's basic approach. Ukrainian economic pressure, such as the blockade of the Donbas and the cutoff of water to Crimea, may push Russia toward compromise — but only if Ukraine and the United States are also prepared to compromise. If not, there is an equal risk that Russia will eventually respond to this pressure with force of arms.⁴

The unresolved conflict between Russia and Ukraine in the Donbas region represents by far the greatest danger of a new war in Europe — and by far the greatest risk of a new crisis in relations between the United States and Russia.

Germany and other NATO allies would certainly not go to war with Russia for the sake of Ukraine. Neither they nor the United States fought for Ukraine in 2014, when Russia first intervened, or for Georgia in 2008. And even if the United States did think of going to war with Russia, as of 2021 it has only some 26,000 ground troops in Europe. Russia has more than 10 times that number that it could deploy quickly to fight in Ukraine.⁵ To prepare seriously for war with Russia would require a colossal redeployment of U.S. forces to Europe — so colossal that the U.S. would probably have to abandon all thought of placing military checks on the expansion of Chinese power in the western Pacific.

It is therefore emphatically in the interest of the United States, as well as of Europe and Ukraine itself, to find a political solution to the Donbas conflict. There is, however, no chance whatsoever that such a solution can rest on the demand of the present Ukrainian government — in effect, to regain the Donbas unconditionally. Only the defeat

<https://www.brookings.edu/blog/order-from-chaos/2019/03/18/five-years-after-crimeas-illegal-annexation-the-issue-is-no-closer-to-resolution/>.

⁴ Trenin, Dmitri. "Russia and Europe: The current impasse and the way out." Carnegie Moscow Center, February 18, 2021.

⁵ Cohen, Josh. "Why Ukraine's NATO membership is not in America's Interests." Reuters via Euractiv.com, May 6, 2016.

<https://www.euractiv.com/section/defence-and-security/opinion/why-ukraines-nato-membership-is-not-in-americas-interests/>; "The Military Balance 2020." International Institute for Strategic Studies, February 2021.

<http://iiss.org/publications/the-military-balance-2020-book>.

of the Russian army could bring about this outcome. Kiev and Moscow must find a compromise, and the Biden administration should help them to do so.

The dictates of reality, the wishes of the people of the region, and modern international precedent all point in the same direction: a settlement derived from the principles set out in 2015 by the “Minsk II” group, comprised of France, Germany, Russia, and Ukraine, and endorsed by the United States and the United Nations Security Council. This settlement must consist of full autonomy for the Donbas region under Ukrainian sovereignty, but with firm practical and international guarantees that this autonomy will be maintained. This solution is in line with international practice in the solution of separatist disputes, with democratic tradition, and with America’s own federal example.

Accordingly, the United States should help to broker a solution along the following lines:

- The restoration of Ukrainian sovereignty over the Donbas region (namely the provinces of Donetsk and Lugansk), including the return of Ukrainian customs and border guards;
- Full autonomy for the Donbas region within Ukraine, including control over the local police;
- Complete demilitarization of the region, including the disarmament and demobilization of the pro-Russian militias, the withdrawal of all Russian “volunteer” fighters, and strict limits on the number of Ukrainian troops stationed in the region.

A settlement built on these core terms should be endorsed by a Security Council resolution, with a U.N. peacekeeping force stationed in the Donbas to guarantee the settlement and prevent a new outbreak of violence.

The issue of Crimea is different and separate from that of the Donbas, since Russia annexed Crimea shortly after the revolution in Kiev in 2014. It is also less dangerous, because there is no ongoing armed conflict in the territory. It is therefore not essential to solve the Crimean dispute to end the conflict over the Donbas, and the question of Crimea could in principle be shelved for a future generation to solve. However, Crimea

constitutes another major stumbling block in U.S.–Russian relations, carrying the potential for future crises. Resolving this issue would be desirable, and it should be accomplished by a new local referendum held under U.N. monitoring and supervision and linked to a diplomatic compromise with Russia over the independence of Kosovo.

Such a settlement would represent no real sacrifice for either the United States or Ukraine. So long as the Donbas conflict remains unresolved, there is no possibility of Ukraine joining NATO or the European Union. The ethnic chauvinism that the conflict is helping to increase in Ukraine may in some ways strengthen the country internally against Russia, but it also creates a significant ideological and cultural barrier to E.U. membership. Finally, if by some miracle the Donbas and Crimea could be returned to unconditional Ukrainian control — which is effectively the position of the present government in Kiev and its backers in Washington — the resulting internal tensions in Ukraine would make the country a very dangerous acquisition for NATO and the E.U., and a permanent source of potential conflict with Russia.

About the Author

Anatol Lieven is senior research fellow on Russia and Europe at the Quincy Institute for Responsible Statecraft. He was formerly a professor at Georgetown University in Qatar and in the War Studies Department of King's College London. He is a member of the academic board of the Valdai discussion club in Russia, and a member of the advisory committee of the South Asia Department of the British Foreign and Commonwealth Office. He holds a BA and PhD from Cambridge University.

From 1985 to 1998, Lieven worked as a journalist in South Asia, the former Soviet Union, and Eastern Europe and covered the wars in Afghanistan, Chechnya, and the southern Caucasus. From 2000 to 2007 he worked at think tanks in Washington.

Lieven is author of several books on Russia and its neighbors, including *The Baltic Revolutions: Estonia, Latvia, Lithuania and the Path to Independence* and *Ukraine and Russia: A Fraternal Rivalry*. His book *Pakistan: A Hard Country* is on the official reading lists for U.S. and British diplomats serving in that country. His latest book, *Climate Change and the Nation State* was published in March 2020, and is to appear in an updated paperback edition in Fall 2021.

COVER PHOTO: Zhytomir, Ukraine —November 21, 2018: Ukrainian Army T-80 tanks during exercises at training grounds (photo vvl / Shutterstock.com).

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Introduction

Ukraine and the strategy of universal U.S. primacy

No U.S. administration has ever given the American public a serious explanation as to why a region that historically was of minimal concern to the United States should in recent years have supposedly become so important that members of the foreign policy establishment have even suggested that the United States should be willing to go to war with Russia for the sake of Ukrainian sovereignty.⁶ Nor has the Biden administration explained how such a U.S. commitment squares with the “foreign policy for the middle class” that the president has declared his guiding light.⁷

U.S. officials began to care about the fate of the Donbas region only after the end of the Cold War and to a considerable extent after the Ukrainian revolution of 2014. This gradual, never-debated slide into a new and potentially disastrous U.S. commitment forms part of a wider pattern since the end of the Cold War. In effect, a 1992 memo by Paul Wolfowitz and Lewis Libby, at the time under secretary and deputy under secretary of defense, advocating U.S. political and military primacy across the entire globe, became the standard operating procedure of all subsequent administrations.⁸

As was pointed out at the time, such a program of U.S. primacy in every region of the world was bound to provoke hostile reactions, whether from local populations or regional great powers alarmed and infuriated by the irruption of U.S. power into regions on their borders and affecting what they regard as their vital interests. The advocates of primacy also forgot, or never learned, a rule of geopolitics: In the end, all real power is to be judged not on a global and absolute basis, but on a local and relative one. That is, it depends on the degree of power that a state is willing and able to bring to bear on a given issue relative to what a rival state is willing and able to bring to bear. By this

⁶ Posen, Barry R. “Ukraine: Part of America’s ‘Vital Interests’?” *The National Interest*, May 12, 2014.

⁷ Baer, Dan. “Tracking Biden’s Progress on a Foreign Policy for the Middle Class.” Carnegie Endowment for International Peace, April 6, 2021. <https://carnegieendowment.org/2021/04/06/tracking-biden-s-progress-on-foreign-policy-for-middle-class-pub-84236>; James Traub, “Biden’s ‘Foreign Policy for the Middle Class’ is a Revolution.” *Foreign Policy*, March 17, 2021. <https://foreignpolicy.com/2021/03/17/bidens-foreign-policy-middle-class-revolution/>.

⁸ National Security Council. “Defense Planning Guidance FY 1994–1999.” April 23, 1992. <https://www.archives.gov/files/declassification/iscap/pdf/2008-003-docs1-12.pdf>.

standard, Russia remains a greater power than the United States across most of the countries of the former USSR.

Russian and U.S. interests in Ukraine

Russia's willingness to bring power to bear in Ukraine has much deeper roots than that of the United States. In the case of the Donbas, if U.S. attention to the region dates back some 30 years, the interest of the Moscow-based Russian state (later the Russian Empire) dates back some 600 years, and that of the previous state of Kievan Rus (whose legacy is disputed between Russia and Ukraine) up to 600 years prior to that.⁹



Ukrainian servicemen ride on armored vehicles near Slaviansk September 3, 2014. REUTERS/Gleb Garanich

This is not to justify Russia's actions in the region since 2014, any more than acknowledging permanent U.S. interests in Central America justifies all past U.S. actions there. Great powers will inevitably take a strong interest in regions on their borders and react with suspicion and hostility to the appearance of rival great powers.

⁹ See Franklin, Simon, and Jonathan Shepard. *The Emergence of Rus, 750–1200*. London. Longman, 1996.

Given the inevitability of a hostile Russian reaction, U.S. policymakers should think deeply, and inform and consult the U.S. electorate, before challenging Russia in a region on its borders and vital to Russian interests. This is all the more so because the declared U.S. and allied strategy of creating a “Europe whole and free” through the expansion of NATO and the European Union openly implies the expulsion of Russia from “Europe” — something that no Russian government, of any political stripe, will ever accept. The phrase “Europe whole and free” also implies a hard geopolitical, economic, and cultural frontier between Ukraine and Belarus on the one side and Russia on the other — thereby dividing local regions, communities, and families that have been intimately linked for hundreds of years, such as the Donbas and the neighboring Russian regions of Rostov, Voronezh, and Belgorod.

The argument that Ukraine constitutes a U.S. asset in the event of Russian aggression against the West is wrong and illogical.

Genuine U.S. interests in Ukraine are by contrast minimal. In 2019, before the Covid-19 pandemic, Ukraine was the 67th-largest U.S. trading partner: Trade was a mere \$3.7 billion in both directions, compared with \$48 billion in trade between Ukraine and Russia before the revolution of 2014 and Russian intervention shattered relations between Ukraine and Russia. U.S. direct private investment in Ukraine in 2019 was an insignificant \$596 million.¹⁰ In military terms, Ukraine contributes nothing to U.S. or NATO security. Even after massive (and unaffordable) increases, Ukraine’s defense spending was less than \$9 billion in 2020 (with the United States providing \$250 million in military assistance), compared with Russia’s \$61.7 billion defense budget that year.¹¹

¹⁰ Office of the United States Trade Representative. Country report on Ukraine, 2020.

<https://ustr.gov/countries-regions/europe-middle-east/russia-and-eurasia/ukraine>; “Foreign Direct Investment in Ukraine: War and Peace.” Dnipropetrovsk Regional Council.

<https://oblrada.dp.gov.ua/en/investors/foreign-direct-investment-in-ukraine-war-and-peace/>.

¹¹ Defense Ministry of Ukraine. “Defense Ministry’s Budget for 2020 will be the largest since Ukraine’s independence.” November 5, 2019. <https://www.kmu.gov.ua/en/news/byudzheth-minoboroni-u-2020>. For Russia’s military budget, see “World Military Spending 2020.” Stockholm International Peace Research Institute, April 26, 2021.

<https://www.sipri.org/media/press-release/2021/world-military-spending>.

Therefore the argument that Ukraine constitutes a U.S. asset in the event of Russian aggression against the West is wrong and illogical. First, the only serious threat of actual conflict with Russia is precisely over the disputed territories in Ukraine. Second, it is NATO, of which Ukraine is not a member, that is responsible for deterring and repelling any Russian attempt to dominate Europe.

By far, then, the greatest U.S. interest in Ukraine is the prevention of a conflict there. Even a limited new war between Ukraine and Russia would distract the United States from much more important challenges elsewhere. If the United States were drawn into such a war, this would be a catastrophe for America, Russia, the world – and for Ukraine itself.

Biden administration policy toward Ukraine

Present U.S. policy is to continue to support Ukraine rhetorically and give limited amounts of military and economic assistance, but not radically to increase that assistance or put greatly increased pressure on Russia. This reduces the immediate risk of war but leaves the Donbas as a frozen conflict that will remain an irritant in U.S.–Russian relations, a distraction for U.S. policymakers, a drain on U.S. assistance funds, and one factor pushing Russia further toward an alliance with China. It leaves the Kiev government with a permanent opportunity to stir up new crises for domestic political advantage and win more American attention and assistance.

Frozen conflicts also have a way of becoming unfrozen. The conflict over South Ossetia was frozen for 16 years, until, in 2008, the Georgian government miscalculated that it had enough support from America to recover the region by force. The conflict over Nagorno–Karabakh was more or less frozen for 25 years, until last year, when the government of Azerbaijan judged that it had enough military strength to reconquer the territory. The division of Kashmir between India and Pakistan has remained essentially unchanged since 1948, but there have been repeated outbreaks of fighting in the intervening 73 years.

An assortment of U.S. senators from both parties, retired officials, and commentators have repeatedly proposed an alternative strategy whereby Washington should greatly increase its support for Ukraine, including the provision of much larger amounts of weaponry, the imposition of even harsher sanctions on Russia, and an invitation to Ukraine to become a “major non–NATO ally.”¹² However, no evidence indicates that such a strategy would change Moscow’s approach. So far, intensive sanctions have not changed Russia’s position in the slightest. As German Chancellor Angela Merkel has stated, she “cannot imagine any situation in which improved equipment for the Ukrainian army [would lead] to President Putin being so impressed that he believes that he will lose militarily.”¹³ The domestic prestige of the Putin administration rests heavily on Russian nationalism, and to hand the Donbas back to Ukraine on Ukrainian terms would deal a severe blow to the domestic authority of this or any foreseeable Russian government.

Should war occur, the United States would be faced with a dreadful choice between going to war with Russia and backing off and suffering severe international humiliation.

To make Ukraine a non–NATO ally would be a terrible mistake. It would suggest, even if it did not formalize, a U.S. commitment to fight for Ukraine in the event of war with Russia. Should war occur, the United States would be faced with a dreadful choice between going to war with Russia and backing off and suffering severe international humiliation. It could encourage disastrous miscalculation on the part of Kiev, leading to a crushing Russian victory.

¹² See Menendez, Bob, Jim Risch, et al. “Bipartisan Group of Senators Re-introduce Legislation to Provide Assistance, Support for Ukraine.” U.S. Senate Committee on Foreign Relations, March 17, 2021. <https://www.foreign.senate.gov/press/chair/release/bipartisan-group-of-senators-re-introduce-legislation-to-provide-assistance-support-for-ukraine->; Anders Aslund, Melinda Haring, William B. Taylor, John E. Herbst, Daniel Fried, and Alexander Vershbow. “Biden and Ukraine: A Strategy for the New Administration.” Atlantic Council, March 2021. <https://www.atlanticcouncil.org/in-depth-research-reports/issue-brief/biden-and-ukraine-a-strategy-for-the-new-administration/>. For an earlier expression of this thinking, see

<https://www.brookings.edu/blog/order-from-chaos/2017/11/17/why-trump-should-arm-ukraine/>.

¹³ Parfitt, Tom. “Ukraine crisis: Do not try to scare Putin, warns Merkel.” *The Telegraph*. February 7, 2015.

<https://www.telegraph.co.uk/news/worldnews/europe/ukraine/11397900/Ukraine-crisis-Do-not-try-to-scare-Putin-warns-Merkel.html>.

Fortunately, there is still time for the Biden administration to promote a peace settlement that will address the vital interests of Russia and Ukraine, reflect the wishes of a majority of the Donbas population, observe international law and tradition, and extricate the United States from a potentially disastrous local conflict in which vital American interests are not engaged. The way forward centers on restoring Ukrainian sovereignty over the Donbas with full autonomy for the region, backed by international guarantees sufficient to protect this autonomy. An international treaty should establish Ukraine's military neutrality while leaving open Ukraine's chance to carry out reforms that could eventually allow it to join the West in economic, social, and cultural terms. These measures should be supported by substantial U.S. and European assistance to help the reform process and to incentivize Ukraine to agree to a settlement based on Minsk II.

The Donbas conflict and its origins

The conflict over the Donbas began as a local revolt backed by armed Russian “volunteers” in reaction against the Ukrainian nationalist revolution in the spring of 2014. That revolution involved the forcible overthrow in Kiev of President Viktor Yanukovich, who had been elected in 2010 with the support of an overwhelming majority of voters in the Donbas. However, the sources of the conflict are deeper. The desire for regional autonomy dates back to the period of the Soviet collapse and is rooted in the particular history, identity, and tradition of the region.

The history of the Donbas

What is now known as the Donbas is situated around the middle reaches of the Donets River, a tributary of the Don. It is part of the great Eurasian steppe that extends from the Danube to the borders of China. As such, the Donbas was thinly populated until the early modern period by a succession of nomadic peoples, the last being the Crimean Tatars. In the 18th century, the region was conquered by the Russian Empire and settled with a mixture of Ukrainian and Russian peasants, as well as German, Bulgarian, and Greek colonists. A small Tatar population also remained. In the Russian imperial census of 1897, 52.8 percent of the area was listed as Ukrainian-speaking; 28.7 percent were listed as Russian-speaking.¹⁴

The modern history of the Donbas began in the mid-19th century, with the discovery of immense coal reserves in the area. The contract to exploit them was given to a Welsh mining entrepreneur, John Hughes, from whom came the original name of Donetsk: Yusovka (“Hughesovka”). The Donbas grew rapidly to become one of the chief coal-producing areas, first of the Russian Empire and then of the USSR, and attracted workers from Russia and other areas of the Soviet Union as well as Ukraine.¹⁵

¹⁴ For the census of 1897 in the Donbas, see <https://likbez.org.ua/census-of-the-russian-empire-in-1897-ukrainian-province.html>.

¹⁵ For the foundation and growth of Donetsk in the Russian Empire and early USSR, see Friedgut, Theodore. *Iusovka and Revolution*. Princeton, N.J. Princeton University Press, 1989.

This in-migration changed the region's ethnic composition. In the last Soviet census, in 1989, 45 percent of the population of the Donbas identified as ethnically Russian and 51 percent as Ukrainian, and a majority of this population gave Russian as their mother tongue. The extremely high levels of intermarriage between Russians, Ukrainians, and other ethnicities in the region frequently made it difficult even for local people to say what their "real" ethnicity was.¹⁶ Rather than "Russian," the identity of the region might best be described as "Russian-speaking Soviet–Ukrainian."¹⁷

In common with other mining regions, the inhabitants of the Donbas also developed a strong sense of collective identity and solidarity based on their dangerous and arduous work.¹⁸ In 1989, together with miners in Russia, the coal miners of the Donbas conducted the first major economic strike in the USSR since the 1920s.¹⁹ The culture of the Donbas was therefore very different from that of Kiev, let alone the heartland of Ukrainian nationalism in western Ukraine.

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The Donbas in independent Ukraine

The legacy of Soviet identity remains strong in the Donbas. In March 1991, when the region held a referendum on whether to remain in a reformed and confederal Soviet Union, 83 percent of the local population voted to remain (whereas the figure for Ukraine as a whole was 71 percent).²⁰ A new referendum in the fall, following the coup in Moscow and the start of the final Soviet collapse, produced a majority for independence. However, a great many Ukrainians whom I asked said that they had voted for "independence within the Soviet Union" — a measure of the utter confusion in a

¹⁶ See Lieven, Antatol. *Ukraine and Russia: A Fraternal Rivalry*. Washington. U.S. Institute of Peace. 44–45.

¹⁷ Hiroaki, Kiromiya. *Freedom and Terror in the Donbas: A Ukrainian–Russian Borderland, 1870s–1990s*. Cambridge. Cambridge University Press. 251–273; Lieven. *Ukraine and Russia*. 50–52.

¹⁸ Lieven. *Ukraine and Russia*. 93–96.

¹⁹ Siegelbaum, Lewis H., and Daniel J. Walkowitz. *Workers of the Donbass Speak Out: Survival and Identity in the new Ukraine, 1989–1992*. Albany, N.Y. State University of New York Press, 1995.

²⁰ See Solchanyk, Roman. "The Referendum in Ukraine." *Report on the USSR*. Radio Free Europe/Radio Liberty, March 29, 1991.

public with no experience of thinking about politics. Certainly the overwhelming majority of people in the Donbas expected to keep an open border with neighboring Russian regions, to which they were intimately linked by economic and family ties. In support of local autonomy and as a guarantee of continued links with Russia, a congress of elected officials from southeast Ukraine met in Donetsk in October 1991 and proposed that independent Ukraine should be a federal state with extensive powers delegated to the regions. This plan was rejected by the Ukrainian government.



Servicemen of the self-proclaimed Donetsk People's Republic stand guard during a ceremony marking the 75th anniversary of the liberation of the Donbas region from the Nazi occupation during World War Two outside the rebel-held city of Donetsk, Ukraine September 7, 2018. REUTERS/Alexander Ermochenko

In December 1991, with the USSR on the verge of dissolution, 90 percent of Ukrainians and 84 percent of the inhabitants of the Donbas voted for Ukrainian independence. However, to judge by what people in the Donbas told me when I visited the region two years later, they did not understand independence to mean a break with Russia involving an international frontier between Ukraine and Russia.²¹ It is safe to conclude that support for local autonomy and for close ties with Russia has always been strong in the

²¹ Lieven. *Ukraine and Russia*. 47–48.

population of the Donbas.²² As a result, the emergence of an openly anti-Russian Ukrainian state devoted to an ethnic version of Ukrainian nationalism was bound to cause serious trouble in the Donbas.²³

After the dissolution of the USSR in the final days of 1991, nostalgia for the Soviet Union and discontent with independent Ukraine remained high in the Donbas, exacerbated by an economic decline that was much more severe than in Russia or Belarus. Throughout the 1990s and 2000s, huge majorities of voters in the Donbas (as in most of the rest of eastern and southern Ukraine) voted consistently for “pro-Russian” parties and blocs.²⁴ In a poll conducted in 2000, 61 percent of respondents in southeastern Ukraine, including the Donbas, described their primary identity as deriving from their region or locality, as opposed to 39 percent of respondents who described Ukraine as their primary identity.²⁵ In 1994, 90 percent of voters in a local referendum wanted a federal system for Ukraine, official status in the region for the Russian language alongside Ukrainian (given tolerance and time, a bilingual Ukraine should not be difficult to achieve, given the affinity of the two languages), and close relations with Russia, but these demands were refused by the Ukrainian government.²⁶

Various groups advocating outright secession from Ukraine and union with Russia were active in the Donbas in the generation after the Soviet collapse, but for decades none of them gained majority support. Opinion polls in the region before the events of 2014 showed strong approval of federalism and overwhelming opposition to separation from Ukraine.²⁷ Until then, the Russian governments of Boris Yeltsin and Vladimir Putin also

²² For the attitudes of Russians in eastern Ukraine in the 1990s, see Kolstoe, Paul. *Russians in the Former Soviet Republics*. London. Hurst, 1995. 168–185; Neil Melvin, *Russians Beyond Russia: The Politics of National Identity*. Royal Institute of International Affairs. London, 1995. 78–99.

²³ For my research on regional attitudes in eastern Ukraine, and especially attitudes toward “Ukrainianisation” in the 1990s, see *Ukraine and Russia*. 49–68.

²⁴ Bremmer, Ian. “The Politics of Ethnicity: Russians in the New Ukraine.” *Europe-Asia Studies*, vol.46, no.2, 1994. 261–283; Dominique Arel and Andrew Wilson. “The Ukrainian Parliamentary Elections.” RFE/RL Research report 3, no.26, July 1, 1994.

²⁵ Cited in Shulman, Stephen, “Region, Identity and Political Authority in Ukraine.” *Journal of Ukrainian Studies*, vol. 26, No. 1, January 7, 2001. 175.

²⁶ For support for federalism throughout eastern and southern Ukraine in the 1990s, see Wilson, Andrew. *Ukrainian Nationalism in the 1990s: A Minority Faith*. Cambridge. Cambridge University Press, 1996. 168; M. K. Flynn. “Political Mobilization in Eastern Ukraine: The Referendum of 1994 in the Donetsk oblast.” *The European Legacy*, vol.1, no. 1, 1996; “A Political Portrait of Ukraine: Results of a Public Opinion Poll of Citizens in the South and East of Ukraine, May–June 1994.” Kiev. Democratic Initiative Center, 1994; ; David Marples. “Ethnic and Social Composition of Ukraine’s Regions and Voting Patterns.” *Ukraine and Russia: People, Politics, Propaganda and Perspectives*. Agnieszka Pikulicka-Wilczewska and Richard Sakwa, eds. Bristol, U.K. E–International Relations Publishing. 8–17.

²⁷ See Hesli, Vicki L. “Public Support for the devolution of power in Ukraine: Regional patterns.” *Europe-Asia Studies*, vol.47, no. 1, January 1995. 91–121.

did not endorse regional separatist movements, either in the Donbas or in Crimea. The nationalist revolution in 2014 resulted in the overthrow of a president who had won, in the second round of the 2010 presidential elections, more than 80 percent of the vote in Lugansk and more than 90 percent in Donetsk.

The Donbas revolt

In response, first mass protests and then armed activists, including Russian citizens, seized local government offices in the Donbas and declared regional sovereignty. (The generally used Russian word *samostoyatel'nost* can mean either independence or broad autonomy, depending on how it is interpreted politically.)²⁸ This demand was backed by an overwhelming majority in a regional referendum conducted on May 11, 2014. The referendum was not, however, monitored by any independent international organization, nor has any international organization been willing to monitor elections held in the Donbas since 2014.²⁹

It seems likely that a majority of the people of the Donbas would accept guaranteed regional autonomy within Ukraine as a solution to the conflict, and that only a minority wants to be ruled by a centralized state in Kiev.

A survey conducted by the Kiev International Institute of Sociology in 2015 showed 18 percent of respondents in the Donbas supporting autonomy within a federal Ukraine, 20 percent supporting an extension of local power within a unitary Ukraine, 16 percent

²⁸ For different definitions and analyses of the Donbas conflict, see Hauter, Jakob, ed. *Civil War? Interstate War? Hybrid War? Dimensions and Interpretations of the Donbas Conflict in 2014–20*. Stuttgart. Ibidem, 2021. An excellent account of the Donbas revolt is Keith Gessen's. "Why Not Kill Them All?" *London Review of Books*, vol.36, no.17, September 11, 2014. For a fairly sympathetic view of the revolt, see Richard Sakwa. *Frontline Ukraine: Crisis in the Borderlands*. London. I.B. Tauris, 2015. 148–182. For a Ukrainian nationalist view, see Taras Kuzio. *Putin's War Against Ukraine: Revolution, Nationalism and Crime*. New York. Create Space Publishing, 2017. 211–289. See also Andrew Wilson. *Ukraine Crisis: What it means for the West*. New Haven and London. Yale University Press, 2014. 118–143; Balazs Jarabik "Frozen Donbas?" Carnegie Moscow Center, November 17, 2014; Domitilla Sagramoso, *Russian Imperialism Revisited: From Disengagement to Hegemony*. Abingdon, Oxon. Routledge, 2020. 332–341.

²⁹ Mackinnon, Mark. "Ukraine denounces pro-Russian referenda." *The Globe and Mail*, May 12, 2014. <https://www.theglobeandmail.com/news/world/controversial-independence-votes-add-to-ukrainian-instability/article18599173/>.

supporting union with Russia, and 26 percent supporting independence. Only 12 percent favored simply returning to a unitary Ukrainian state.³⁰

In the conditions that have prevailed since 2014, it is difficult to judge the reliability of such polls (or those conducted in the parts of the Donbas occupied by the Ukrainian army). Nonetheless, if polls taken before the conflict broke out are an indication, it seems likely that a majority of the people of the Donbas would accept guaranteed regional autonomy within Ukraine as a solution to the conflict, and that only a minority wants to be ruled by a centralized state in Kiev. There has always been strong resistance in the region to compulsory “Ukrainianization,” and this appears to have grown even stronger as a result of moves by the Ukrainian state since 2014 to reduce and restrict the use of the Russian language in Ukraine in administration and education.

Attempts by the Ukrainian armed forces to regain control of the region were blocked and then driven back with the help of “volunteers” from Russia commanded by “retired” Russian military officers and equipped with limited amounts of artillery, armored vehicles, and anti-aircraft missiles. These personnel remain as of mid-2021; most are generally assumed to be members of the Russian armed forces acting under orders from the Russian government, which had, immediately after the overthrow of President Yanukovich, occupied and annexed the Crimean region of Ukraine.³¹ Nonetheless, it should be clear from the level of discontent in the Donbas from 1991 to 2014 that the conflict is a separatist war (or a Ukrainian civil war) with heavy Russian involvement, and not simply a Ukrainian–Russian war.³²

On the Ukrainian side, ultranationalist volunteer militias, not regular army units, did much of the actual fighting. The most famous of these has been the Azov Battalion, later incorporated into the Ukrainian National Guard. These militias have neo-Nazi connections and leave no uncertainty about their hatred of Russians. Their program of extreme ethno-cultural nationalism, aiming for the destruction of Russian language and

³⁰ Cited in Katchanovski, Ivan. “The Separatist war in Donbas: A Violent Break-up of Ukraine?” *Ukraine in Crisis*. Nicolai N. Petro. ed. Abingdon, Oxon. Routledge, 2017. 53–69; Natalia Mirmanova, “Donbas Businessmen: From victims to peace-builders?” Carnegie Moscow Center, April 4, 2018. <https://carnegie.ru/commentary/75980>.

³¹ See Robinson, Paul. “Russia’s Role in the Donbas and the Threat to European Security.” Petro. *Ukraine in Crisis*. 86–101.

³² See *UCDP Conflict Encyclopedia*. Uppsala University Conflict Data Program, 2015. www.ucdp.uu.se/database.

culture in Ukraine, has hardly strengthened Ukraine's appeal among the population of the Donbas.³³

As of May 2021, more than 4,500 Ukrainian troops and 5,700 separatist fighters have been killed, together with an estimated 400 to 500 Russian troops and 3,375 civilians. More than 1.4 million people have been forced to leave their homes.

Heavy fighting continued in the Donbas until the international "Minsk Group," meeting under the auspices of the Organization for Security and Cooperation in Europe, the OSCE, negotiated a ceasefire in February 2015.³⁴ This accord, Minsk II (the initial Minsk Protocol having been signed in September 2014), left around half of the Donbas region and both main cities in the hands of the separatists. Intermittent clashes have occurred since then. As of May 2021, more than 4,500 Ukrainian troops and 5,700 separatist fighters have been killed, together with an estimated 400 to 500 Russian troops and 3,375 civilians. More than 1.4 million people have been forced to leave their homes.³⁵

The Russian government has demanded autonomy for the Donbas and constitutionally guaranteed language and cultural rights for Russians throughout Ukraine — terms set in the Minsk agreements. Since 2014, the internationally unrecognized Donetsk People's Republic and Lugansk People's Republic have subsisted through trade with Russia and through direct Russian economic support. Pensions, for example, are thought to be paid

³³ See Kuzmenko, Oleksiy. "The Azov Regiment has not depoliticized." Atlantic Council, March 19, 2020. <https://www.atlanticcouncil.org/blogs/ukrainealert/the-azov-regiment-has-not-depoliticized/>; Max Rose and Ali Soufan. "We once fought jihadists. Now we battle white supremacists." *The New York Times*, February 11, 2020. <https://www.nytimes.com/2020/02/11/opinion/politics/white-supremacist-terrorism.html>; Shaun Walker. "Azov fighters are Ukraine's greatest weapon and may be its greatest threat." *The Guardian*, September 10, 2014. <https://www.theguardian.com/world/2014/sep/10/azov-far-right-fighters-ukraine-neo-nazis>; Anna Nemtsova and Christopher Dickey. "Ukraine's anti-Russia Azov battalion: 'Minutemen' or Neo-Nazi terrorists." *Daily Beast*, November 15, 2019. <https://www.thedailybeast.com/ukraines-anti-russia-azov-battalion-minutemen-or-neo-nazi-terrorists>.
³⁴ Weaver, Matthew, and Alec Luhn. "Ukraine ceasefire agreed at Belarus talks." *The Guardian*, February 12, 2015. <https://www.theguardian.com/world/2015/feb/12/ukraine-crisis-reports-emerge-of-agreement-in-minsk-talks>.
³⁵ "The Conflict in Ukraine." Council on Foreign Relations Global Conflict Tracker, June 10, 2021. <https://www.cfr.org/global-conflict-tracker/conflict/conflict-ukraine>.

entirely by Russia. The Russian ruble is legal currency alongside the Ukrainian hryvnia. By mid-2020, Russia had issued almost 200,000 Russian passports to inhabitants of the Donbas and apparently plans to extend them to all those who want them.³⁶ The Russian military effectively guarantees the region against a Ukrainian attempt at reconquest.³⁷ Russian officials have warned that Russia would intervene militarily if Ukraine launched a new offensive, and Russia has on several occasions carried out military maneuvers and deployments on Russia's side of the international frontier as a warning to Kiev, most recently in March 2021.³⁸ So far, however, Moscow has ignored calls from some of the leadership in Donetsk and Lugansk for annexation by Russia.³⁹

³⁶ Skorkin, Konstantin. "Merge and rule: What's in store for the Donetsk and Lugansk republics." Carnegie Moscow Center, March 16, 2021; Fabian Burkhardt. "Russia's 'Passportisation' of the Donbas." SWP Comment 2020/C 41. Stiftung Wissenschaft und Politik, August 2020. <https://www.swp-berlin.org/10.18449/2020C41/>.

³⁷ "Ukraine conflict: Moscow could 'defend' Moscow-backed rebels." BBC. April 9, 2021. <https://www.bbc.com/news/world-europe-56678665>.

³⁸ Isachenkov, Vladimir, "Kremlin says it fears full-scale fighting in Ukraine's east." The Associated Press, April 9, 2021; "Ukraine rules out offensive against Russian-backed separatists." *Al Jazeera*, April 9, 2021. <https://www.aljazeera.com/news/2021/4/9/ukraine-rules-out-offensive-against-russia-backed-separatists>.

³⁹ Chazen, Guy. "Separatists urge Russia to annex Donetsk in the wake of referendum." *Financial Times*, May 12, 2014. <https://www.ft.com/content/75b30b62-d9a0-11e3-b3e3-00144feabdc0>.

The Minsk process

The first Minsk proposals

In order to address the Ukraine crisis, the Trilateral Contact Group on Ukraine (comprised of Russia, Ukraine, and representatives of separatist groups and informally known as the “Minsk Group” after its usual meeting place) was formed in June 2014 under the auspices of the OSCE.⁴⁰ Its initial goal was to establish a ceasefire in the Donbas. On September 5, 2014, this group signed the first Minsk Protocol. This provided for a ceasefire, the withdrawal and disarming of all armed groups in the Donbas, a Ukrainian amnesty for the separatists, security zones in the Donbas and adjacent areas of Russia to be monitored by a permanent OSCE force, and autonomy for the Donbas within Ukraine.

This agreement failed to bring an immediate end to the fighting, however, above all because of the complex military situation on the ground.⁴¹ This instability gave both sides the hope of occupying more territory in advance of a ceasefire or even of winning outright. In January 2015, the ceasefire collapsed completely as the separatists launched an offensive aimed at capturing the Ukrainian-held town of Debaltsevo.

The Minsk II Protocol

In February 2015 the OSCE convened a summit in Minsk of the leaders of France, Germany, Russia, and Ukraine. They reached the agreement commonly known as “Minsk II.”⁴² The Minsk II Protocol was endorsed unanimously by the U.N. Security Council,

⁴⁰ See Anatol Lieven. “Ukraine — The Way Out.” *The New York Review of Books*, June 5, 2014.

⁴¹ Noorman, Randy. “The Battle of Debaltsevo: A Hybrid Army in a Classic Battle of Encirclement.” *Small Wars Journal*, July 17, 2020. <https://smallwarsjournal.com/jrnl/art/battle-debaltsevo-hybrid-army-classic-battle-encirclement>.

⁴² See full text at <https://www.ft.com/content/21b8f98e-b2a5-11e4-b234-00144feab7de>.

including the United States.⁴³ The key military element of this agreement was the disarmament of the separatists and the withdrawal of Russian “volunteer” forces, together with the nonentry for an unspecified period of the Ukrainian armed forces (exclusive of border guards). The key political element consisted of two essential and mutually dependent parts: a restoration of Ukrainian sovereignty, including control of the border with Russia, and full autonomy for the Donbas in the context of a decentralization of power in Ukraine as a whole.

The Minsk II Protocol was endorsed unanimously by the U.N. Security Council, including the United States.

The Minsk II agreement provided for a renewed ceasefire and the pullout of all heavy weapons by both sides, to be monitored by the OSCE. Following the implementation of autonomy, all internationally unrecognized local armed groups were to be disarmed and all foreign forces withdrawn under OSCE supervision. The key section on autonomy reads:

Without delays, but no later than 30 days from the date of signing of this document, a resolution has to be approved by the Ukrainian parliament, indicating the territory which falls under the special regime in accordance with the law “On temporary Order of Local Self–Governance in Particular Districts of Donetsk and Luhansk Oblasts,” based on the line set up by the Minsk Memorandum....

Constitutional reform in Ukraine, with a new constitution to come into effect by the end of 2015, the key element of which is decentralization (taking into

⁴³ United Nations Security Council. “Unanimously Adopting Resolution 2202 (2015), Security Council Calls on Parties to Implement Accords Aimed at Peaceful Settlement in Eastern Ukraine, February 17, 2015. <https://www.un.org/press/en/2015/sc11785.doc.html>. For Russian views of the Minsk agreement, see Timofeychek, Alexey. “Parties satisfied with latest talks on ending Ukraine conflict.” *Rossiyskaya Gazeta*, October 3, 2015.

account peculiarities of particular districts of Donetsk and Luhansk oblasts, agreed with representatives of these districts).

Restoration of control of the border with Russia was to begin simultaneously with OSCE-supervised elections under this law and to be completed with the establishment of an elected regional authority.

The notes to the Minsk II Protocol also contained safeguards for permanent local autonomy and links to Russia. These included:

- Participation of local self-government in the appointment of the heads of prosecutors' offices and courts in the particular districts of Donetsk and Luhansk oblasts.
- Assistance from central executive bodies for cross-border cooperation by particular districts of Donetsk and Luhansk oblasts with regions of the Russian Federation.
- The freedom to create people's militia units by decision of local councils to maintain public order in particular districts of Donetsk and Luhansk oblasts.
- The powers of local council deputies and officials, elected in early elections, appointed by the Ukrainian parliament according to this law, cannot be prematurely terminated.

Moscow and the separatist leadership insisted on these provisions as guarantees against any future attempt by the Ukrainian government to abolish local autonomy by force, and to maintain the close historic and personal connections between the Donbas and the neighboring areas of Russia.

The failure of Minsk II

The Minsk II ceasefire took effect after the capture of Debaltsevo by the separatists on February 18, 2015. While intermittent exchanges of fire have taken place every year and

claimed hundreds of casualties on both sides, it has held ever since to the extent that neither side has mounted any further full-scale offensives.⁴⁴



(Left) Russian President Vladimir Putin, French President Francois Hollande, French Minister of Foreign Affairs Laurent Fabius, (right) German Chancellor Angela Merkel, Ukrainian President Petro Poroshenko and Ukrainian Minister of Foreign Affairs Pavlo Klimkin during a Normandy Format Meeting to assess the progress made in the Minsk peace agreement, at the Elysee Palace in Paris, France on October 2, 2015. (Photo by Denis Allard/Pool/ABACAPRESS.COM)

The larger settlement envisioned by Minsk II has not, however, come to pass. No political agreement has been reached, Ukrainian sovereignty has not been restored, separatist forces have not disarmed, and Russian “volunteers” have not withdrawn. At intervals, as in March–April 2021, fighting on the ground or military deployments by Moscow or Kiev have threatened to spiral into a new, full-scale conflict. Central to the failure of Minsk II have been three intertwined issues: the inability of Kiev, Moscow, and the separatist leadership to reach agreement on the terms of permanent Donbas autonomy, the sequence in which the establishment of local autonomy and the

⁴⁴ For ceasefire violations in 2018–20, see “Donbas: Where the guns do not stay silent.” Armed Conflict Location and Event Data Project, April 13, 2020. <https://acleddata.com/2020/04/13/donbas-where-the-guns-do-not-stay-silent/>.

resumption of Ukrainian control of the border with Russia are to occur, and how to secure the long-term autonomy of the region against an attempt by Kiev to impose central control.⁴⁵

Successive Ukrainian governments have insisted that Kiev take full control of the Donbas, including the frontier with Russia, and that all local forces be disarmed or withdrawn. This is to be done, in Kiev's view, before local elections are held and before the Ukrainian parliament passes a law permanently changing the Ukrainian constitution to accommodate Donbas autonomy. The argument is that otherwise Moscow and its local allies would rig the elections. The Russian government and the separatist leadership, for their part, have argued that if the Kiev government is allowed to establish full control before local elections and before a change to the constitution, it will itself rig or cancel the elections and forget about autonomy. Because a majority of the Ukrainian parliament is opposed to changing the constitution, it is very likely that no constitutional reform would occur. Moscow would then be faced with an extremely difficult choice between suffering the humiliation of a complete Ukrainian victory in the Donbas or openly invading the territory with the Russian army. It needs to be stated clearly: It is possible that in future the Russian government and separatists would sabotage a peace settlement based on Minsk II. It is certain that, up to now, it is the Ukrainian side that has done so — without criticism or repercussions from U.S. administrations.

No political agreement has been reached, Ukrainian sovereignty has not been restored, separatist forces have not disarmed, and Russian “volunteers” have not withdrawn.

The Ukrainian parliament did pass a law on special status for Donetsk and Lugansk on March 17, 2015, but the law was provisional, granting special status for one year, and it

⁴⁵ For the immediate obstacles to implementation of the Minsk II agreement, see Balazs, Jarabik. “Long live Minsk II?” Carnegie Moscow Center, March 20, 2015.

was not to come into effect until Donetsk and Lugansk held elections under Ukrainian law. Ukraine made no commitment to revise the Ukrainian constitution as a whole to provide for decentralization and Russian-language rights. The Ukrainian parliament granted far more limited powers to the region than those envisioned under Minsk II. In particular, all powers over the police and courts were reserved to the central government in Kiev, and there was no provision for the creation of local militia.⁴⁶

Even so, the provisional law was immediately denounced by Ukrainian nationalist groups. The leader of the Ukrainian extreme nationalist Right Sector party and paramilitary force Dmytro Yarosh declared that his group would continue fighting to restore the full authority of the Ukrainian state over the Donbas.⁴⁷ There have been moves by the present Ukrainian government to prosecute Petro Poroshenko, the former Ukrainian president, for agreeing to Minsk II.⁴⁸

For their part, the separatist leaders in the Donbas, doubtless with Moscow's assent and encouragement, made a new demand in 2015 that the regional government share responsibility with Kiev for controlling the international border with Russia.⁴⁹ Moreover, separatist leaders proposed that the Ukrainian constitution include a provision making Ukraine neutral and nonaligned, thereby ruling out future membership in NATO and the European Union (though also in the Russian-dominated Eurasian Union). The Kiev government and parliament immediately rejected all of these demands.

The current impasse

Since the ceasefire of February 2015, the Donbas conflict has remained semi-frozen. The Ukrainian parliament has annually renewed the temporary law on special status for

⁴⁶ Embody, Julia. "Here's How To Save the Minsk II Agreement." *The National Interest*, July 10, 2015. <https://nationalinterest.org/feature/heres-how-save-the-minsk-ii-agreement-13299>.

⁴⁷ Yatsyshyn, Yuriy. "Dmytro Yarosh, 'Right Sector' to fight until complete liberation of Ukraine from Russian occupants." *Euromaidan Press*, February 14, 2015. <http://euromaidanpress.com/2015/02/14/dmytro-yarosh-right-sector-fight-complete-liberation-ukraine-russian-occupants/#comment-21371>.

⁴⁸ Kramer, Andrew E. "Ukraine is threatening to arrest its former president." *The New York Times*, February 28, 2020. <https://www.nytimes.com/2020/02/28/world/europe/ukraine-petro-poroshenko.html>.

⁴⁹ Allan, Duncan. "The Minsk Conundrum: Western policy and Russia's war in eastern Ukraine." Chatham House, May 2020. <https://www.chathamhouse.org/sites/default/files/2020-05-22-minsk-conundrum-allan.pdf>.

the Donbas, but it remains suspended and provisional. In April 2021 President Volodymyr Zelensky called for the Minsk II agreement to be revised by new negotiations that would include the United States, Canada, and Britain.⁵⁰ His administration has followed the Poroshenko government in declaring that Ukraine is not, in fact, bound to offer permanent (as opposed to temporary) autonomy to the Donbas. The Russian government has refused to open talks on this basis.⁵¹

If the United States is to help bring about a settlement, U.S. representatives must enter into talks with clear, concrete, and detailed proposals for the terms of that settlement.

Zelensky's call to bring Britain and Canada into negotiations appears to be an attempt to line up more voices on Ukraine's side, a move that will do nothing to bring about Moscow's agreement to Kiev's position. Nor could the Ukrainian president's demand that talks be moved from Minsk to a different, unspecified but presumably Western location lead to any practical result. The involvement of the United States, on the other hand, is essential to the success and implementation of any agreement. Without it, the government in Kiev would always be able to try to mobilize U.S. support against any settlement, and Moscow would have even less incentive to make concessions. If the United States is to help bring about a settlement, U.S. representatives must enter into talks with clear, concrete, and detailed proposals for the terms of that settlement.⁵²

⁵⁰ Hall, Ben. "Ukrainian leader calls for revamp of peace process to end Donbas war." *Financial Times*, April 26, 2021. <https://www.ft.com/content/ed40d675-16b3-4a35-a157-b9bf0078b507>.

⁵¹ Hall, Ben, and Roman Olearchyk. "Zelensky forced to 'face reality' over peace talks with Russia." *Financial Times*, May 3, 2021. <https://www.ft.com/content/b8e7489d-bfa9-4a1f-aa1e-ba441bb0d354?segmentId=114a04fe-353d-37db-f705-204c9a0a157b>.

⁵² For a discussion of confidence-building measures, see Milakovsky, Brian, Hanna Shelest, and Mykhailo Minakov. "Minsk II and the Donbas Conflict: Six Years Later." Wilson Center, March 15, 2021. <https://www.wilsoncenter.org/event/minsk-ii-and-donbas-conflict-six-years-later>.

How the United States can help solve the conflict

The terms of a viable settlement

A new U.S. approach to peace in Ukraine should begin with a public restatement by the Biden administration of America's commitment to the principles of Minsk II, as endorsed by the Obama administration in 2015, and to a pluralist, multiethnic and federal Ukrainian republic. It is only on this basis that Ukraine can ever be brought back together again and Ukrainian stability, security, and unity guaranteed in the long term. Such a statement would be the first step in creating the foundation of limited but sufficient mutual confidence among Washington, Moscow, and the Donbas separatists that is necessary if any settlement is to be achieved.

This measure would open the way for the United States and Russia to make a joint statement of commitment to these principles and to Minsk II. As part of this strategy to lay the basis for a settlement, the Biden administration should also encourage unofficial meetings between citizens of the Donbas and representatives of U.S., European, and Ukrainian civil society. These would serve as confidence-building measures and spread knowledge of the views and identity of the Donbas people among Western policymakers, analysts, and commentators.

However, to bring about a peace settlement, it is also necessary to address the factors that brought about the failure of the Minsk II agreement. Chief among these is the Ukrainians' refusal to guarantee permanent full autonomy for the Donbas region. The main reason for this refusal, apart from a general commitment to retain centralized power in Kiev, has been the belief that permanent autonomy for the Donbas would act as a barrier to Ukraine joining NATO and the European Union, as the region could use its constitutional position within Ukraine to block membership. The official U.S.

commitment to eventual Ukrainian membership in the alliance — however empty in real terms — has in turn inhibited the United States from playing a positive role in resolving the conflict.

This empty commitment has been chiefly responsible for the fact that, although the United States endorsed the Minsk II agreement and has never officially disowned it, since 2015 it has in practice done nothing to help create an actual settlement based on its provisions. Above all, there has been no attempt whatsoever by any of the three U.S. administrations since 2015 to use America's vast leverage with Ukraine to persuade governments in Kiev to change their approach to the Donbas in the ways necessary to make a settlement possible.

The official U.S. commitment to eventual Ukrainian membership in the alliance — however empty in real terms — has in turn inhibited the United States from playing a positive role in resolving the conflict.

Ukrainian and American arguments against implementing the Minsk II agreement are a classical case of circular reasoning: So long as Ukraine is involved in a territorial conflict, it will never be invited to join NATO and the E.U., nor should it be. Even if a U.S. administration were prepared to take the risk of membership under these conditions, Germany and France would certainly veto it. And as already stated, there is no way to resolve this conflict on Ukrainian terms without victory in war against Russia, which is impossible. Realistically speaking, Minsk II's basic terms — an end to the war and autonomy for the Donbas within Ukraine — are the best deal that Ukraine is ever going to get.

The fact is that Ukraine will not join NATO, and recognizing this opens the way to a solution of the Donbas conflict based on an expanded version of the Minsk II

agreement. Supporters of Ukrainian membership in NATO often talk in terms of the need to create “a Europe whole and free.”⁵³ But Europe will never be whole and free if Russia is shut out of Europe. No Russian government will accept being banished from Europe in this way, and large parts of the Ukrainian population, given their cultural affinities with Russia, will not accept a hard frontier between themselves and Russia. Such a Europe would be bitterly divided and militarized, not whole and free.



Secretary of State Antony J. Blinken meets with Ukrainian Prime Minister Denys Shmyhal in Kyiv, Ukraine, on May 6, 2021. (State Department photo by Ron Przysucha/ Public Domain)

If the United States abandons the hopeless goal of NATO membership for Ukraine, it will put itself in a position to pressure the Ukrainian government and parliament into agreement on “Minsk III” terms by the credible threat of a withdrawal of U.S. aid and political support. As to Russia, if Moscow were to reject or sabotage this new agreement, or permit the Donbas separatists to do so, all existing Western sanctions

⁵³ Montgomery, Molly. “Europe Whole and Free: Why NATO’s open door must remain open.” Brookings Institution, April 3, 2019. <https://www.brookings.edu/blog/order-from-chaos/2019/04/03/europe-whole-and-free-why-natos-open-door-must-remain-open/>; “Ukraine and NATO: A partnership to keep Europe whole and free.” German Marshall Fund of the USA, May 27, 2015. <https://www.gmfus.org/events/ukraine-nato-partnership-keep-europe-whole-and-free>.

against Russia related to the Donbas and Crimean disputes should not only remain in place, but be greatly intensified.

By the same token, if the United States were actually eager to bring Ukraine into NATO, and the Ukrainian government were truly eager to join, Kiev should grant independence to the Donbas as well as Crimea. This action would, at a stroke, end the territorial conflicts blocking membership and remove from Ukraine millions of voters who, if reincorporated into Ukraine, would vote for parties opposed to membership. However, both Kiev and Washington have ruled out this possibility so often that it would seem to have become politically impossible for them to accept it. Still, if the present situation lasts indefinitely, then, as in disputes elsewhere, opposition to the separation of the Donbas might eventually and quietly lapse.

Although the United States was not a signatory to either the Minsk Protocol or Minsk II, U.S. administrations have declared their support for Minsk II and voted for it in the Security Council. As Samantha Power, then U.S. ambassador to the United Nations, stated to the council in June 2015, “The consensus here, and in the international community, remains that Minsk’s implementation is the only way out of this deadly conflict.”⁵⁴ The United States should seek to relaunch the Minsk process, this time participating fully, and should throw the full weight of American influence behind a settlement. In doing so it ought to promote the following main terms:

- A Ukrainian constitutional amendment establishing the Donbas region as an autonomous republic within Ukraine (including those parts of the provinces of Donetsk and Lugansk currently controlled by Ukraine);
- The constitution of a Donbas Autonomous Republic (including its constitutional relationship with Ukrainian national institutions in Kiev) to be submitted to the people of Donetsk and Lugansk provinces in a referendum supervised and monitored by the U.N. and the OSCE.

⁵⁴ See Embody. “Here’s how to save the Minsk Agreement.”

If a majority of voters in the Donbas were to oppose the constitutional amendment, they would be taken to have chosen to remain within Ukraine under its present unitary constitution. But in the likely event of approval in the referendum, the constitutional amendment would then be submitted to the Ukrainian parliament. If the parliament rejected it, a new, internationally supervised referendum would be held giving the people of the region a clear choice between rejoining a unitary Ukraine and becoming independent, with a future option to join the Russian Federation.

To secure the establishment and maintenance of autonomy, the referendum on autonomy and the establishment of a regional government under the Ukrainian constitution must come before Ukraine takes control of the border with Russia. Police and courts in the Donbas Autonomous Republic would come under the regional government. Military security would be provided by a U.N. peacekeeping force drawn from neutral countries outside Europe, and established as part of a Security Council resolution in support of the peace settlement. U.S. and NATO forces would, of course, not be included, nor would Russian forces or those of countries allied to Russia. This peacekeeping force would also supervise and certify the disarmament of the existing separatist armed forces, the withdrawal of all Russian forces, and the withdrawal of the Ukrainian armed forces from their present positions in Donetsk and Lugansk.⁵⁵

Federalism and its precedents

A revived and updated Minsk settlement would have a real chance of succeeding. Although the Ukrainian government and parliament have rejected a federal system and resisted true autonomy for the Donbas, a Gallup poll in December 2014 showed a plurality of Ukrainians, 43 percent, in favor of decentralizing power to the regions. This poll took place without the participation of people in the separatist areas of the Donbas

⁵⁵ For a Russian perspective favoring a U.N. peacekeeping force, see Arbatov, Alexey. "A U.N. peacekeeping operation is the only way forward in Ukraine." *War on the Rocks*, September 28, 2017. <https://warontherocks.com/2017/09/a-u-n-peacekeeping-operation-is-the-only-way-forward-in-ukraine/>

and, of course, in Crimea. With them, it would undoubtedly have shown a substantial majority in support of decentralization.⁵⁶

Given the differences in language and culture among different parts of Ukraine, a federal constitution would seem the best political system for the country as a whole.

A federal solution to regional discontent is also well in line with international and democratic practice. Russia has a federal constitution that, while heavily qualified when it comes to the conduct of elections, grants genuinely extensive powers to autonomous republics such as Tatarstan, especially in the areas of language, culture, and education. These Russian republics are based on the autonomous republics of the USSR and therefore form part of a constitutional tradition shared by Ukraine.⁵⁷ The United States, of course, has a federal system, as do Canada, Australia, Germany, Italy, Switzerland, Belgium, India, and South Africa. There can therefore be no objection, on the basis of democratic principle, to a federal system for Ukraine, or to special autonomy for the Donbas.

Given the differences in language and culture among different parts of Ukraine, a federal constitution would seem the best political system for the country as a whole. As noted above, it also seems to be desired by most people in the south and east of Ukraine. Failing that, “asymmetric federations,” in which only certain regions enjoy special status, or one autonomous region exists in an otherwise unitary state, are also an accepted part of certain democracies. Such federations include Northern Ireland, Scotland, and Wales within the U.K.; Catalonia and the Basque Autonomous Community within Spain; the Kurdistan Autonomous Region within Iraq, and Kashmir within India (until successive governments in New Delhi subverted and then abolished that special

⁵⁶ Ray, Julie, and Neli Esipova. “Ukrainians seek stability after Crimean crisis.” Gallup, December 17 2014. <https://news.gallup.com/poll/180209/ukrainians-seek-stability-crimean-crisis.aspx>.

⁵⁷ See Chapter 3 of the Russian Constitution. <http://www.constitution.ru/en/10003000-04.html>.

status).⁵⁸ Moreover, in the cases of Northern Ireland, the Basque Country, Kurdistan, and Kashmir, special status was established or reestablished as part of peace settlements that ended separatist conflicts or in an effort to prevent such conflicts. Asymmetric federations are therefore well-established in democratic tradition and international solutions to conflicts, including solutions sponsored by the United States.

The “Good Friday” peace agreement of 1998, which brought an end to the Northern Ireland conflict, is especially pertinent to a solution to the Donbas question.⁵⁹ It took place with the close involvement and support of the United States, reformed the regional police force and placed it under regional control, established cross-border institutions, and guaranteed freedom of movement between the Republic of Ireland and the Northern Irish region of the United Kingdom. This agreement has also been widely suggested as the only possible model for an eventual settlement of the Kashmir dispute between India and Pakistan and the unrest in the Indian portion of that territory.⁶⁰

Ukrainian neutrality

Ideally, a peace settlement would include a treaty establishing Ukrainian neutrality for the next generation. This would be modelled on the Austrian State Treaty and associated Austrian law on neutrality of 1955 but would be ended or renewed after 30 years. Though not strictly necessary, such a treaty would help to gain Russia’s full support for a settlement and remove a pointless source of irritation in relations between Russia and the West and between Moscow and Kiev. It would remove the greatest motive by far for Russian interference in and intimidation of Ukraine.

As already stated, Ukraine and the United States would sacrifice nothing by such a treaty, since it is impossible for Ukraine to join NATO so long as the Donbas conflict and Crimean dispute remain open. Furthermore, the treaty would be a barrier against any

⁵⁸ See the Basque Statute of Autonomy.

http://www.basquecountry.eus/contenidos/informacion/estatuto_guernica/en_455/adjuntos/estatu_i.pdf.

⁵⁹ See the Northern Irish peace agreement, <https://peacemaker.un.org/uk-ireland-good-friday98>, and Article 370 of the Indian Constitution. <https://indiankanoon.org/doc/666119>.

⁶⁰ For a proposal along these lines, see the Kashmir Study Group. http://kashmirstudygroup.com/awayforward05/p3_awayforward05.html.

future Russian attempt to dominate Ukraine, for it would also rule out Ukrainian membership in any Russian-dominated alliance. This treaty would therefore prevent Russia from repeating its bid to draw Ukraine into the Eurasian Union, an attempt that provided the initial spark for the Ukrainian revolution of 2013–14. From Moscow's point of view, this would be a blow: Ukrainian membership is essential to any hope of making the Eurasian Union into a serious international bloc. By contrast, Ukrainian membership in NATO and the E.U., far from strengthening those bodies, would in fact drastically weaken them. On balance, therefore, Ukrainian neutrality would disadvantage Russia more than the West.

Ukrainian membership in NATO and the E.U., far from strengthening those bodies, would in fact drastically weaken them.

This latter point ought to be an important disincentive for Russia to support such an agreement. In practice, however, just as the West would sacrifice nothing by dropping all thought of Ukrainian membership in NATO and the E.U. for the next generation, so Russia would sacrifice nothing by doing the same with regard to the Eurasian Union. The uprising of 2013–14 in Kiev made clear that any attempt to take Ukraine into such an alliance would provoke such bitter opposition among many Ukrainians that alliance with Russia could not possibly be implemented or maintained.

As for Ukrainian membership in the E.U., Ukraine's corruption, political dysfunction, and lack of economic progress effectively rule this out for at least a generation. The deep internal problems of the E.U. also make Ukrainian membership in the near to medium term quite implausible. These challenges include the immense costs of economic recovery from the Covid–19 crisis and of E.U. promises to reduce carbon emissions to net zero by 2055, a pledge that would leave little money for the huge task of subsidizing the Ukrainian economy to the point it could join the union. U.S. economic development aid to Ukraine, at \$285 million a year in 2020, does not begin to meet the nation's needs,

let alone help it prepare for E.U. membership.⁶¹ The miserable records of corruption in the new E.U. member states of Bulgaria, Romania, and Slovakia, and of chauvinist authoritarianism in Hungary and Poland, also make it exceptionally unlikely that the E.U. would seek a huge and impoverished new eastern member for many years to come.

Ukrainian politicians might wish to study the examples of neutral Finland, Sweden, and Austria during the Cold War. These states lost nothing by remaining neutral and, indeed, developed as prosperous, lawful democratic Western societies which were able as a result to join the E.U. after the Cold War ended. They could develop in this way not through an E.U. or NATO accession process, but rather because the elites and populations of these countries were genuinely committed to democracy, the rule of law, and regulated market economics.

Settling the Crimea issue

Because Russia has formally annexed Crimea after officially recognizing the 2014 referendum on this question, there is no chance it will return the territory to Ukraine.⁶² These impossible odds will not change with the eventual departure of President Putin from the scene, even should the political order Putin created collapse. It is the immense strategic and emotional importance of Crimea to Russia, and what appear to be the wishes of a majority of its inhabitants, that make a reversal impossible. Any Russian government that surrendered Crimea would suffer a catastrophic loss of domestic prestige.⁶³

If Ukraine took advantage of some future Russian domestic crisis to try to recover the peninsula by force, then local Russian forces would fight and Moscow would be compelled to support them at any cost. To think otherwise is to misunderstand the power of nationalism in Russia. The only imaginable circumstances in which a transfer

⁶¹ U.S. Embassy in Ukraine. <https://ua.usembassy.gov/education-culture/assistance-programs>.

⁶² For Russian and Ukrainian views of Crimea's identity, see Sasse, Gwendolyn. *The Crimea Question: Identity, Transition and Conflict*. Cambridge. Harvard University Press, 2014. 13–82. For a history of Crimea, see Kent, Neil. *Crimea: A History*. London. Hurst, 2016. For a Ukrainian view of the Crimean dispute, see Kuzio, Taras. *Ukraine–Crimea–Russia: Triangle of Conflict*. Stuttgart. Ibidem, 2012. See also Wilson. *Ukraine Crisis*. 99–117.

⁶³ See Volkov, Denis. "Russian elite opinion after Crimea." Carnegie Moscow Center, March 23, 2016.

of Crimea back to Ukraine could occur would be if Ukraine as a whole entered into a close economic and security alliance with Russia, akin to the terms on which Khrushchev transferred Crimea from Russia to Ukraine in 1954. This is hardly a solution most Ukrainians would desire.

Crimea is also of great strategic importance to Russia. The Crimean city of Sevastopol is home to Russia's only major naval base on the Black Sea. It is key to the defense of southern Russia, to Russian influence and power projection in the southern Caucasus and the Mediterranean, and to guarding against the possibility of future Turkish aggression.⁶⁴ It is as likely that Russia will abandon Sevastopol as that the United States would give up Pearl Harbor. Previous U.S. administrations should have considered this reality before they adopted a plan for Ukrainian membership in NATO that implied the eventual Russian expulsion from Sevastopol.⁶⁵

Sevastopol also possesses outsize importance in Russian national memory. It was the scene of two famous sieges — by the British, French, and Turks in 1854–55 and by the Germans and Romanians in 1941–42. During the Second World War, the defenders of Sevastopol held out against overwhelming odds for eight months, delaying the entire German offensive in the south. In that siege, the Soviet offensive to relieve the city, and the reconquest of Crimea in 1944, 500,000 to 600,000 Soviet soldiers (including many Ukrainians and other nationalities as well as Russians) lost their lives.⁶⁶ A Russian government that tried to abandon Sevastopol, which ranks alongside the sieges of Leningrad and Stalingrad as one of the greatest military epics in Russian history, would sign its own political death warrant.⁶⁷

For the United States to base its policy on a belief that Russia can be compelled to return Crimea is pointless. That is never going to happen, short of Russian defeat in a

⁶⁴ See President Putin's speech on annexation, March 18, 2014. <http://en.kremlin.ru/events/president/news/20603>.

⁶⁵ Caroli, Richard E. "A Political Solution to the Crimea Dispute with Russia." *Real Clear Defense*, April 9, 2020. https://www.realcleardefense.com/articles/2020/07/09/a_political_solution_to_the_crimea_dispute_with_russia_115452.html.

⁶⁶ Tiek, Wilhelm. *The Crimean Campaigns, 1941–1944*. Winnipeg. J. J. Fedorowicz, 2014; Clayton Donnell, *The Defence of Sevastopol 1941–42: The Soviet Perspective*. London. Pen and Sword Military, 2016; Mungo Melvin, *Sevastopol's Wars: Crimea from Potemkin to Putin*. Oxford. Osprey, 2017.

⁶⁷ Lieven. *Ukraine and Russia*. 105–134.

war with the United States. This being so, one U.S. option is to shelve the Crimean issue, in the realistic expectation that over a long period of time the world will quietly forget the issue and accept the status quo. For example, few today remember that the United States has never formally recognized the Indian annexation of most of Kashmir. It is simply a question that the U.S. and India never discuss and that the U.S. never raises internationally.

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The problems with this approach, however, are two. First, it either leaves Western sanctions in place or requires a congressional sleight of hand to lift them as part of a political settlement of the Donbas conflict. If sanctions remain, they will be a permanent and critical barrier to the improvement of relations with Russia. Equally important, if the issue remains unresolved, the Ukrainian government will continue to be tempted to put pressure on Crimea. By 2021, the cutoff of water supplies by Kiev had already led to a severe agricultural crisis on the peninsula.⁶⁸ Such action creates an obvious risk of Russian retaliation that could lead to a new crisis or even a war.⁶⁹ Failing to resolve Crimea's status thus risks eliminating U.S. geopolitical gains from settling the Donbas conflict. And, once again, in any war with Ukraine, Russia would certainly win.⁷⁰

⁶⁸ Marquez, Clara Ferreira. "Crimea's water crisis is an impossible problem for Putin." Bloomberg Opinion, March 21, 2021. <https://www.bloomberg.com/opinion/articles/2021-03-19/russia-vs-ukraine-crimea-s-water-crisis-is-an-impossible-problem-for-putin>.

⁶⁹ For an analysis of how Ukrainian pressure on Crimea improves Putin's popularity, see Kolesnikov, Andrei. "The battle for Crimea Part 2." Carnegie Moscow Center, September 28, 2015.

⁷⁰ On the danger that a limited move by Ukraine could lead to a wider conflict, see Trenin, Dmitri. "Containing the Kerch Crisis." Carnegie Moscow Center, November 11, 2018.



Perevalne, Ukraine — Russian soldiers marching on March 5, 2014 in Perevalne, Crimea, Ukraine (photo.ua / Shutterstock.com)

Ideally, therefore, the issue of Crimea should be solved simultaneously with that of the Donbas and on the same fundamental basis: the wishes of the local population, certified by international organizations. That is, a new referendum on union with Russia should be held under the supervision of the OSCE and the U.N. If, as polls by U.S. organizations indicate, a majority voted to join Russia, then the Security Council, with U.S. assent, should ratify this decision.⁷¹

As an obvious diplomatic *quid pro quo*, the West should solve a related international dispute by demanding from Russia recognition of the independence of Kosovo from Serbia, leading to the recognition of that state by the United Nations. Russia, backed by a majority of U.N. member states (including five E.U. member states) has refused to recognise the independence of Kosovo from Serbia, which was the result of NATO's

⁷¹ Crimean respondents to a poll by the state-funded U.S. Broadcasting Board of Governors (now the U.S. Agency for Global Media) were 82 percent in favor of union with Russia. "Ukraine Political Attitudes Split." U.S. Agency for Global Media. June 3, 2014. <https://www.usagm.gov/2014/06/03/ukraine-political-attitudes-split-crimeans-turning-to-russian-sources-for-news/>. A Pew survey in April 2014 showed 88 percent in favor. "Despite Concerns About Governance, Ukrainians Want to Remain One Country." Pew Research Center May 8, 2014. <https://www.pewresearch.org/global/2014/05/08/despite-concerns-about-governance-ukrainians-want-to-remain-one-country/>.

military intervention in 1999. Agreement on the recognition of Kosovo independence would have to include a referendum on the separation of Serbian-populated Mitrovica from Kosovo and its incorporation into Serbia. This would simply bring diplomatic practice into line with reality — always a good idea whenever possible. For just as there can be no Ukrainian recovery of Crimea and the Donbas without war, and no Serbian recovery of Kosovo without war, so there can be no Kosovar incorporation of Mitrovica without a new war with Serbia. The avoidance of new wars in Europe should be at the heart of U.S. strategy toward the continent. Apart from the moral and humanitarian issues involved, with so much on its plate elsewhere, the United States simply cannot afford them.

The benefits of a Donbas settlement

By reducing tensions with Russia through a Ukrainian settlement, the United States would increase the possibility of progress on wider issues in the bilateral relationship.

Each party has strong incentives to agree to a Ukrainian settlement along the lines set out in this paper. For the United States and the E.U., the chief incentive is to eliminate the possibility of a new war in Ukraine. Such a war can end only in Ukrainian defeat and American and European humiliation. Even the possibility of war with Russia diverts U.S. resources from East Asia and urgent domestic priorities. A new war between Russia and Ukraine would probably lead to a major redeployment of U.S. forces to Europe — this at a time when the United States can least afford it. And the present deep hostility between the U.S. (and to a lesser extent the E.U.) and Russia, rooted above all in the disputes over Ukraine, is driving Russia into closer cooperation with China. Russian–Chinese collaboration has recently extended to military technology,

geopolitical agendas, space exploration, energy supplies, and the development of China's Belt and Road projects.⁷²

By reducing tensions with Russia through a Ukrainian settlement, the United States would increase the possibility of progress on wider issues in the bilateral relationship. Resolving Ukraine could help to bring about nuclear arms reductions, improvements in the governance of cyberspace, cooperation to reduce carbon emissions, the prevention of an Iranian nuclear deterrent, and the maintenance of any peace settlement in Afghanistan after the U.S. military withdrawal.

In addition, a settlement in Ukraine would help to discourage Russia from forming an even closer partnership with China, one that would be highly damaging to Western hopes of counterbalancing Chinese power. As wiser Russian commentators have noticed, growing dependence on China brings considerable dangers for Russia, too, notably the prospect of complete subordination, which could lead to the loss of Russian influence in Central Asia and eventually perhaps the Middle East. This is certainly not the Putin administration's goal. Putin is using close relations with China to strengthen Russian resistance to U.S. pressure and to increase Russia's freedom of action on the world stage, not to put Russia in China's pocket.⁷³

For Russia, then, the recovery of geopolitical and economic room to maneuver would be one of the great advantages of a Ukrainian settlement. And while the suspension for a generation of Ukrainian hopes of joining NATO and the E.U. in practice gives Russia nothing that it does not already have, the Putin administration would nonetheless present this to the Russian public as a great international triumph. On the other hand,

⁷² Hale, Thomas. "China's top diplomat heads to Russia as ties reach 'best level in history'." *Financial Times*, May 23, 2021; Jack Detsch. "China and Russia turn deeper ties into a military challenge for Biden." *Foreign Policy*, April 20, 2021. <https://foreignpolicy.com/2021/04/20/china-russia-military-attention-us-policy-xi-putin-biden-taiwan-ukraine/>; Heather A. Conley, et al. "The Return of the Quad: Will Russia and China form their own bloc?" Center for Strategic and International Studies, April 6, 2021. <https://www.csis.org/analysis/return-quad-will-russia-and-china-form-their-own-bloc>.

⁷³ See Trenin, Dmitri quoted in Ishikawa, Yohei. "Putin's real intention in talking up Russia-China alliance." *Nikkei Asian Review*, December 17, 2020. <https://asia.nikkei.com/Editor-s-Picks/Interview/Putin-s-real-intention-in-talking-up-a-Russia-China-alliance2>. See also Hill, Ian. "Russia-China" An Unholy Alliance." Lowy Institute, May 14, 2021. <https://www.lowyinstitute.org/the-interpreter/russia-china-unholy-alliance>. For Chinese irritation with Russia's links to India, see Siow, Maria. "Could Russia side with US and India against China?" *South China Morning Post*, August 22, 2020; "Russia and China present a united front to the West — but there's plenty of potential for friction." *The Conversation*, March 30, 2021. <https://theconversation.com/russia-and-china-present-a-united-front-to-the-west-but-theres-plenty-of-potential-for-friction-157934>.

Russia would have to take responsibility for compelling the separatist leaders in the Donbas to accept reincorporation into Ukraine. This should not be a problem. Russia has accepted both of the Minsk agreements and is certainly in a position to force the separatist leadership to implement a settlement based on Minsk II if the Ukrainian side does the same.

For Ukraine, a peace settlement would eliminate the possibility of a war with Russia that could lead only to Ukraine's defeat and possibly the loss of much greater areas of eastern and southern Ukraine.

Above all, the advantage of a Ukrainian settlement for Russia would be the lifting of Western economic sanctions. A solution to the Donbas conflict would lead to the sanctions being imposed in response to Russia's intervention there being lifted, and that in turn would contribute greatly to a solution of the Crimea issue and the lifting of the sanctions imposed on Russia for the annexation of Crimea. These have not imposed disastrous losses on the Russian economy, but their impact has nonetheless been considerable and contributed to growing public unrest in Russia.⁷⁴ Moreover, so long as the Donbas conflict remains unsettled, there will remain a permanent possibility that a new clash between Russia and Ukraine will lead to the imposition of truly severe U.S. and European sanctions. The danger for Russia is likely to increase in the years to come as the E.U. seeks to reduce its fossil fuel consumption and imports to meet its emissions goals. In the new world of energy production in the mid-21st century, Russia is going to need all the European sympathy it can get.

The separatists would naturally be unhappy with an outcome that did not achieve full separation of their regions from Ukraine. But, given their almost complete dependence

⁷⁴ Christie, Edward Hunter. "The Design and Impact of Western Economic Sanctions Against Russia." *Royal United Services Institute Journal*, vol. 161, no.3., 2016. 52–64; Likka Korhonen. "Economic Sanctions on Russia and Their Effects. Leibniz-Institut für Wirtschaftsforschung an der Universität München, vol. 20, no. 4., 2019. 19–22.

on Russia for support, they could not successfully oppose Moscow's acceptance of such a settlement, especially if it was also supported by a majority of the local population. Moreover, a settlement would also include the possibility of the Donbas becoming independent and joining Russia if the Ukrainian government or parliament rejected the agreement.

For Ukraine, a peace settlement would eliminate the possibility of a war with Russia that could lead only to Ukraine's defeat and possibly the loss of much greater areas of eastern and southern Ukraine. It would guarantee a generation of peace and stability, in which Ukraine could pursue, with Western aid, economic and social reforms that would allow it to join the West in real terms, rather than the purely symbolic gesture offered by Washington's current support of NATO membership.

Perhaps the most difficult provision of a settlement for Kiev to accept would be the abandonment of its claims on Crimea following a second referendum there. Just as the recognition of Kosovo independence would cause bitter complaints from Serbia and Russia, so the recognition of Crimean union with Russia would cause bitter protests from Ukraine and, as matters stand, the United States. But such protests would be misplaced from Ukraine's point of view. Crimea, whose population has never been majority Ukrainian, is certainly not a historic part of Ukraine. A Crimea within Ukraine would obstruct Ukraine's hopes to join the West and develop a Ukrainian national culture. The only reason the Ukrainian parliament has been able to adopt pro-Western and anti-Russian policies, as well as a program of cultural and linguistic Ukrainianization, is that the separation of the Donbas and Crimea removed more than 15 percent of the Ukrainian electorate, the overwhelming majority of which had always voted for pro-Russian parties and against Ukrainianization.

Simply put, if Ukraine could get Crimea and the Donbas back, it would not know what on earth to do with them. Ukrainian ethnic nationalists should be actively celebrating their loss. Faced with the reality of this loss, perhaps some may eventually learn to move on. But because it is probably too much to hope that Ukrainian nationalists will realize this,

the United States and E.U. should make clear that if Ukraine were to reject a settlement agreed on by the rest of the international community, the price would be isolation, an end to Western economic and political support, and the loss of any long-term hope of joining the E.U.

In any case, U.S. and European policymakers should give no special deference to the views of the Ukrainian ethnic nationalists. Their existing program demands simultaneously the unconditional reincorporation of the Donbas and Crimea into Ukraine, radical and compulsory reduction of the Russian language and Russian culture in Ukraine, and the suppression of political parties favoring close relations with Russia. This program is politically impossible, morally unacceptable, and contrary to basic democratic principles. It directly contradicts the supposed core values of the European Union and NATO. It is a recipe not for integration into the West but for ethnic dictatorship and future civil war. Ukraine's stability, liberal democracy, and hopes of one day joining the E.U. all depend on radically curtailing the ethno-nationalist influence now evident in Kiev and the western regions of the country.

Recent developments in Hungary and Poland should offer a sufficient lesson to the West as to the folly of making commitments to other countries before ensuring that they are in fact committed to democratic values.⁷⁵ This is an additional reason to resolve the conflict in the Donbas and the dispute over Crimea: The frozen war with Russia over these territories is a major driver of authoritarian and chauvinist tendencies in Ukraine.⁷⁶ Increasing division along consciously ethnic lines has been one of the most tragic results of the conflict with Russia and the rise of Ukrainian ethnic nationalism.⁷⁷ Just as territorial conflicts make Ukrainian membership in NATO impossible, so Ukrainian

⁷⁵ For the threat of extreme nationalism in Ukraine, see Likhachev, Vyacheslav. "Far-Right Extremism as a Threat to Ukrainian Democracy." Freedom House, 2018.

<https://freedomhouse.org/report/analytical-brief/2018/far-right-extremism-threat-ukrainian-democracy>.

⁷⁶ See Giuliano, Elise. "Is the Risk of Ethnic Conflict Growing in Ukraine?" *Foreign Affairs*, March 18, 2019.

<https://www.foreignaffairs.com/articles/ukraine/2019-03-18/risk-ethnic-conflict-growing-ukraine>.

⁷⁷ Petro, Nicolai N. "The West needs to rethink its approach to Ukraine." American Committee on US-Russia Accord, May 5, 2021.

<https://usrussiaaccord.com/acura-viewpoint-the-west-needs-to-rethink-its-approach-in-ukraine-by-nicolai-petro/>. For the contrast between civic and ethnic versions of Ukrainian nationalism and the dangers of the latter, see also Lieven. *Ukraine and Russia*. 135–161.

ethnic chauvinism and authoritarianism, if continued in the long run, would make it impossible for Ukraine to join the European Union.⁷⁸

Recent developments in Hungary and Poland should offer a sufficient lesson to the West as to the folly of making commitments to other countries before ensuring that they are in fact committed to democratic values.

Some sensible Ukrainian commentators have indeed questioned whether the Donbas is worth getting back at all, given the trouble it would cause Ukraine were it to return. Yuri Romanenko at the Ukrainian Institute for the Future, has argued that clashes in the Ukrainian parliament over cultural policy between Donbas deputies and Ukrainian ethnic nationalists would paralyze Ukrainian policymaking and end all prospect of successful reform. “We shouldn’t make decisions on behalf of three million Ukrainians,” he writes, “that put 35 million at risk.”⁷⁹

⁷⁸On the need for the West to promote a multiethnic and multilingual version of Ukrainian nationalism, see Petro. “Bringing Ukraine Back Into Focus: How to end the new cold war and provide effective political assistance to Ukraine.” Carnegie Council for Ethics in International Affairs, August 19, 2015. https://www.carnegiecouncil.org/publications/articles_papers_reports/742. See also Milakovsky, Brian, “How Ukraine’s New Language Law Will Affect Donbas.” *Kyiv Post*, April 30, 2019.

⁷⁹ Quoted in Milakovsky. “Ukraine’s Divided House Still Stands: The country debates whether Donbas can be brought in from the cold.” *Foreign Affairs*, December 4, 2019. <https://www.foreignaffairs.com/articles/ukraine/2019-12-04/ukraines-divided-house-still-stands>

Conclusion

This paper puts forward proposals for a Ukrainian settlement based on full autonomy for the Donbas under international guarantees, a formula based solidly on the Minsk II Protocol of 2015 and expanded so as to eliminate the ambiguities that derailed the original agreement of the previous September. The Minsk II accord was endorsed by the United States, leading European countries, Russia, the U.N. Security Council, and, initially, Ukraine. What has been lacking has been the international community's willingness to insist on its implementation, especially when it comes to the passage of a Ukrainian constitutional amendment on autonomy for the Donbas. As to Crimea, the United States and its Western allies have stuck to a total, unqualified demand for a return of that territory to Ukraine – a demand that stands no chance of being fulfilled – rather than seeking a reasonable *quid pro quo* over Russia's refusal to recognize Kosovo independence.

Opposition to a reasonable compromise on the Ukraine question also stems in part from a fear that Russian strategy in Ukraine is a key part of much wider Russian ambitions, such that compromise will automatically lead to Russian aggression elsewhere that “challenges the entire architecture of the post–Cold War order,” as Nicolas Burns, Washington's NATO ambassador at the time, put it shortly after the 2014 events in Kiev.⁸⁰ This attitude shows a serious lack of historical knowledge, international perspective, and intellectual balance. By this standard, the Pakistani claim to Kashmir is the prelude to a Pakistani invasion of Myanmar, and the Argentinian invasion of the Falklands was part of a plan to invade Brazil. For the ethnic, historical, strategic, and political reasons set out in this paper, the Donbas, Crimea, and Ukraine's international alignments are vital issues for Russia in themselves, not paths to somewhere else.

⁸⁰ Burns, Nicholas. “Where's the U.S. on Ukraine?” *The Boston Globe*, May 8, 2014. See also Serhii Plokhi and M. E. Sarotte. “The Shoals of Ukraine: Where American Illusions and Great Power Politics Collide.” *Foreign Affairs*, January/February 2020; Frederick Kempe. “It's Time to Stop Appeasing Putin.” CNBC, December 1, 2018. <https://www.cnbc.com/2018/12/01/its-time-to-stop-appeasing-putin-heres-how-to-deter-him.html>; Florian Encke, “An Independent and Sovereign Ukraine is key to Euro–Atlantic Security.” *NATO Review*, July 8, 2020; Wilson. *Ukraine Crisis*. 161–182.

These proposals will meet with strong opposition from Ukrainian nationalists and their supporters in the West, including those in the U.S. Congress. Such opponents, however, have a duty to say what they themselves are proposing as an alternative to a settlement based on the Minsk II Protocol. Is it remotely likely that the West can bring enough economic pressure to bear on Russia to force Moscow to abandon the Donbas without guarantees of autonomy? If not, can Ukraine win a war against Russia to force Russia to do so? If this is impossible, will the United States ever go to war with Russia to compel Russia to abandon the Donbas? Without a solution to the Donbas conflict, can Ukraine ever hope to join the E.U.? The answer to all these questions is no, so the only basis for a settlement is that of the Minsk II Protocol. At present, the U.S. approach to Ukraine and its conflicts has become a sort of zombie policy — a dead policy that is wandering around pretending to be alive, and getting in everyone's way, because U.S. policymakers have not been able to bring themselves to bury it.

Other issues between the United States and Russia should be addressed on their individual merits. In some areas, cooperation is possible — the future of Afghanistan and the fight against Islamist terrorism standing as examples. In others, such as interference in the U.S. electoral process, Russia must be firmly resisted. But to tie every issue into a single architecture of paranoia is to ensure that no progress will be made on anything, that U.S. attention and influence will be dispersed and wasted, and that Russia will be pushed ever further toward alliance with China. The United States took a wiser approach toward the Soviet Union during the Cold War — and the Soviet Union was a vastly greater threat to U.S. interests than Russia is today.

For U.S. policymakers to block a Ukrainian settlement out of wider hostility to Russia would be a failure of logic as well as of statesmanship and moral courage; for Western hostility to Russia stems above all from the crisis in Ukraine and Russia's actions there, and this hostility will be greatly reduced by an end to the Ukrainian crisis. If reasonably cooperative relations between the West and Russia are to be restored, Russian behavior improved, and future crises and conflicts avoided, this process must begin with a settlement in Ukraine.

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CONTACT INFORMATION

JESSICA ROSENBLUM
Director of Communications
Email: rosenblum@quincyinst.org
Tel: 202 279 0005