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MEMO

# WHAT WILL HAPPEN WITH EASTERN UKRAINE?

Kadri Liik and Andrew Wilson

## SUMMARY

The situation in eastern Ukraine is only a temporary stalemate. Russia has managed to bring some of Donbas outside Kyiv's control, but not to use it to control Kyiv. Ukraine is in no position to recover its territory using military means and must hope for a diplomatic solution – of the sort that preserves its sovereignty and freedom to choose its future. The EU should try to help Ukraine to achieve such an outcome by converting its sanctions policy into a tool for diplomacy.

The EU's chief goal should be the return of Donbas to Ukraine by implementation of the Minsk agreements. At the same time, the EU should engage in contingency planning for a prolonged frozen conflict. In the latter case the chief goal would be to help Ukraine make sure that the conflict is "insulated" – that it does not spill over to the rest of the country in ways that would jeopardise Ukraine's overall prospects.

Ultimately, the fate of eastern Ukraine will be decided by factors outside of Donbas: the capability of Ukraine's new government to reform and establish a rule-based system of governance, and the ability of the Western world to change Russia's calculations, including through dialogue. But it would be a mistake to leave eastern Ukraine to its own devices while these bigger issues sort themselves out, as facts on the ground may later be hard to reverse; and turbulence in the east would hold back the crucial political reforms in Kyiv.

The ceasefire in eastern Ukraine is teetering on the brink. It could still become a first step towards a settlement, but, as recent escalation has shown, the ceasefire could also collapse. Despite the timeout from full-scale war the two sides still have mutually exclusive aims. Ukraine wants to restore its territorial integrity, but it lacks both the means and adequate external support to do so. Russia's aims are multi-layered: Moscow wants to remake the post-Cold War European order, and it wants to determine Ukraine's fate. The post-Cold War order has been shattered, but Ukraine's fate is not yet sealed. Russia has managed to remove parts of Donetsk and Luhansk regions from Kyiv's control, but not to use them to control Kyiv. Thus, the fight for Ukraine – conducted largely, although not exclusively via its east – is still ahead. This memo examines possible future scenarios for the region and makes recommendations for what the European Union should do and how it should aim to do it.

### The current situation: constraints on both sides

The September ceasefire happened because both sides needed a truce. Ukrainian troops made headway against east Ukrainian rebels and Russia's irregular fighters throughout the summer. But in late August and early September Russian regular troops joined an assault designed to show Kyiv that Russia could support and supply the region at will. Moscow wanted Kyiv to see that Western support would not be forthcoming, that military victory was not possible,

and that Ukraine needed to accept Russia's terms for peace. Ukraine lost hundreds of men, was forced to retreat, and sued for a truce.

It seems certain that Ukraine will not resume its offensive. For now, Kyiv is maintaining its position on the "borders" of the rebel-held territory. If Russia were to initiate a major escalation, it could lead to a new large-scale war, but otherwise, Ukraine will likely concentrate on finding a diplomatic solution.

Ukraine's President Petro Poroshenko is operating under tight constraints. The country's economy is in dire straits and Ukraine can ill afford large-scale regular or economic warfare with Russia. At the same time, more and more Ukrainians believe their country must join the West. By the summer, over 50 percent of Ukrainians were in favour of EU membership, roughly twice the number supporting joining Russia's Customs Union.<sup>1</sup> And the number of Ukrainians who support NATO membership is now greater than the number of those who do not.<sup>2</sup>

Moreover, Poroshenko's ability to sell an unpleasant deal to Ukrainian society is limited. Politically, he has an impressive mandate as president, but he does not have full control of the Rada, and after the Maidan protests, the Ukrainian people are keeping a critical eye on the politicians who represent them. A new round of protests - though not a "new Maidan", as an expression of disappointment with an imperfect new democracy is not the same as a last-ditch protest against the threat of autocracy - could be launched if the authorities do not implement reform quickly or adequately enough for those who supported the protests the first time round. And any new round of protests would be joined by radicalised veterans from the fighting in the east.

Moscow too faces meaningful constraints. For now, Russians largely support the annexation of Crimea and the population believes the government's manipulated interpretation of events in eastern Ukraine. But support for open war in the east has declined, from over 70 percent in April to just over 30 percent now.<sup>3</sup> The peak in deaths in August-September must have alarmed the Kremlin: in spite of media censorship, the public found out about the rising death toll, the coffins arriving in Russia from Ukraine, and the secret funerals of soldiers killed in action. A combination of military casualties and an economic downturn could spell future problems for the regime.

Sanctions are hitting Russia and Moscow probably realises that significant escalation of its involvement - say, by creating a land connection to Crimea - could result in further sanctions. Furthermore, any putative land-bridge to Crimea

could only be achieved through open warfare; Russia would not be able to maintain "plausible" or even "implausible" deniability of its involvement in such a broadening of the conflict.<sup>4</sup> Finally, Russia's military establishment is reluctant to lead large-scale warfare that could expose deficiencies that recent army reforms have only partially addressed.<sup>5</sup>

However, Moscow's ability to defuse tensions is also restricted. The east Ukrainian rebels could not survive without Moscow's support, but many of them are still semi-independent figures. In Russia itself, a strong nationalist constituency supports the cause of "Novorossiya" and criticises the Kremlin for not grabbing more territory sooner. The Kremlin is far from being entirely hostage to their views, but the perception in Moscow is that defeat in Donbas would cause serious damage to President Vladimir Putin's reputation.

Moscow wants to prevent Ukraine from moving to the West, but it is unsure how best to achieve it. It is torn between the contradictory options of trying to make Ukraine into a failed state, and pursuing a deal with President Poroshenko, whom many in Moscow see as a "pragmatist" with whom Russia could probably "do business."<sup>6</sup>

Under the circumstances, both sides are likely to try to "wait and see", with each hoping to gain a better position in the future. President Poroshenko's request to postpone the implementation of the Deep and Comprehensive Free Trade Agreement (DCFTA) with the EU is likely aimed at avoiding open economic warfare with Russia. By involving Russia in trilateral negotiations, Ukraine might hope to pacify Russia for now, so that it could reach an acceptable settlement in the future, when Ukraine is stronger and Russia has felt the full effects of sanctions.

Moscow may expect Ukrainian society's support for the European path to wane as economic hardships increase and EU and NATO membership seems further away. While it waits, Moscow can try to gain ground and capitalise on Kyiv's expected missteps.

The eventual fate of eastern Ukraine will depend on many issues, the most important of which are beyond the scope of this paper: the capability of Ukraine's new government to reform and establish a rule-based system of governance; and the ability of the Western world to change Russia's calculations.

Moscow has repeatedly signalled its desire to reach a settlement with the West, but so far on its own terms, which include a review of the post-Cold-War European order, with "a 100 percent guarantee that no-one would

<sup>1</sup> See "Opituvannya: vstup do ES pidtrimuyut' 50.5% ukrainsiv", BBC Ukraine, 31 July 2014, available at [www.bbc.co.uk/ukrainian/politics/2014/07/140731\\_poll\\_integration\\_eu\\_dk](http://www.bbc.co.uk/ukrainian/politics/2014/07/140731_poll_integration_eu_dk).

<sup>2</sup> "Otnoshenie k situatsii na Vostoke", RATING, 22 July 2014, available at <http://ratinggroup.com.ua/ru/products/politic/data/entry/14098/>.

<sup>3</sup> Conversation with Lev Gudkov, director of the Levada Centre, on 10 November 2014.

<sup>4</sup> On "plausible deniability", see Pierre Vaux, James Miller, and Catherine A. Fitzpatrick, "Provocations, Proxies and Plausible Deniability", *The Interpreter*, 24 June 2014, available at <http://www.interpretermag.com/provocations-proxies-and-plausible-deniability/>.

<sup>5</sup> Claims based on the authors' conversations in Moscow, 6-11 November 2014.

<sup>6</sup> Alexander Gabuev, "The Ukraine elections: What Russia wants", ECFR, 23 October 2014, available at [http://www.ecfr.eu/article/the\\_ukraine\\_elections\\_what\\_russia\\_wants](http://www.ecfr.eu/article/the_ukraine_elections_what_russia_wants).

think about Ukraine joining NATO,”<sup>7</sup> and most likely a few more conditions, such as serious revision or cancellation of Ukraine’s DCFTA with Europe and a new constitution that suits Moscow.<sup>8</sup> Such conditions are acceptable neither to Kyiv nor Europe. However, the bite of sanctions and low oil prices, combined with a fragile but unexpectedly united Western stand, may at some point open up opportunities for talks that are not solely on Moscow’s terms. Moscow may become more receptive to settling for a face-saving solution.

The challenge for the West is to convert Russia’s pain from sanctions into a diplomatic tool that could then be used to help Ukraine. This paper looks into the future scenarios for eastern Ukraine, tries to determine which outcomes are in principle conducive to Ukraine’s future as a sovereign democratic country, and give Europe some guidance as to how it could use its diplomatic leverage on the ground to help to achieve such outcomes.

## Outcome 1: Return of the east – a Ukrainian win

The best outcome for Ukraine, and for the West, would be for Ukraine to recover *de jure* and *de facto* authority over the east. Ukraine is now unlikely to even try to achieve this outcome by military means. A sudden diplomatic breakthrough leading to this solution is also unlikely, given the extent to which rebel self-rule has consolidated, and given Moscow’s unwillingness to accept any solution that could be interpreted as a retreat or defeat. The best hope for this outcome lies in the implementation of the Minsk agreements, which sketch out such a scenario of gradual return and could still offer Moscow a face-saving way out.

Under that scenario, the rebel-controlled portions of Donetsk and Luhansk would again be undisputed parts of Ukraine. There would be a transition period, but they would receive no significant special (veto) rights that they could use as leverage over the rest of the country. Annexed Crimea would remain an unresolved issue, but it would not damage Ukraine’s political and economic development or Kyiv’s foreign policy aspirations.

Adherence to the Minsk agreements has been the EU’s chief demand since September; and more recently Germany seems to be making a renewed effort to achieve their implementation by Moscow.<sup>9</sup> The agreements foresee, among other things, the removal of military hardware from the separatist regions and the monitoring of the Russia-Ukraine border.<sup>10</sup> These demands need to be pursued more vigorously and pro-actively. The EU should prolong or even escalate sanctions if Russia does not comply. It should also keep the issue of Crimea on the agenda and make it clear to Russia that its territorial conquest there is not accepted.

<sup>7</sup> Quote from President Putin’s spokesperson Dmitry Peskov, see “Ukraine crisis: Russia demands guarantees from Nato” <http://www.bbc.co.uk/news/world-europe-30107520>  
<sup>8</sup> See the list of proposals presented by the Russian Foreign Ministry on March 17, 2014 [http://www.mid.ru/brp\\_4.nsf/0/49766426492B6E9644257C9E0036B79A](http://www.mid.ru/brp_4.nsf/0/49766426492B6E9644257C9E0036B79A)

The border between Russia and Ukraine is mainly porous and effectively non-existent east of the rebel republics at the moment. The current border-monitoring mission led by the Organisation for Security and Cooperation in Europe is only symbolic. The mission may even do more harm than good, since the OSCE presence lends legitimacy to an unacceptable situation, and implies a degree of control greater than the OSCE actually possesses. The EU could demand that the mission is dramatically strengthened, so that it could monitor the whole border, even minus the sections east of Donbas, as opposed to just a few crossings.<sup>11</sup> Or, more ambitiously, it could seek a mandate for an EU-led border-monitoring mission.

For such a scenario to work in the long run, Ukraine would need a government that has a strategic vision for the country’s future and can pursue it without destructive infighting. It would need to implement rule-based governance. This was the main demand of the Maidan and remains that of many Ukrainian voters. If these general conditions were met, Ukraine could probably count on the West’s continued economic support. But it would still need to carry out major economic reforms to pull the country out of recession, make its economic model sustainable, and reduce its vulnerability to Russian pressure. Crucially, it would also need to find a delicate way of helping and reintegrating the Donbas population that is traumatised by the war, and has lost much sympathy for Kyiv.

However, if Ukraine manages to mount a credible state-building effort and the EU continues to support it, the Minsk Agreement could also become the least bad option for Moscow. Moscow does not want Donbas for its own sake – it wants it as leverage over Kyiv. If other options, such as “frozen conflict” or “federalisation”, become unfeasible or fail to achieve the desired results, the return of the eastern regions into the (political) life of Ukraine might seem the best way forward. The Minsk agreements were partly Moscow’s initiative, so Moscow could present its *de facto* retreat as a victory. If Western sanctions and falling oil prices undermine Russia’s economy and thus the regime’s popularity, a face-saving way out might become an attractive option.

## Outcome 2: An insulated frozen conflict

The above solution remains the most desirable outcome for Ukraine and the West, but it might not be the only one that would allow Ukraine to move West. “Frozen conflicts” have

<sup>9</sup> See for example “Steinmeier sees compliance with Minsk agreements as way out of crisis in Ukraine’s east,” Kyiv Post 18.11.2014, <http://www.kyivpost.com/content/ukraine/steinmeier-sees-compliance-with-minsk-agreements-as-way-out-of-crisis-in-ukraines-east-372257.html>

<sup>10</sup> “Protokol po itogam konsul’tatsii Trekhstoronnei kontaknoi gruppy otositel’no sovmestnykh shagov, napravlenykh na implementatsiyu Mirmovo plana Prezidenta Ukrainy P. Poroshenko i initsiativ Prezidenta Rossiya V. Putina”, OSCE, 5 September 2014, available at <http://www.osce.org/ru/home/123258?download=true>.

<sup>11</sup> Such demands have in fact been made, but with little results so far. See a decision by OSCE’s permanent council from 22.10.2014 <http://www.osce.org/pc/125995?download=true>

a bad name, but an insulated conflict with only a limited impact on the rest of the country might not be the worst outcome for Ukraine.

An “insulation” scenario would involve Kyiv and Moscow freezing the conflict in its current state, with no agreed roadmap for the return of the territories. They might define the borders of the rebel regions either through talks (and there are rumours of behind the scenes exchanges on this) or through force (which would explain Moscow’s recent escalation). By fortifying the border between the enclaves and the rest of the country, Ukraine may have already started moving in this direction.

Neither Russia nor Ukraine want this option, but both might accept it as a “lesser evil,” if they have to. Ukraine might hope to restore its sovereignty over the area, once better times arrive. Russia might hope that a “frozen conflict” would prevent Ukraine from joining NATO and the EU. It might also envisage using the conflict region as a bridgehead from which to stir up trouble in the rest of the country.

If this becomes the likely outcome, Europe should keep pressuring Russia to withdraw from the region and should make holding on to the region costly. However, it should also ensure that the contact line between Ukraine and the rebel entities stays free from tensions. Creating barriers that could prevent conflict escalation would leave the bulk of Ukraine secure enough to pursue independent policies and reforms. Europe could help Ukraine to mount a solid “border control” mission around the area, as well as along as much of the Ukraine-Russia border as possible. Considering the length of the border, this would be a huge task, but an achievable one. Similar EU or OSCE-led border monitoring mechanisms have played a very important role on the Russia-Georgia and the internal Georgia-South Ossetia borders, as well as on Ukraine’s border with Moldova’s breakaway Transnistria region.

In such a scenario, even while it holds political control, Russia would likely try to shift the region’s living costs onto Ukraine. Therefore, some commentators and some Ukrainians have suggested a more radical solution: abandoning Donbas altogether. This would free Kyiv up to focus on reforms and spare it a real economic and political burden.<sup>12</sup> It could cut the region loose economically or it could grant it independence.

Independence for Donbas is probably unrealistic: not to mention the moral aspect, many forces in Ukraine would be against it, and so would the West, since it is not interested in new border changes in Europe. But it is an option that Moscow neither expects nor wants. Russia wants leverage over Ukraine, not burdensome new obligations. Being left with Donbas instead would feel like a bitter disappointment:

having tried to catch a man, Moscow would be left with just his jacket. Moscow is itself obsessed with territory, so it would not expect this move, and it would certainly try to prevent it. Keeping the independence option up its sleeve might serve to pressure Moscow to comply with the Minsk agreements and to try to ensure the regions return.

### Outcome 3: Further Russian conquest

However, if Russia is not interested in the *de jure* severing of Donbas from Ukraine, it is likely be interested in making the region economically more viable; and this may involve further conquests. The August counter-offensive clearly had economic as well as military objectives, and was designed to increase the viability of any new separatist entity. It has not done so yet. The pre-war population in the areas currently controlled was 3.8 million (now probably nearer 3 million) – too big to be easily subsidised (Transnistria has under 0.5 million), but too small to be viable on its own, at least under the present conditions of a broken economy and trade links. A broader swathe of the border is now open, airports and railways were targeted; Ilovaisk was attacked because it is a major railway junction back east towards Rostov. Donetsk airport is still in Ukrainian hands, but has been the object of constant battles, despite the cease-fire. But the traditional economic key to the region is Mariupol. Its railways and port bring in the supplies and imports that the processing industry in Donetsk and Luhansk relies on, especially chemicals and metallic ores, and then export the end products. Crimea is also facing huge problems with transport links as well as water and electricity supplies.

Any operation around Mariupol could tempt Moscow to go further and open a land corridor to Crimea and secure its transport, water and energy supplies.<sup>13</sup> Or Russia could go for broke and target all or most of “Novorossiya” – the whole of the east and south of Ukraine. Previous attempts to foster uprisings in places like Odessa and Kharkiv failed through lack of popular support. Russia would have to rely much more on its regular army, leaving Moscow with thin military cover on a newly-exposed flank – as well as the thinnest of cover stories.

Such an offensive would be hard to square with Russia’s assumed strategic calculations as described above. But calculations can change. If Russia loses hope of gaining control over Kyiv’s policies, then it can return to the plans of carving out a more sizeable Novorossiya.

To prevent this scenario Europe should use whatever deterrence power it has, which at this point is largely sanctions and the threat of more sanctions, to keep Russia from taking over more territory. Russia is less likely to risk further conquest if it believes the EU will remain

<sup>12</sup> See Alexander J. Motyl, “Ukraine should abandon the Donbas enclave”, *World Affairs*, 21 October 2014, available at <http://www.worldaffairsjournal.org/blog/alexander-j-motyl/ukraine-should-abandon-donbas-enclave.4>.

<sup>13</sup> Ievgen Vorobiov and Stanislav Secieru, “Scenarios for Future Russian Invasion in Ukraine: Bad, Worse and the Ugly”, *Polish Institute of International Affairs*, 16 September 2014, available at [http://blog.pism.pl/en/Eastern\\_Promises?p=1&id\\_blog=15&lang\\_id=13&id\\_post=352#](http://blog.pism.pl/en/Eastern_Promises?p=1&id_blog=15&lang_id=13&id_post=352#).

united and be able to muster a response. At the same time Europe should offer an option for dialogue: Russia needs a disincentive from burning bridges with the West.

## Outcome 4: Russia gains control

The most negative outcome for Ukraine could take several shapes, and can happen whether or not Russia takes over more territory. Any outcome that gives Moscow leverage over Ukraine's future decision-making would be bad for Ukraine. It would endanger the relationship between Ukraine and the EU, not to mention NATO. More importantly, it would hold back much-needed domestic political and economic reforms. It would stall the important work of undoing the previous regime's murky legacy – which would not be a smooth process even under the best of circumstances.

One such scenario would be fake “federalisation”, under which the eastern regions returned to Ukraine, but stayed under Moscow's *de facto* control. Some in Moscow have been calling for “federalisation” since long before the end of Viktor Yanukovich's regime. To Russia, it has always meant a highly decentralised or dysfunctional confederation – a second Bosnia rather than a benign Bundesrepublik. Real decentralisation of democratic power is an entirely different option that Kyiv is foolish not to seriously consider.

Some Russian proponents of “federalisation” see it as a method to bring Ukraine's eastern regions into the Eurasian Union, leaving the rest of the country to its own devices.<sup>14</sup> Others see it as a means of gaining control over Kyiv. Moscow's interests would be well served by a settlement that gave the eastern regions veto rights over Kyiv's policies. Its treatment of the 2 November separatist elections, which the Kremlin said it “respected” although it does not yet “recognise”, could be an attempt to boost the separatist entities' bargaining power with Kyiv, while not quite yet supporting their claims to independence.

Moscow seems to be trying to return to its accustomed means of controlling Ukraine: through the elites. Up until the fall of President Yanukovich, Moscow tried to control Kyiv by putting pressure on the leaders of the country, using economic leverage and covert subsidies. Moscow might hope to achieve a similar, albeit modified, relationship with various circles, including the Opposition Block, the remnants of the Yanukovich ‘Family’ and even President Poroshenko, as indicated when he was recently hailed as a ‘pragmatist’ by some in Moscow. The president's postponement of DCFTA implementation, among other steps, could be interpreted as a hopeful sign for Moscow. Moreover, Russia has successfully sponsored a “fifth column” in the parliamentary elections, the Opposition Block, which will have just over 10 percent of the seats in the Rada.

Ukraine is still too big, too independent-minded, and too anarchic to become a proper satellite to Moscow – as Moscow's ill-fated courtship of the Yanukovich regime proved. But having real leverage over Ukraine's decision-making would hugely increase Moscow's capacity to disrupt and destabilise. In the longer term, a Russian win could see Ukraine become ungovernable, or even a failed state.

Any scenario that stymies Kyiv, also ties the EU's hands. The EU can only help Ukraine when Ukraine helps itself. Otherwise, it can do nothing – as testified by the EU's attempted courtship of the Yanukovich regime. Therefore, the policy recommendation when it comes to outcome three is short: make sure it does not happen.

## Conclusion

The future of eastern Ukraine will ultimately be defined by processes that take place outside the region's borders. Though Kyiv's ability to reform and provide rule-based governance remains crucial. For Moscow, its policy in Ukraine is inextricably linked to its views on the European order and the chance to agree with the West about revising it – a conversation that has not yet properly started.

Even so, the turbulence in the East will have a profoundly negative effect on Kyiv's ability to focus on reforms. Also, the developments in the region and the related diplomatic contacts remain important, as these can create dynamics and facts on the ground that may take on a life of their own and be hard to revise later. Therefore, the EU must use all its diplomatic skills and other leverage to influence the outcome. In doing so it must honour the sovereignty of Kyiv, but also the principles of the post-Cold War European order. This means that the return of Donbas to Ukraine as envisaged by the Minsk agreements (outcome 1) must remain the EU's primary demand, but while pursuing that, it should also prepare for the “frozen conflict” scenario and working on making it insulated (outcome 2) – as an uninsulated conflict, even if frozen, is likely to lead to the chaos of a Russian-controlled Ukraine (outcome 4). The current stalemate is more than tenuous; the EU will need to stay united and engaged, and potentially willing to commit significant border missions, not to mention diplomatic energy, if Kyiv is to have any chance of resolving the chaos in eastern Ukraine.

<sup>14</sup> Alastair MacDonald, “Putin aide warns U.S. on Ukraine, says Russia could act”, *Reuters*, 6 February 2014, available at <http://www.reuters.com/article/2014/02/06/us-ukraine-russia-glaznev-idUSBREA150X720140206>.

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