

**A Conference Organized by the Canadian Institute of Ukrainian
Studies,
University of Alberta
16-17 October 2014
Negotiating Borders:
Comparing the Experience of Canada, Europe and Ukraine**

**After Dinner Talk
Building for a Resurgent Ukraine**

- I know that some of you have to leave early for a memorial service. I offer my condolences. I have shortened my remarks to fifteen minutes, so that you may leave easily.
- We all know that the situation in Ukraine is serious and may get worse. I wish to suggest ways in which we can promote stability within the country, and possibly build for resurgent Ukraine in the future.
- To understand the extent of the disaster that has befallen Ukraine, it is worthwhile listing the challenges that Ukraine is facing:
 - Russia has imposed upon Ukraine a frozen conflict of the sort that Russia has used to seek to control the foreign and domestic policies of Moldova, Georgia, Armenia and Azerbaijan.
 - The government of Ukraine is badly in need of reform.
 - The hatreds and tensions aroused by the war risk empoisoning the political life in Ukraine and ruining the possibilities of eventual re-unification.
 - The ceasefire of 5 September that reduced fighting between Ukraine and the Russian proxies, may not last.
 - The Ukrainian economy is in danger of collapse.
- 1. Let us first look at the last two problems since they threaten to destabilize the state.
- Without deeds and diplomacy, the present cease-fire may break down completely. Russia has not achieved its objectives:
 - Contrary to Russian terms for the cease-fire, the Ukrainian government has not formally recognized the autonomy of the rebel-controlled areas in Donetsk and Luhansk, nor has it given these regions a veto over Ukrainian foreign policy.
 - The Donbas rebels have conquered only a narrow corner of land, which will likely require substantial subsidies to function as an economic unit.

- Russia has not succeeded in creating further frozen conflicts in Ukraine. It has been unable to spark revolt in the rest of the so-called Novorossiia.
- Russia has not even got control of the land bridge going from the Russian border to Crimea.
- Furthermore, the EU's Association Agreement with Ukraine, if allowed to stand, threatens Russia's project of a Eurasian Economic Union as a counterweight to the EU. The Russians deem Ukraine's membership in the Eurasian Economic Union to be essential to its success.
- While the EU and Ukraine have reluctantly agreed to Russia's request that to postpone the coming into force of the Association Agreement for fifteen months until the end of 2015, the EU has refused Russia's demand for further concessions.
- Ukraine is also considering giving up its neutral status so as to pursue membership in NATO.
- The additional territory that Rebels in Donbas have seized since the cease-fire came into effect, suggests that Western sanctions may so far have influenced Russia's tactics, but not necessarily all its aims.
- The Russians may therefore be counting on forcing, if necessary through further fighting, a capitulation by Ukraine on several matters when the winter winds begin to bite, and no Russian gas is available.
- In view of the dire state in which Ukraine finds itself, our aim should be to attempt to stabilize the situation so as to try to prevent it from becoming worse.
- We must do what we can to make the existing cease-fire stick and last.
 - Therefore it is important, as our former Ambassador to Ukraine, Andrew Robinson has observed, that Canada should help strengthen the OSCE Observer Mission. President Poroshenko has asked the OSCE to increase the number of observers from 1000 to 1500. Canada has already provided funding and contributed observers, including the head of mission, when OSCE Observer mission was established in May 2014. It should now do more.
 - The West should also be prepared to impose further sanctions on Russia should its proxies increase their attacks.
 - The West should be prepared to do more to support Ukrainian military security. Canada has already provided non-lethal military equipment. It has also contributed money to improve Ukrainian command and control, and communications systems, and to support cyber-security, energy security, and strategic communications.
 - We might also consider helping Ukraine to acquire lethal weapons. Ukraine badly needs lethal weapons to dissuade Russia from further pursuing the war.

In one battle, that of Illovaisk in August, Ukraine reportedly lost 35% of its military hardware.

- The problem is that, up to now, NATO countries have decided to provide directly only non-lethal weapons.

The Polish Minister of National Defence and Deputy Prime Minister, Tomasz Siemonek, has, however, said that the Polish arms market is open to Ukrainian buyers.

- Canada might therefore take the lead in promoting a fund to enable Ukraine to purchase the weapons it needs.
- Our next goal in promoting stabilization must be to maintain a dialogue with Russia, both to prevent misunderstandings that could make the situation worse, but also to seek ways of achieving a mutually acceptable *modus vivendi*. Throughout the Cold War, the lines of communication were always kept open.
- One idea for a *modus vivendi*, but only as part of an overall settlement, might be for Ukraine, instead of seeking NATO membership, formally to reassert its neutrality. Ukraine has little to lose. NATO has in effect twice rejected its application. Finland prospered throughout the Cold War by remaining neutral.
- Our other major aim should be to prevent the economy from collapsing. The GDP is expected to contract this year by 10%. The National Bank's currency reserves have tumbled toward a nine-year low. They barely cover three months of imports. The currency, the hryvnia, has plunged 40 percent so far this year, the greatest drop in the world. The IMF says the current \$17 billion loan program may not be enough to avert a default. It is considered highly likely that Ukraine will have to reschedule its debts.
- The problem is that the current IMF rescue package for Ukraine is based on the requirements of a peace-time state. Since this package was devised, Ukraine has had to fight an expensive war. Furthermore, the fighting has left Russia, or Russia's proxies, in control, not only of Crimea, but also of part of the Donetsk and Luhansk oblasts. These oblasts are home to the bulk of Ukraine's steel mills and coal mines. The rebel area contains a population of over two million and used to produce almost a quarter of Ukraine's industrial output. The fighting has also helped shut off trade with, and energy flows from Russia.
- Canada has made it clear that it is committed to helping Ukraine stabilize its economy. It has provided a \$200 million low interest loan for this purpose. It has also re-launched negotiations toward a Free Trade Agreement. Canada might therefore take the lead in promoting an international aid package to help Ukraine adjust to the losses created by the war.

2. If we can assist Ukraine in achieving an initial stability, our goal, then, should be to help the country carry out political and economic reforms capable of making it into a

showcase for democracy and a free-market economy. It was such a transformation in post war Germany that ultimately made the reunification of Germany possible. The conversion of Ukraine into an attractive and prosperous showcase represents the best chance for recovering the country's lost unity.

- The trouble is that the Poroshenko administration has so far done very little. In part, this is due to the war; in part, to the strength of the forces of inertia; in part as well, to a lack of knowledge on how to reform. The Poroshenko administration on 25 September published its reform plan "Strategy 2020." It set out a list of 60 reforms. The lengthy list provides no prioritization, nor any indication on how reforms are to be carried out. That is to be left to the civil society to work out.
- The international community is becoming impatient with reforms by declaration. Opinions differ on whether Ukraine needs more conditionality or more incentives.
- The EU has made anti-corruption measures, and transparency in public procurement and the state budget to be conditions for a loan of one billion Euros.
- The World Bank has stipulated, in return for a loan of \$1.25 billion dollars, among other things, macroeconomic stabilization, anti-corruption measures, more accountable government, better state services, and a better business climate.
- Canada is attempting to help the reform process. So far this year, it has provided almost \$21 million for this purpose. It has also more than doubled its annual aid budget to Ukraine from \$20 million to \$50 million dollars.
- Since Western support for Ukraine is liable to be expensive and long lasting, Canada might consider supporting among its allies a proposal put forward by Professor Andreas Umland of Kyiv Mohyla University, that the Western Countries should impose a Crimea Occupation Levy on certain Russian goods so as to provide funds for assistance for Ukraine. To this I would add a Donbas tax.
- The reform proposals put forward by both the international community and Ukraine are primarily designed to improve democracy and a market economy, Most of them do not specifically address what is required to encourage the severed parts of Ukraine to return to the fold.
- At some point, Ukraine's friends should consider what might be done to promote reconciliation. Among other suggestions are these ideas:
 - Ukraine should find some way to try to drain from public life the poisonous hatred that the war has caused. If allowed to fester, this hatred can make future reconciliation impossible, and harm democracy by radicalizing segments of the population. Should the courts be unable to carry out the task of punishing the guilty of oppression and war crimes in a credible fashion, Ukraine might look into holding something like a truth and reconciliation commission.
 - There should be a genuine dialogue, involving all parts of the country loyal to Ukraine, to work out a national consensus on language and regional autonomy. Without such a dialogue, policies elaborated by the government in

this area risk not being accepted by all regions of the country. It has been the experience of multilingual and multinational states in Europe and North America that a lack of a consensus on questions of language rights and regional autonomy can lead to a breakup, whereas countries that have worked out a modus vivendi, usually hang together.

- You will note that I am not suggesting negotiating with the rebels on language and regionalism. Their ideas have been worked out by Moscow, which is seeking to turn Ukraine into a loose confederation that it can control.
- It is a precept of good governance in most Western countries that governments must contain voices from all important regions of the country. Yet we find in Ukraine that 80% of the Yanukovich administration came from Donetsk and Luhansk oblasts, while the initial Turchynov-Yatseniuk administration had few representatives from the East. It should become a principle of any Ukrainian administration to practice and encourage discussion on all issues of public life with the different regional and cultural interests.
- The road from authoritarianism to democracy is always long. It can be made shorter with international help and support. The World should not give up on Ukraine.

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Session 4-Ukraine's Dilemmas

Discussant Report

Tatiana Zhurzhenko, in her clear analysis, **From Borderlands to Bloodlands**, suggests that the concentration of the conflict in Donbas and the decline of pro-Russian separatism in other regions in eastern and southern Ukraine raise the question: what has happened to the East-West divide, and is Donbas all that is left of the "East" today? With the annexation of Crimea and the military conflict in the East, the era of post-Soviet ambiguity and tolerance of blurred identities and multiple loyalties has ended. The majority have opted for the Ukrainian state.

She postulates that Ukrainian identity, which for so long had been associated with ethnicity, language and historical memory, suddenly has become territorial and political and thus inclusive for Russian speakers and Russians, as well as for Ukrainian citizens with other ethnic origins. The ugly face of pro-Russian separatism, the everyday terror and the anomie it has brought to Donbas, have had a sobering effect on many potential Russophiles.

She notes that the Maidan has been widely interpreted as a delayed attempt to complete the de-Sovietization of Ukraine and to catch up with the 1989 revolutions in eastern and central Europe. She claims that what prevents the Europeanization of Ukraine is the Ukrainian variant of post-Soviet capitalism corresponding to a specific type of political system rooted in eastern Ukraine. Donbas in particular lacked political diversity and competition. The political monopoly of the Party of Regions, which represented the interests of a single oligarchic clan, prevented the emergence of political alternatives. This model laid a time bomb under the Ukrainian state, as elections turned into formal procedures for legitimizing an unfair and opaque system of power. Unlike in other regions, there were almost no alternative elites in Donbas, which explains why local Euromaidans were marginal.

She points out that the Orange Revolution and Moscow's failure to ensure the victory of the pro-Russian candidate, Viktor Yanukovich, radically changed Moscow's perspective on Ukraine. The revolution was seen as a western coup aimed at undermining

Russia's influence in its legitimate sphere of geopolitical interest. After the Orange Revolution, Moscow increased its support for pro-Russian groups and organizations in Ukraine, especially those who actively opposed the pro-western course of the Ukrainian government and defended the rights of Russian speakers against "Ukrainianization".

Denying Ukraine its distinctive national identity, Russia suggested alternative identities instead. They were largely based on the concept of *Russkiy mir* (Russian world), which during the 2000s, advanced rapidly from being a marginal intellectual discourse to a new state ideology supported by the Russian authorities and the Russian Orthodox Church.

She questions whether the Euromaidan protests have deepened the old division between East and West, or they have helped consolidate the Ukrainian nation. The pro-Yanukovich media presented the protests in Ukraine as a radical nationalist movement with its mass base in western Ukraine. While radical nationalism was certainly present on the Maidan, the overwhelming majority protested under a democratic banner – for a pro-European Ukraine, and against government corruption, police violence, unconstitutional restrictions of human rights and media freedom.

She affirms that the "East" or "South-East" in the old sense no longer exists. The dramatic developments of spring 2014 have demonstrated that collective identities are situational and contextual and can rapidly change, especially under conditions of territorial secession, external aggression and military conflict.

She concludes that the ongoing war in Donbas will have profound and long-term consequences for the region. While the armed conflict has certainly deepened anti-Ukrainian hostilities in some parts of the local population, it has taught other parts to appreciate security, stability and strong state institutions. If the Kyiv government and its army and police force prove to be a guarantee of security for the population, the first step along the long road of re-integrating Donbas into Ukraine may have been made.

Dr. Kuzio's study, **The Crimea: From Rhetoric to Annexation, 1990-2014** provides a clear and succinct analysis of Russia's policy towards the Crimea since the break-up of the Soviet Union. He sets out Russia's initial recognition of Ukrainian territorial integrity, including Ukrainian sovereignty over the Crimea, in the 1994 Budapest Memorandum, the 1997 Ukraine-Russia treaty, the 1997 twenty-year "temporary" Black Sea Fleet basing agreement and in effect the 1998 Crimean constitution.

Dr. Kuzio points out that, after the Orange Revolution of 2004-2005, Putin's and Russia's hostility grew exponentially toward Ukrainian sovereignty, and territorial integrity. Russia expanded its covert operations in the Crimea and Odesa, and infiltrated the Party of Regions. Putin's policies also became more nationalistic and anti-Western. During his meeting with President Bush at the NATO Summit in April 2008, Putin threatened to dismember Ukraine, should NATO put it on the path towards membership.

He notes that during the four-year Yanukovich presidency, the Crimea was de facto turned over to Russia, with the Black Sea Fleet basing agreement being extended to the middle of the century. Russian influence also increased in the Ukrainian military, security service and government.

He states, that with the downfall of President Yanukovich, Russia used the post-revolutionary chaos in Kyiv to intervene in the Crimea. Russia quickly organised a sham referendum that voted by a large majority for "union" with Russia.

Because the referendum was taken at face value by some of the Western Press, Dr. Kuzio might have added some detail on what made it sham:

- the lack of a clear choice on the ballot,
- no open debate or freely available information,
- multiple voting, that resulted in a voter participation of over 100% in Sevastopol,
- invented results of 83% participation and 97% affirmative vote, whereas a Russian government website later revealed that the participation had been 30% and the affirmative vote 15%.

He concludes that Russia's annexation was in violation of all its international treaty obligations, and that Russia's actions in the Crimea served as a prelude to the Russian covert intervention in the Donbas.

The paper prepared by Dr. Ivan Katchanovski, entitled **The Separatist Conflict in Donbas: A Violent Breakup of Ukraine?** seeks to examine why Ukraine has suffered the violent separatist conflict in Donbas. It claims that there was a real possibility of revolt in Donbas following the Orange Revolution in 2004-2005.

The difference between the Orange Revolution and the Euromaidan, according to the author, is that, whereas the Orange Revolution was limited to peaceful protests, Yanukovich was overthrown as a result of mass killings of the police and protesters, in which elements of the Euromaidan, including the far right, were involved.

According to the author, the overthrow of Yanukovich led the Russian government to change its policy and to back separatists in Crimea. The overthrow also gave rise to the violent up-rising in Donbas.

Since there are indications that the Russians had repeatedly urged Yanukovich to carry out the bloody crack-downs that eventually led some opposition groups to turn to seize weapons, it can be questioned whether the violence provided a **reason**, or the **pretext** for the Russian actions in Crimea and Donbas.

Furthermore, the author's thesis does not take into account the Russian warning to Yanukovich in September, 2013. Then, President Putin's point man on Ukraine, Sergey Glazyev, stated that, if Ukraine signed the EU Association Agreement, then Russia could no longer guarantee Ukraine's status as a state and could possibly intervene if pro-

Russian regions of the country appealed directly to Moscow. Yanukovych dropped the Association Agreement.

After the downfall of Yanukovych, the new interim government announced its intention of signing the Association Agreement. It could be argued therefore that the aggressive policy that Russia then adopted towards Crimea and Donbas was not in reaction to the circumstances of Yanukovych's downfall, but in fulfilment of Glaziev's threat.

Furthermore, it may be hard to argue, without further clarification, that Russia's reaction represented a new policy, for what happened in Crimea and Donbas does not appear to be an impromptu response. The hybrid war tactics that Russia used in both Crimea and Donbas, were first set out in a speech by the Russian chief of the General staff, Valeriy Gerassimov, in January 2013. Incidentally, in that speech General Gerassimov explicitly referred to the change of law in 2009 that authorized Russian troops to be used beyond Russia's borders in the defence of Russians abroad. Hybrid war was then tested in September 2013 in the military exercise Zapad 2013.

The paper asserts that pro-Russian separatists with direct involvement of large groups of armed Russians and with indirect Russian government support seized power in Donbas. The paper suggests that evidence that the separatist conflict in Donbas resulted however from direct Russian military intervention before the end of August is either misrepresented or fabricated. In the view of the author, Russia initially supported the separatists only by allowing volunteers and weapons to cross the border and by providing weapons training, and a safe haven.

It can be argued that the absence of shoulder patches and the use of the designation of volunteers, which in many cases appears to have been fictitious, does not obviate the fact that what has happened, constituted a direct Russian intervention in Donbas.

The evidence was certainly serious enough to have convinced Western governments and led to them to impose sanctions:

- In one of many sightings made by observers, in April, US Ambassador to Ukraine, Geoffrey Pyatt noted *“Mililitants in eastern Ukraine were equipped with Russian weapons and the same uniforms as those worn by Russian forces that invaded Crimea”*.
- Among many observations of the movement of heavy Russian military equipment and advanced weaponry across the border into Ukraine, in June, a US State Department spokesperson confirmed that “three T-64 tanks, several BM-21 ‘Grad’ multiple rocket launchers and other military vehicles” crossed the border into Ukraine near Snizhne.
- On July 10, the three top leaders of the Donetsk People's Republic appeared at a press conference in Donetsk: “prime minister” Aleksandr Boroday, “defense minister” and commander-in-chief Igor Girkin/Strelkov, and newly appointed “deputy prime minister for security matters” Vladimir Antyufeyev. According to

press reports on the conference, they were all Russian citizens. They had arrived in Ukraine in April 2014, February 2014, and July 2014, respectively.

Girkin/Strelkov introduced himself as a Colonel of the Russian Federal Security Service (FSB), retired from active service as of March 31, 2014.

- In July, the United States confirmed observations of Russian artillery and rocket fire over the border into Ukraine.
- Regular Russian troops seemed to have been used before the end of August. The Ukrainians captured members of Pskov airborne brigade No. 74268 on 21 August.

The author suggests that an analysis of the evidence shows that the absolute majority of civilian casualties resulted from shelling by Ukrainian forces of population centres used by the separatists as their bases. He gives no basis for this description of a confused situation in which both sides accused the other of being responsible for the same incidents.

A survey conducted for the author by Kyiv International Institute of Sociology (KIIS) in April/May, apparently after the revolt had begun, indicates that a majority of residents in Donbas - 54%- backed different forms of separatism. The author's definition of separatism includes not merely secession, but also unilateral demands for greater autonomy or federalism. The author notes that the Ukrainian government has rejected federalism, but he fails to mention that it does favour an undefined decentralization. He states that the Russian government advocates a federal solution for Ukraine, but he does not make it clear enough that the Russian proposals sound like a weak confederation. In the Russian view, the regions would have independent foreign relations and foreign trade, while retaining a veto over the central government's foreign policy. Russian officials have suggested Bosnia, or Greenland in its relationship to Denmark, as models. Neither of these units are genuine federations. Greenland is on the verge of independence. Bosnia is barely a confederation.

The survey also shows that 23% of those surveyed favoured autonomy, compared with 8% for independence, and 23% for joining Russia. The author does not explain the difference between his broad definition of separatism, and autonomy or independence.

The study concludes that all major actors, including the Russian and Western governments, have contributed to the violent conflict in Donbas and the de facto breakup of Ukraine. He does not describe, however, what precisely is the Western responsibility. The author believes that it would be practically impossible to resolve the conflict in Donbas completely and permanently and to unite Ukraine again.