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GUIDELINES FOR MANAGING THE CONFLICT IN DONBAS

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The article focuses on the on-going conflict in the East of Ukraine. Two years after its beginning, it has become a challenge for both national and regional security. By now, it carries the features of the so-called “frozen” conflicts, typical for post-Soviet political space. Managing these conflicts is specifically difficult due to strong impact of the Russian policy, to which these conflicts are instruments for strengthening control over immediate neighbourhood. On the other hand, the conflict resembles other militarized internal disputes (MIDs) of the post-bipolar world. They encompass numerous issues, including identities, resources, symbols, and narratives. They also often result from structural factors, triggered by weakness of states. Most of these conflicts are hard to manage and/or resolve. So far, there is no defined strategy for Ukraine to apply for settling the conflict. We argue that theoretical guidelines for internal conflict management combined with the critical analysis of similar conflicts’ trajectories could help elaborate a more precise approach.

Managing a full-fledge internal conflict with a strong external intervention in the Eastern Ukraine is an extraordinarily hard task for the Ukrainian leadership. Together with the annexation of the Crimea, the Donbas conflict is the most significant security challenge ever for the country. Its negative impact covers both hard and soft security areas. As a result of the annexation of the Crimea by Russia and an on-going armed conflict in the East of the country, Ukraine has lost control over approximately 7% of its territory. Its real GDP fell about 19% in recent two years¹. The country suffered over 9,000 casualties and more than 20,000 injured since April 2014, according to UN Office of the High Commissioner for Human Rights².

Moreover, as long as there is an ongoing war on its territory, Ukraine continues to be an unstable state, not only undermining its own chances for a successful European integration, but also generating far-reaching risks for regional security already undermined by revisionist Russian policies.

Addressing the conflict’s immediate consequences has been on top of Ukraine’s political agenda for about two years. At the same time, there is a clear lack of vision of ways and strategies of resolving the conflict. Considering the experience of other regional conflicts, involving high stakes from Russia and secessionist

¹ The World Bank Ukraine Economic Update, October, 5, 2015 // <http://pubdocs.worldbank.org/pubdocs/publicdoc/2015/10/34131444107623273/UA-MacroeconUpdate-Oct-2015-en.pdf>, Retrieved Jan., 8, 2016.

² Ukraine Conflict Has Left More than 9,000 Dead, Says UN, The Guardian, December 9, 2015.

movements supported by Moscow, chances are high for freezing the conflict in Ukraine and keeping its development under control, Russian control by all means. We will examine whether other options are possible and how “transnistriization” of the Donbas conflict will affect broader security agenda.

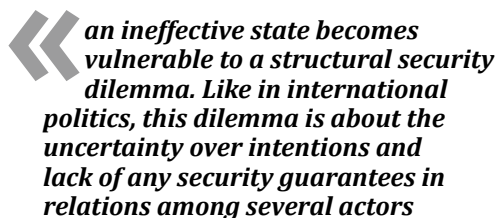
Theory: Managing Internal Conflicts

Most internal conflicts result from clash of interests within a state, which for several reasons cannot be addressed properly. All states experience internal conflicts, but while some are handling them peacefully and effectively, others are falling victims to a large-scale violence, uncontrolled escalation, and war.

There are several factors determining the probabilities of internal conflict initiation and escalation. They could be divided into structural and discriminative. The latter are about social groups within states, which can be – and, in fact, are – extremely different in terms of national identity, religion, ideology, gender, age, and alike. There is no state free of societal differences, although in some rare cases they can be significantly reduced. For instance, in Norway or Japan ethnic minorities constitute less than 5% of total population. In the former Soviet Union, like in most planned socialist economies, diversity in income has been minimized. In these rare cases, differences become less evident, but nevertheless present. The level of discrimination, concentration of differences, history, and sometimes geography determine the scope and strength of potential internal conflicts.

On the other hand, there are conditions under which imagined lines among various society groups are turning into frontlines. The ability of a state to manage differences and create a favourable environment for preventing violent conflicts is reflected by

structural factors. They are, in short, about state’s efficiency, i.e. ability to generate and distribute social goods: security, justice, prosperity, high level of income, and so on. If a state is functioning properly, there are usually enough ways, institutions, and procedures for solving disputes within society. On the contrary, if a state

 ***an ineffective state becomes vulnerable to a structural security dilemma. Like in international politics, this dilemma is about the uncertainty over intentions and lack of any security guarantees in relations among several actors***


is corrupted, ineffective, and lacking well-defined mechanisms for keeping social harmony, division lines among different groups start to accumulate distrust, fear, and hatred.

When that happens, an ineffective state becomes vulnerable to a structural security dilemma. Like in international politics, this dilemma is about the uncertainty over intentions and lack of any security guarantees in relations among several actors. A normally functioning state can exercise its sovereignty to provide security for all subjects, while a weak state can no longer do that. Thus, relations among religious, national, ideological or other groups in such a state turn into hostility, first in a way they perceive each other and then in a way they act. Pressed by the absence of security guarantees, due to the weakness of the state, they are taking preventive measures in an environment, which looks so much like anarchy in the international system.

The conflict in Ukraine carries features common for all internal conflicts in weak states, but at the same time it is different

from most of them because of a strong impact produced by participation of a neighbouring great power. It could be argued that the weakness of the Ukrainian state triggered structural mechanisms of internal conflict; however, discriminative factors have been weak or absent. Russia had to introduce them artificially.

According to 2001 census, Russians have been the biggest ethnic minority in Ukraine, of about 17% of total population and decreasing.³ At the same time, only in one of Ukrainian regions – the Autonomous Republic of Crimea – they were the majority. After the annexation of the Crimea by Russia in March 2014, Ukrainians present ethnic majority in every region of the country. There are neither ways of discriminating inhabitants of Donbas, nor differences in identity between them and the rest of Ukrainians.



The “Russian World” mythology has been applied in Ukraine to manipulate identities and provide an alternative for the European values

Thus, artificial dividing lines have been drawn through speculations over language, history, and national identity. Wrapped under “Russian World” title, a mix of historical interpretations, Orthodox religious policy, and rhetoric of the Russian-speaking minorities in the neighbouring countries has been labelled Russian “soft power” and applied with the view to enhance Moscow’s control over the near abroad. Contrary to Kremlin’s emphasis of “softness”, this was a subordinated element of Russia’s unusually hard policy.

The “Russian World” mythology has been applied in Ukraine to manipulate identities and provide an alternative for the European values. But it is Russia that had to meet the reality it used to speak about so much when criticizing American foreign policy: any coercion or violence is extremely unfavourable for soft power politics.

This is how the conflict in Donbas is different from almost all other internal conflicts. While in most cases, there are differences at heart, in Donbas there is Russian policy. It is formally internal, however managing it requires not harmonizing the relations among the groups within the society, but handling the Russian factor first of all. At the same time, one cannot completely discard Russia’s manipulations with identity. The dynamics of violent conflict transforms identity. Not only identity differences can lead to a conflict, the opposite is also possible. Ukrainians in Donbas may find their identities splitting apart, and that would eventually become an important dimension of the conflict.

In theory, managing internal conflicts requires several key steps. First, the environment of the conflict should be modified. There are always third parties as well as specific conditions - political, economic, and geographical – which impact the conflict. By improving the environment, one could enhance the chances for settlement. The Ukrainian crisis is a part of a broader geopolitical competition, a solution, which may alone bring the conflict to an end. Secondly, values, resources, and power, altogether constituting the issue at stake, should be broadened as much as possible. No matter how warring parties’ positions may seem,

³ State Statistics Committee of Ukraine, The All-Ukrainian Population Census // <http://2001.ukrcensus.gov.ua/eng/> accessed: March 20, 2016.

there are always interests behind them. Assessing interests rather than sticking to positions is the key to broadening the conflict issue. Thirdly, structural changes should be introduced: if there is something in how groups coexist – be it asymmetry of interests or power, structural violence or anything alike – that generates tension and conflict, it should be changed.

Internal conflicts are notoriously difficult to manage. There are always two strategic alternatives: either to eliminate differences or to manage them. The former is usually done through the separation of a state, while the latter is most often carried out through democratization. Both strategies have numerous setbacks and weaknesses, as well as both have an impressive record of failures in recent 25 years. Nevertheless, there are no viable alternatives. At some point, Ukrainian leadership will have to take a decision over which way to follow. So far, mixed rhetoric over elections in the Donbas and prospects of implementing the Minsk agreements indicates the lack of both a clear strategy and the understanding of making an inevitable choice ahead.

Preserving the territorial integrity of Ukraine (excluding the Crimea) will require political efforts aimed at managing artificially constructed differences, which are so actively manipulated by the Kremlin. The task will be even harder given that the differences have been created not for reconciling, but for exerting political pressure on Kyiv. In short, unlike other internal conflicts, the most challenging problem in managing Ukrainian crisis will be finding a political compromise not between Kyiv and Donetsk/Luhansk, but between Kyiv and Moscow.

Conflict Management Strategy for Ukraine

In 2015-2016, conditions for “freezing” the conflict in the East of Ukraine were


firmly set. The process was marked by a long-lasting confrontation, establishment or strengthening of the state institutions, responsible for dealing with the conflict, and the presence of problems related to the conflict at the very top of the country’s political agenda. These are markers of the so-called institutionalization of a conflict, turning it into an important element of everyday life in the society. At this stage, conflicts may exist for an indefinitely long time, which poses the second most important challenge for Ukraine next to the violation of its territorial integrity.

For Russia, another frozen conflict in its neighbourhood would be by far the best possible outcome. Kremlin knows how to operate these conflicts, avoid responsibility, and manipulate parties. Although a conflict in Ukraine would probably demand more investment, leadership, and overall effort than any other, it will suit Moscow more than any other alternative.

The international context of the conflict is still favourable for Ukraine, although tends to become less so in future. Russia’s revisionist policy challenges the existing world order and has already significantly damaged the system of regional security in Europe. Thus, both the annexation of the Crimea and the crisis in Donbas have become a part of a broader issue, which strongly demands reaction from the world’s major stakeholders in security area. So far, this reaction has been painful for the Kremlin and it is most likely to remain so in the near future.

It has been conventional wisdom within Ukrainian political discussion that time is playing on our side; however, that is an open question. Ukraine is certainly paying the heaviest price for an on-going conflict in its territory, both in absolute and relative terms, and thus is getting weaker and more dependent on external support over time.

It should be noted, that such a high price is being paid for just preserving the current status quo. Any move away from it will presumably cost even more. At the same time, Russia is also getting considerably weaker. Given Moscow's broader foreign policy agenda and the asymmetry of goals with Kyiv over the conflict, it could be assumed that Russia may find obtaining its goals in Ukraine increasingly more difficult, risky, and costly. There is a certain ambiguity over which side the time is on, which certainly makes strategic planning much more difficult.

 ***there is still a probability of re-escalation, it is getting smaller due to rising costs and the lack of political issues, which could be resolved by the direct application of force***

The conflict is asymmetric in almost every sense, as well as notoriously “hybrid”. While the latter is often described as superior tactics, implied by Russia⁴, the former provides Ukraine with good options for further conflict management. The impacts of asymmetry and “hybridness” of the conflict are mixed; they together reduce the probability of a large-scale war and make a frozen conflict scenario most probable. The accurate management of asymmetry in relations with Russia may help Ukraine reduce its vulnerability and prevent Russia from making use of its advantages.

Although there is still a probability of re-escalation, it is getting smaller due to rising costs and the lack of political issues, which could be resolved by the direct application of force. At the same time, de-

escalation seems equally unlikely so far due to the lack of political background. Currently the conflict seems to remain at the equilibrium point and preserving its current features and structure seems to be the most likely mid-term scenario. Both Ukraine and Russia are heavily paying for its continuation, but both are afraid of losing even more in case it ends contrary to their expectations. After injecting a large portion of realpolitik into European security environment, Russia is now paying the price for that itself, being locked within a classic security dilemma. As before, the parties' zones of possible agreement are not intersecting, and that makes freezing the conflict even more probable.

In an ideal world, Ukraine would certainly like to see the conflict ended, its territorial integrity restored, and independence from Russia regained. While having this set of goals in mind is always helpful, most probably, they will not be achieved simultaneously in either short or mid-term perspective. If this is the case, there is a clear need to specify the priorities and start approaching the crisis with building a hierarchy of interests.

Given those circumstances, Ukraine should build its strategy, preferably a long-term one, since the conflict is unlikely to end soon. Like in other cases of the post-Soviet frozen conflicts, there most likely will be the lack of leverage against Russia's manipulation with secessionist territories. On the other hand, Ukraine should build upon that experience as well, learning from mistakes and taking a closer look at what had been achieved.

Foreseeing the future is close to impossible, but one could follow the trajectory of

⁴ Michael Kofman, Matthew Rijansky, “A Closer Look at Russia's “Hybrid War”, Kennan Cable, No.7, April, 2015 // <https://www.wilsoncenter.org/sites/default/files/7-KENNAN%20CABLE-ROJANSKY%20KOFMAN.pdf> accessed March, 21, 2016.

conflicts similar to the one we are having in the East of Ukraine. The Transnistrian conflict is certainly one of them. It is a protracted, institutionalized, asymmetric internal conflict, to which Russia is both a mediator and a supporting side. The conflict has been running for a quarter of a century after being “frozen” in 1992 with the view to permanently impact Moldova’s foreign policy choices and internal agenda. For Moscow, it is not as important to win the conflict as to keep it going. Chances are high that events in Donbas will follow a reinforced and more violent version of that scenario, counting that Kremlin’s bet in Ukraine is much higher.

Another experience could be taken from wars in the former Yugoslavia, in particular the Croatian War of Independence. That was a relatively short intensive asymmetric conflict, featuring elements of a hybrid war and active engagement of third parties. The latter brought about de-escalation and conflict settlement with Croatia’s territorial integrity restored. This scenario would be the best possible scenario for Ukraine and yet the least probable. It will require major changes in the environment of the conflict, including radical transformation of the Russian attitude.

Finally, one should not discard cases like Indo-Pakistani war – an asymmetric interstate conflict lasting for several decades. It is marked by occasional escalation, significant military expenditures in both countries, and the securitization of a broad range of issues in bilateral relations. The rivalry has got geopolitical, normative, and religious dimensions and shapes the stance of a regional security system. This is a description, which would possibly resemble bilateral Russian-Ukrainian relations for years to come.

Along with setting goals and attempts to foresee the future, managing the conflict


would require innovative approaches, broadening the issues at stake, and improving the environment. Given the current interests and positions of the parties, the last two would be especially difficult to achieve.

Politically the conflict is not as it would seem from a formally legal point. It carries the features of a militarized internal dispute and may seem to be about autonomization, self-government, or secession of certain territories in the East of Ukraine. However, the conflict itself is an instrument for Russia to exert pressure over Ukraine and keep its sovereignty limited. Thus, the main issue at stake is de facto the independence of Ukraine, including the right to determine its foreign policy. On the other hand, there are Russian interests in keeping Ukraine within its sphere of influence, since it is perceived in the Kremlin as the most important element of a more general task of reinstalling Russia’s “greatness” and hegemony over most of the post-Soviet space. The issue gets more complicated due to the high importance Moscow attaches to its influence over Ukraine and to a high level of threat it feels in case of losing it. In the end, there are two existential non-divisible interests of Ukraine and Russia in the conflict. Reconciling them, including through broadening the issue, seems to be close to impossible.

Besides, there are certainly other issues, mostly concerning the future of the regional security arrangements, undermined by Russian revisionism, but also touching upon a more specific and more internal Ukrainian topic of the so-called “decentralization”. These are areas where a compromise could be found a little bit easier, although since they are linked to both parties’ primary interests, this “little bit” will be insignificant. Along with Ukrainian and Russian ones, there are other bets in the

conflict. It challenges European security architecture, generating numerous risks for neighbouring countries and the EU as a whole. Thus, Europeans are willing to put an end to the conflict and, as fully as possible, to restore Ukrainian territorial integrity, at least over Donbas. The US is driven by similar considerations, added with global security management, which requires the restoration of basic principles of the world order and, preferably, of the status quo ante bellum. It should be kept in mind that even if positions of Ukraine and the West are almost similar in what concerns the former's territorial integrity, there is quite an asymmetry of interests behind them. That discrepancy will make the coordination of efforts more difficult over time.

Ukrainian strategy should proceed from the assumption, that changing the environment is crucial for solving the conflict. In turn, changing the Russian policy is of utmost importance for transforming the context. At the same time, due to the asymmetry of the conflict, Ukraine should avoid the linkage of issues, i.e. of the Donbas and the Crimean problems. Any interconnection like that will enable a stronger state to use its power advantage more effectively. Even if Moscow wants to exchange Donbas issue for an official recognition of its sovereignty



Ukraine has to take care of its sovereignty. In particular, it should avoid any erosion of sovereignty as a result of reinforced decentralization through granting particular regions a right to veto important foreign policy or security decisions

over the Crimea, in the end, chances for that should be kept as minimal as possible.

Ukraine has to take care of its sovereignty. In particular, it should avoid any erosion of sovereignty as a result of reinforced decentralization through granting particular regions a right to veto important foreign policy or security decisions. Conflict's asymmetry makes it more favourable for Ukraine to engage as many international mediators as possible. Reference to international law should also become the everyday practice of Ukrainian diplomacy. Hybrid wars require hybrid responses. Ukraine should get used to effectively imply multi-track diplomacy and rely on non-governmental institutions.

Dealing with Russia will in any case be the most important and difficult challenge. Generally, Moscow should be persuaded that the conflict in Donbas is a problem rather than a solution for the Russia's security puzzle. To do this, Kyiv has to take extra measures to specify the interests that drive Kremlin's decision-making, to go beyond simple demonization of Putin's intentions, and try to see more fundamental issues than temporal madness or gambling. That would hopefully open some space for political compromise.

At the same time, any measures worsening Kremlins BATNA (Best alternative to a negotiated agreement) should be taken. This is exactly where Ukraine should rely on allies, international organizations, and informational policy. Only after the Russia's position is significantly modified it will be possible to create and exploit a zone of possible agreement thus moving into conflict settlement and post-conflict reconstruction stages.

Conclusion

There are no simple or easy solutions for the conflict in Ukraine. Most likely, it will deescalate after a long path of mutual concessions and compromises, which so far looks distant and unclear. It is also very much likely that compromises will be often broken, while the level of mutual trust among the parties will remain low. Modifying Russia's position will be the key, while post-conflict settlement will require considerable efforts in introducing power sharing, democratization, and economic efficiency.

There will also be other obstacles for managing the conflict. Economic downfall will make repetition of internal conflict more likely. There are and will certainly be social groups benefiting from the conflict. There are strong signs of external intervention, which should be added to potential spoilers in conflict management. Overcoming all that would take time and

considerable effort. It should be also kept in mind that following the end of the Cold War only about a quarter of all internal conflicts ended up with formal peace agreements. In many cases, it is even hard to say whether they actually "ended".

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