COMMENTARY – SHOULD WASHINGTON HAVE PRESSED KYIV INTO A COMPROMISE WITH MOSCOW?

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This article was submitted in late 2021, and became dated after Russia's demonstrative preparation as well as start of an open, large-scale invasion of Ukraine early 2022. We nevertheless publish this commentary here in order to document the debate about the events leading to the escalation. No adaptations to the original 2021 article were made after the outbreak of high-intensity war on 24 February 2022. Avoiding a larger military escalation in the Russian–Ukrainian conflict is an important aim. Yet, historical experience suggests that concessions by Ukraine or its Western partners toward Russian revanchist aspirations in the Donbas may not help achieve it. On the contrary, Western softness, and Ukrainian weakness vis-à-vis the Kremlin will lead to further confrontation.

Keywords: United States, Foreign Policy, Russia, Ukraine, Eastern Europe, Concessions, Compromise, Donbas.

¿DEBERÍA WASHINGTON PRESIONAR A KIEV PARA QUE LLEGUE A UN COMPROMISO CON MOSCÚ?

Si bien evitar una escalada militar mayor es un objetivo importante, la experiencia histórica sugiere que las concesiones de Ucrania o sus socios occidentales hacia las aspiraciones revanchistas rusas en el Donbass pueden no ayudar a lograrlo. Por el contrario, la blandura occidental y la debilidad de Ucrania frente al Kremlin conducirán a una mayor confrontación.

Palabras clave: Estados Unidos, Política exterior, Rusia, Ucrania, Europa del Este, Concesiones, Compromiso, Donbass.

华盛顿方面应敦促基辅与莫斯科达成妥协吗？

尽管避免更大的军事升级是一项重要目标，但历史经验暗示，乌克兰或其西方伙伴在顿巴斯对俄罗斯的复仇野心所作的妥协可能不会实现这一目标。相反，与克里姆林宫相比，西方的软弱性和乌克兰的劣势将导致进一步对峙。

关键词：美国，外交政策，俄罗斯，乌克兰，东欧，让步，妥协，顿巴斯。

A recent *Politico* article by Samuel Charap (2021) of the RAND Corporation under the title "The U.S. Approach to Ukraine's Border War Isn't Working" and telling subtitle "An unsavory compromise may be everyone's best hope" has raised attention in the expert community (see, e.g., Blank 2021). In fact, Charap has merely put into practice an older supposition in Western foreign policy thinking that a Western Russian condominium in Eastern Europe may be the only way to avoid further war (e.g., Charap and Colton 2017). In Germany, this paradigm has recently been promoted under the euphemism of "plural peace" (Dembinski and Spanger 2017).

The term "plural" here means an application of other guidelines than those emerging from international law as well as a devaluation of such principles as the respect for political sovereignty and territorial integrity of states. According to this school of thought, some countries' independence may have to be sacrificed for the larger aims of preserving European peace, assumed to be present now, and of preventing World War III, assumed to be possible otherwise (for a critique, see Suško and Umland 2017).

The Seeming Wisdom of Compromise

A specific value of Charap's (2021) argument is its pronounced rationalism, internal consistency, and refreshing frankness. Charap does not justify Russian neo-imperialism by referring to alleged Western or Ukrainian misbehavior. His narrative contains neither *Putin verstehen* (understanding Putin) nor a "civil war" myth for Russia's "delegated inter-state war" against Ukraine (Hauter 2019, 2021a, 2021b; Mitrokhin 2014a, 2014b, 2015, 2017). Charap outlines a straight argument to avoid a larger military escalation that may be unpleasant to read for many Ukrainians and Western commentators. Yet, it has coherence, purpose, and utility—at first glance.

Moreover, his advice for Washington to pressure Kyiv to make compromises with Moscow on the Donbas could be seen as being, at the end of the day, in the Ukrainians' own best interest. Ukraine's hopes for Western direct military assistance, soon NATO and EU membership, or a U.S. mutual aid pact appear as, so far, unrealistic (Umland 2017). Thus, Charap's plan may look like an imperfect, but feasible, way to lower tensions for the time being.

Knowing Charap longer than most of his critics, I can testify to the sincerity of his intentions and soundness of his thinking. He was my student in Oxford's Master's program in Russian and East European Studies in 2004. There was little, though, that I could teach then to Charap who was, even before entering doctoral research, extremely well read. Here, however, I take issue with him.

While being internally consistent, Charap's (2021) proposal on how to sooth growing tensions in Eastern Europe lacks historical context. The unhelpful abstractness of his logical yet ahistorical deliberations has three dimensions. It (a) ignores the earlier record of compromising with Russian revanchism, (b) underestimates the unexplored potential of serious sanctions, and (c) does not take into account the political moods in the new Ukraine that has emerged since the start of the war in 2014 (see Dubrovskiy *et al.* 2022). It also avoids the topic of wider security political implications of hypothetical American pressure on Kyiv to accommodate Moscow's demands; namely, its repercussions on the worldwide nuclear nonproliferation regime.

How Russia Learned to Love Escalation

First, compromising with post-Soviet Russia's disregard for the sovereignty and integrity of other successor states of the USSR is neither a new nor a successful strategy. The most telling—because longest—story is that of Moldova (for more details, see King 1999; Roşa 2021). In 1992, Russia intervened militarily in an inner-Moldovan conflict. The local commander of the 14th Russian Army, late General Aleksandr Lebed, justified Russia's armed involvement with the assertion that the new Moldovan leadership was worse than Nazi Germany's SS (Lebed 1992; King 1999: 200). Since 1992, a Moscow-supported pseudo-state in Transnistria, and Russian regular troop detachment, stationed without the consent of Chisinau (Roşa 2021), are undermining Moldovan sovereignty. For 30 years, the West has done little to help Chisinau restore the integrity of its partially failed state. A similar story has been going on for Georgia since 2008, if not before (Janse 2021; Samkharadze

2021). In both cases, no Western sanctions whatsoever against Russia are in place, despite Moscow's continued violations of international law for decades now (Zachau 2021).

When Russia started its military aggression against Ukraine in late February 2014, the West initially not only refrained again from any substantial action, whether military or economic. It also encouraged Kyiv to not deploy its own troops in Southern Ukraine to resist the Russian aggression. The minor Western sanctions imposed on Crimea after the annexation were too little, too late (Andermo and Kragh 2021; Åslund and Snegovaya 2021). The result of the West's restrained behavior was neither a resolution of the Crimea issue nor an achievement of peace.

Instead, the glaring gap between the public rhetoric and practical actions of the West in reaction to Russia's grab of Crimea encouraged the Kremlin to "question more"—as the official slogan of its main foreign propaganda outlet, the television station RT ("*Russia Today*"), goes. In March 2014, Moscow launched a broad hybrid attack on mainland Ukraine involving various Russian state agencies, paramilitary groups, proxy organizations, and regular troops (D'Anieri 2019; Kuzio 2022). Apart from thousands of Ukrainian soldiers and civilians, over two hundred EU citizens on flight MH17 have by now become victims of Russia's war against Ukraine (Bertelsen 2017).

This and the looming new escalation between the two countries appears to suggest a need to urgently find a way to ease tensions. Charap (2021) suggests that, in the absence of better options, this can be only achieved via Western pressure on Ukraine to agree to Russia's interpretation of the Minsk Agreements on Donbas. Indeed, the resulting concessions by Kyiv might temporarily satisfy Moscow, and buy some time for Ukraine. Yet, such an appeasement would have grave collateral effects and may actually have repercussions opposite to what was intended. The previous attempts of accommodating Russia do not only tell a sad story about the lessons that Moscow has drawn from them.

An *ad hoc* Russian political triumph in the Donbas would be a merely partial, or even elusive success for the Kremlin. That is because the obtainment of permanent control over the Eastern Donets Basin has an only instrumental purpose. It does not play—like the annexation of Crimea—an essential role for the Kremlin. Moscow needs the Donbas not by itself, but as a mean to destabilize and influence Ukraine. A Western compromise on the Donbas would not satisfy Moscow's original wish to turn the whole of Ukraine, or as much of it as possible, into something approximating the "people's republics" in the eastern part of the country.

Moreover, Ukrainian concessions on the Donbas may not meet the Kremlin's larger demand to fundamentally renegotiate the European security order. Moscow's plans for Ukraine are the most important, but they are not the only expressions of the Kremlin's desire that the West recognizes a Russian special sphere of far-reaching interest. According to Russia's current powerholders, the "common neighborhood" between Russia and the EU should consist of less than sovereign buffer states where only interference from Moscow is permitted and where issues relating to democracy, the rule of law, and human rights are no longer considered of legitimate concern to other states, as had once been jointly agreed within such organizations as the Council of Europe or OSCE (Zachau 2021).

Worse, it would demonstrate to Moscow once again the validity of three older inferences. (a) Military posture or/and escalation works. (b) Ukraine's independence remains incomplete. (c) The West can be made to function as an accomplice in Russian attempts to subvert the integrity of post-Soviet states (Umland 2021a). Against the backdrop of what has happened to Moldova, Georgia, and Crimea for the last 30 years, and might now happen to the Donbas, the simple lesson for the Kremlin may be: "Listen and repeat!"

Moscow may ask: Could such a Russian–Ukrainian solution to the Donbas problem, perhaps, also be applied to a solution of Moldova's Transnistria problem? Could Biden, Scholz, and/or van der Leyen, perhaps, have a word with Zelensky to re-open the North Crimea Canal, and restore fresh-water supply to the annexed peninsula? Could Washington and Brussels not help Russia to better take into account the multi-cultural histories of Odesa and Bessarabia, and support Moscow in creating two further autonomous regions within Ukraine there? *Et cetera.*

The Unused Power of Sanctions

The second dissonance in Charap's (2021) suggestion is his underestimation of serious economic measures as a Western instrument to contain Russia without employing military means. He seems to suppose that such sanctions will not be imposed or/and may not help to a sufficient degree. The effect of previous economic punishment of Russia on the Kremlin's behavior was either absent or unnoticeable. Thus, this non-military instrument to improve the situation in Eastern Europe seems to be insufficient, if not irrelevant. Sanctions appear as useless (Connolly 2018).

Assumptions like these seem to be fundamental to Charap's (2021) conclusion that Western pressure on Kyiv is the only way out of the quagmire. In advance, one cannot know for certain the effects of substantive individual and sectoral sanctions on the Russian political leadership and system, in detail. Yet, there are indicators that serious economic restrictive measures may be more effective regarding Russia than in relation to, say, North Korea or Iran.

The current Western sanctions imposed on Russia are, despite much European fanfare about them, limited. Many of the measures target individuals and a number of companies. Most sanctions do not directly hit the Russian economy as a whole. The only somewhat more significant general restrictions imposed by the EU in the summer of 2014 are not properly sectoral, but rather sub-sectoral. They only concern the EU's sale of certain narrowly defined high technologies and financial services to Russia.

The current sanctions thus leave most physical and monetary transactions between Russia and the West intact. Apart from Russia's arms industry, no Russian economic sector has been fully sanctioned by either the EU or United States until now. The widespread assumption that larger sanctions aborting much Western interchange with several Russian economic sectors, in parallel, would have no effect on the Kremlin's behavior may be too pessimistic.

Expecting a significant impact of serious Western sanctions on Russia's economy is plausible in view of what we already know about the effects of such measures. For instance, we can make extrapolations from some well-researched consequences of the already existing individual and sub-sectoral measures that have been in place since 2014. Two detailed studies published in 2021, by Erik Andermo and Martin Kragh (2021) in the journal *Post-Soviet Affairs* as well as by Anders Aslund and Maria Snegovaya (2021) in a report for the Atlantic Council, have demonstrated considerable negative indirect repercussions for Russia's economic growth of the rather limited Western sanctions that have been in place during the last seven years. While these minor measures have not led to a Russian economic decline, they have prevented a likely higher economic growth since 2014. These studies indicate that Russians would have had billions of dollars more income without the rather modest sanctions adopted seven-and-a-half years ago.

The seemingly considerable potential of unused Western sanctions should be seen in connection to two other recent empirical studies by Maria Snegovaya (2020*a*, 2020b), a Russian political economist living in Washington, D.C.. Snegovaya has demonstrated a correlation of Russian

expansionist sentiments with the income from energy exports, as well as the country's related general socioeconomic situation. The aggressiveness of Russian presidents' foreign policy rhetoric is positively related to the level of oil prices and thus Russia's export revenues as well as the general economic situation (Snegovaya 2020a). Moreover, Russia's population's mood is more enterprising in foreign affairs in times of good socioeconomic development (Snegovaya 2020b). While these studies do not directly address the issue of sanctions, they indicate that economic performance and their social effects are important issues for the foreign political thinking of both the elite and population of Russia.

Charap's (2021) conclusion that an unjust compromise between Ukraine and Russia is better than the war between them could one day become salient or even unavoidable. Yet, such a step seems too early a concession now. Until today, we do not know for sure that even severe sanctions will, like in the case of North Korea, not lead to sufficient moderation in the Kremlin. So far, a Ukrainian *de facto* capitulation in the Donbas is thus only the second-"best" of the various bad options. Based on studies like Snegovaya (2019, 2020a, 2020b), we may for now assume that sanctions have the potential to alter the political calculus or even dynamics in Moscow for the better.

Ukraine's Unlikely Capitulation

The final implicit miscalculation in Charap's (2021) proposal concerns the domestic repercussions of a further Ukrainian compromise on its sovereignty and integrity. Kyiv would need to officially agree to Moscow's continuous informal control over another part of its territory, the Eastern Donbas, after Russia's formal annexation of Ukraine's Crimea. That may look like an unsavory, yet feasible strategy from a Washington or London office desk. Yet, it appears as a risky suggestion if seen from Kyiv.

To be sure, an American insistence that Kyiv consents to an implementation of the Minsk Agreements that would leave the occupied Donbas territories under effective Moscow tutelage is possible. It could indeed lead to a Ukrainian agreement to such a scheme if only enough Western pressure is applied. Yet, the larger challenge for Kyiv and the West would be how to make Ukrainian society, and especially those parts of it that have been involved in the eight-year war effort, to settle with such a solution.

There are today numerous Ukrainians who have contributed and sacrificed a lot for the defense of the fatherland. Millions have invested their

money, time, nerves, energy, and health while thousands have lost their beloved in the war. Many Ukrainians would thus hardly agree to a fishy peace deal with Russia. In fact, a significant part of Ukrainian society is already today unhappy about what they perceive as Kyiv's not hawkish enough stance *vis-à-vis* Russia and the two so-called "people's republics," in the East. There is already a "Movement for the Resistance against Capitulation" in Ukraine (Rukh oporu kapituliatsii).

Historical experience suggests that a dubious compromise between Kyiv and Moscow could not only lead to Ukrainian riots. In the worst case, protests against concessions toward Russia could turn into a now real, and not, like hitherto, pseudo-civil war in Ukraine. In summer 2015, then-President Petro Poroshenko, hardly a dove, under Western pressure started a process to change Ukraine's Constitution allowing for a special status of the occupied East Ukrainian territories. This led to disturbances in front of Ukraine's parliament leaving several people dead and dozens injured.

Since then, the aversion against any Ukrainian allowances in the war with Russia has grown rather than declined.

One suspects, moreover, that the enormous domestic risks from a fundamental Kyiv policy change regarding the Donbas War are fully understood in the Kremlin. An escalation of inner-Ukrainian tensions has been always a driver of many Russian policies toward Ukraine. Arguably, it has been *the* major purpose of the entire Russian enterprise in Eastern Ukraine since 2014, in the first place.

Between Scylla and Charybdis

The stark choices facing the Ukrainian leadership are even bleaker than many in the West might recognize. The alternative is not only and not so much, as Charap's (2021) approach suggests, between a self-sacrificing war on one side and denigrating peace-deal with Russia on the other. Instead, Kyiv's possible partial satisfaction of Moscow's appetite entails secondary domestic and foreign dangers that could turn out to be, in their sum, larger than the hazards of a new armed escalation today.

Generating such dilemmas and obfuscating their implications is an old feature in the conduct of Soviet foreign and domestic policies. Despite growing Western skepticism toward the Kremlin, Putin & Co. still often manage to direct Western attention and discussion cycles—especially so regarding the post-Soviet space. The Kremlin creates an issue, defines the problem, and presents a solution. Too many in the West follow such leads instead of thinking outside the Russian box.

To achieve better results in its confrontation with Russia, the West rather than Moscow should be setting the agenda and be sending key negotiation signals. Such initiatives and messages do not always have to be public; they can be also communicated via diplomatic and other channels. Yet, they need to have primacy and clarity. Such Western conduct may often demand *ad hoc* coalitions of willing North American, European, and other interested states. Such groups of engaged states should take the lead rather than leaving the matter to such inflexible Western organizations as the EU and NATO.

A public attempt by Washington to pressure Kyiv into accommodation of Moscow's demands, as Charap (2021) suggests, would send a terrible message not only to Ukrainian society. It would reverberate in the entire world. Not only would it demonstrate that, in the end, might is right. It would also constitute a scandalous support of one official atomic weapons state under the Nuclear Non-Proliferation Treaty (NPT), the United States, for the revanchist scheme of another official atomic weapons state, Russia. The victim of such collaboration would be an official nonnuclear weapons state. Ukraine not only does not have any nuclear weapons; it is not allowed to produce or procure them under the NPT.

Worse, the young Ukrainian state once had, for a couple of years, the world's third largest (formerly Soviet) nuclear warheads collection (Budjeryn 2014; Budjeryn and Umland 2021; Umland 2016). Under joint pressure from Moscow and Washington, Ukraine agreed, in 1994, to transfer this huge arsenal fully to Russia, and to join the NPT as a nonnuclear weapons state ("Budapest Memorandum" 1994; Pifer 2017). Implementing Charap's (2021) proposal would look as if the two largest guarantor countries of the NPT now finally close this older match.

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