

Providing a Better Future for Ukraine and Europe

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April 08, 2014



Amid the ongoing crisis in Ukraine, numerous analysts have offered their advice on how to deal with the complex situation. Unfortunately, many of these suggestions — such as the one that Ukraine be federalized or even "Finlandized" — not only potentially undermine the situation in Ukraine, but they are patronizing, explicitly denying Ukrainians a say in their own affairs.

Federalization along ethnic lines is rarely the path to state consolidation. The experience of Quebec, Catalonia, or Scotland — not to mention Aceh, Kosovo, or Chechnya — would suggest that federalization per se does not neutralize the centripetal forces of separatism once introduced to the political agenda. As for neo-Finlandization, whereby Ukraine would trade off sovereignty over foreign and defense policy in return for a privileged economic arrangement with Russia and guarantees of its diminished statehood — isn't this, in effect, what Yanukovich already did? And wasn't this what the Maidan demonstrators were protesting? Finally, we must also recall the lessons learned from Bosnia-Herzegovina and Afghanistan, which tell us that by imposing a new constitution or a custodial regime on a

nation, we risk squandering decades of needed reforms as domestic politicians focus on rent-seeking within a semi-legitimate system that they feel absolves them of real responsibility.

We do not need to create new mistakes in a European state system already reeling from invasion by a permanent member of the United Nations Security Council and annexation of territory by a neighboring UN member state, all done using unidentified combatants that contravene The Hague Conventions. Furthermore, seeing as the European Union and NATO are viewed as partisan by Russia, these bodies should take a backseat to avoid further instances where Moscow feels "obliged" to intervene in Ukraine. Instead, some of the existing tools at the global community's disposal should be dusted off and reinvigorated. In the long run, this will not only benefit Ukraine, but also Europe.

The main institutions that should be engaged in resolving the Ukrainian crisis are the Council of Europe, the Organization for Security and Cooperation in Europe, the European Free Trade Association, and the European Bank for Reconstruction and Development. The first two would aim to rebuild democratic stability and peace. For example, the Council of Europe can help the current government in Kiev redouble its mechanisms for implementing the Framework Convention for the Protection of National Minorities. Since Ukraine is already a party to this treaty, creating new, better legal instruments restoring the use of Russian and other minority languages at the regional or local level could be achieved without the move being seen as acquiescence to foreign demands. This would also neutralize the rationale for federalization along ethnic and territorial lines. Rather than NATO, OSCE's Forum for Security Cooperation can help Ukraine's armed forces upgrade and modernize.

Similarly, the OSCE can help demilitarize and democratize policing and internal security structures. The involvement of these bodies would ensure that the focus remains clearly on democracy, human rights, and stability, while the engagement of the OSCE in particular would reinforce commitment to the principle of territorial integrity as enshrined in the Helsinki Accords. The Council of Europe can also be invited to help Ukraine's interim government oversee free and fair elections, the cornerstone of democratic legitimacy. With any luck, voters assured of international support from the council and the OSCE would thus be immune to the scare-mongering of the far right, pushing parties such as Svoboda back to the shadowy margins of Ukrainian political life.

In the medium term, expert consultations, such as those with the Council of Europe's Venice Commission, can help Ukraine's legislators frame important and necessary reforms, which could then calmly be presented for deliberation by the electorate. Since Ukraine is a full-fledged member of both the council and the OSCE, as are its EU partners and Russia, this guarantees that Ukraine would be a political subject, rather than merely the object of others' policy.

In this way, democracy and stability could be achieved in Ukraine. But what about the Europeanization that the majority of Maidan protesters have been calling for? If this means greater long-term integration into the European common social and economic space, there are plenty of other ways to achieve this than membership in the EU, which is contentious not only for Russia but many existing EU member states as well. For example, the European Free Trade Association, or EFTA, offers a way for Ukraine to become part of the European Economic Area without necessarily having to join the EU and give up its existing

trade ties to Russia. EFTA members have access to the EU inner market, and their citizens enjoy many rights based on the freedom of movement. At the same time, there is no obligation to join the EU. Thus, not all EU legislation needs to be adopted by EFTA states, and they can retain sovereignty over monetary policy, the tradeoff being that EFTA states have no representation in the EU's decision-making organs. Joining the EFTA would nevertheless offer Ukrainians many of the economic advantages of closer integration with the EU, without "provoking" Russia by outright EU accession.

Membership in the EFTA would nevertheless demand Ukraine make major structural reforms of its economy, to bring standards and legislation in line with those required by the EU. This process requires large-scale investment of resources, which Ukraine sorely lacks. Hence the suggestion that the European Bank for Reconstruction and Development, or EBRD, bankroll these transformations. The EBRD is not oriented toward either the EU or Russia, so its partiality is less likely to be questioned. It also has decades of experience in financing reforms of cash-strapped post-Soviet economies — including learning from mistakes. As Ukraine has previously been a recipient of EBRD loans, there is already an institutional memory of dealing with Kiev, which should make creditors attuned to the specific needs of this country.

All of this would be good for Ukraine, helping it stabilize and reform its democracy, while it modernizes and diversifies its economy for integration into the EEA. At the same time, it would not be clientized by either the EU or Russia but remain a sovereign political actor. Further instability in the region thus would be avoided.

These processes would also be good for Europe in the long run. Europe would gain a healthy, secure, multicultural democratic Ukraine with an open economy and society. New life would also be breathed into some moribund transnational institutions. The Council of Europe and the OSCE would regain some of the clout they have lost over time, and even potentially bring back Russia more to the view that international mediation can solve conflicts amenable in the European area. It would also reinvigorate the EBRD and EFTA. Indeed, the EFTA could again become a significant partner for an expansion-weary EU as an attractive alternative for potential new members as independent Scotland or Catalonia. Debates on self-determination within a European context would no longer be reduced to hotly contested "either-or" dichotomies, but instead there would be a variety of options to consider.

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