

Donbass and Crimea: Ukrainian President Zelensky Juggles an Impossible Situation

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*Analyzing a sequence of public statements by Ukrainian president **Volodymyr Zelensky** regarding Crimea and Donbass made over any length of time, it immediately becomes clear that he is attempting to master the political art of sending mixed signals. He has very little choice but to do so, considering that he must simultaneously attempt to balance the (conflicting) foreign policy agendas of the United States, Germany and France respectively with the potentially explosive tendencies of Ukrainian nationalists.*

We might recall that Zelensky's predecessor, **Petro Poroshenko**, found himself hamstrung quite early on in his tenure, unable to consolidate power to an extent that might enable him to wrest control of the Donbass policy from the political extremists on the Verkhovna Rada's parliamentary committee on law-enforcement. Being genuinely fearful of the nationalists (fearful concerning his own personal safety), Poroshenko ended up capitulating shamelessly to the nationalist agenda, finally attempting to portray himself as the nationalist-militarist candidate in his disastrous bid for re-election.

In attempting to make predictions about Zelensky's trajectory, we need to bear this point in mind - Poroshenko's turn to the nationalist political constituency was by default. The main reason for it was his inability to consolidate power. In 2014, he had been the centrist candidate. Time will tell whether or not Zelensky proves to have more resolve or courage.

For the moment, Zelensky finds himself being forced to repeat the same mantras regarding "Russian aggression," and "recovering all occupied Ukrainian territories," for example in his speech to the United Nations General assembly on September 25th. Speaking in Kiev the previous day, Zelensky discussed the possibility of the continuation of dialogue through the Normandy Four format, involving the governments of France, Germany, Russia and Ukraine. He told reporters

"We want to leave this meeting with certain results on a specific timeframe for the war to be over and our territories to be returned."

On October 2nd, Zelensky proposed drafting a concept of transitional justice for Crimea and Donbass, which he said should deal with "legal aspects of re-integration of temporarily occupied territories."

Utterly unrealistic, and he knows it, but what else do you expect him to say? What else can he say?

We might ask if this denial of practical realities is best explained by a nuanced negotiating-strategy, or if Zelensky simply finds himself caught in an impossible domestic political and geo-political catch 22 wherein he can't think of anything else to say. Both explanations are probably part of the mix.

Zelensky's reference to "re-integration" would inevitably draw chuckles from many people in my own country of origin, the Republic of Ireland. Prior to a 1999 referendum which enabled its amendment, Article 3 of the 1937 Irish constitution began with the deliberately provocative phrase "Pending the re-integration of the national territory," which alluded to the territorial status of Northern Ireland.

Of course, it was wishful thinking, but it served a practical purpose, insofar as it eventually became a bargaining-chip which could be traded to hammer out the Good Friday Agreement.

So is Zelensky's reiteration of the official Ukrainian position regarding the territorial status of Donbass and Crimea part of a long-term, attemptedly hard-nosed negotiating-strategy, or is it best explained by the possibility that Ukrainian nationalists give him no room for tactical manoeuvre whatsoever? Zelensky's announcement on October 1st that he had signed the Steinmeier Formula, a roadmap to ending the conflict in Donbass, prompted immediate protests in Kiev, with nationalists shouting "No to capitulation!"

Further complicating Zelensky's difficulties is the point that there is currently a divergence between US policy and the positions of France and Germany on issues such as conditions for Ukraine's recognition of the legitimacy of elections in Donbass, the timing of Ukraine's resumption of control of the Russia-Ukraine border as per the Minsk II accord, etc.

If anything, this need for Zelensky to simultaneously juggle the conflicting concerns of so many great powers simply confirms the fact which is at the root of the Ukrainian crisis which began to gestate with the "orange revolution" in 2004/2005, and continues to the present day.

The fundamental root of the crisis, as yet again demonstrated by Zelensky's current diplomatic catch 22, is simply that Ukraine's history and geography make it impossible for Ukraine to be a genuinely independent country.

At least, in this regard, the Normandy Four discussions are a pragmatic approach, creating a format through which the major European powers can collectively consult concerning the future of Ukraine. This is tacit recognition of the practicalities of Ukraine's status as a "limitrophe" territory.

During his October 10th marathon press-conference, Zelensky at times admitted the weakness of his position. At one point, he stated "If there are some negotiations between the U.S. and Russia about Ukraine without Ukraine's participation, this is a bad signal." Regarding accusations that his attempts to conduct meaningful negotiations concerning Donbass through the Normandy Four format and the Steinmeier formula constituted "treason," he answered "When some people call this treason, I think treason is to prevent me from executing my presidential duties and promises to stop the war, to limit the number of those killed to zero."

It would be overly simplistic to see Zelensky as merely a passive figure, helplessly pushed

around by historical forces. He has been dealt an exceedingly bad hand, the same hand which any Ukrainian president would find themselves holding, but he's playing it as well as he possibly can. One level on which he's attempting to optimize the strategic value of the cards at his disposal is through his skilled use of legalistic language. His references to "re-integration" are certainly a "fictio juris," but not only - in using this legalistic language, Zelensky is attempting to diffuse the nationalist threat while at the same time changing the tone (and therefore, gradually, also the content) of Ukraine nationalist discourse.

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