

Peace as a Question for Constitutional Resumption

Preface

In this summary I show a choice that Ukraine can make. A decision so complex and so difficult that it must be Ukraine's own decision. That we all as outsiders must respect that the choice in this document is Ukraine's and that they must make it within themselves without influence from the outside world. The outside world can support whatever decision Ukraine may come to make.

The first article, *Russian Peace*, is built on historical events and decisions. It demonstrates that these value foundations and conclusions are cross-generational and remain operative today.

A coherent value foundation running from the London Charter Article 6, through Nuremberg. Further through rulings in international criminal courts that provide guidance. Ukraine can continue this cross-generational value foundation by reformulating and transferring to Russia the question posed by General Lucius D. Clay in 1946: **"Could Russia demonstrate its capacity for self-government if it avoided 'the first unpleasant and difficult task?'"**

Russia has answered that question in 1993 with Yeltsin's seizure of power and in 2014–2015 by independently reinterpreting the Minsk 1 and 2 agreements to justify its own agenda.

However, there exists an interrupted constitutional work from 1990–1993 that can be resumed. It identifies the four Russian historical figures (Trainin, Rumyantsev, Zorkin, Shakhrai) who represent the democratic lineage that can be resumed within Russia.

The second article, *The European Battle for the Russian Diaspora*, describes our present times from an EU perspective, the Russian MIR structure and its impact on all of us. It shows how the Kremlin already has an 18-month head start with operational structures (IRI, Rybar, EISI) actively working in transit countries to win the diaspora's loyalty.

This concluding third article aims solely to show that there is a choice Ukraine can consider. An EU can provide support if it reflects on the relocated Russian identity discussed in Article 2. But the time factor is decisive — if the EU does not act quickly, the Kremlin may have won the battle for the diaspora before negotiations have even begun.

I must make a personal note here:

"Ukraine's reality in the ongoing war of aggression is so complex that Ukraine itself must be allowed to decide its own future — I can only show, without demands. A disintegrating Russia creates diaspora problems within the EU that will revolve around cultural identity. The time factor is the decisive variable — the Kremlin works with an 18-month head start while the EU needs political consensus."

1. Summary: Russian Peace — The Ethical and Historical Value Foundations

Nuremberg's Legacy and Clay's Question

When General Lucius D. Clay in 1946 posed the question of whether Germany could demonstrate its capacity for self-government if it avoided "the first unpleasant and difficult task," he formulated a moral principle that remains relevant today: a defeated nation can prove its will for democracy through institutional transformation. Six decades later, the same question arises: what could enable Russia to be reintegrated into a peaceful world order?

Timothy Snyder's analysis adds critical nuance: the Russian Federation's formal constitutional federalism is largely a *façade* concealing a centrally directed imperial project. The super-presidency created the structural precondition for civilizational rhetoric to flourish. When presidential decrees could override constitutional guarantees, when the Duma's oversight was neutralized, when regional governors became appointees rather than elected representatives — then the architecture for empire was complete.

The Transformational and the Transactional Peace

The document distinguishes between two forms of peace. The *transactional* peace ignores root causes, creates an illusion of stability, and thinks in days — like the Minsk agreements that collapsed within months. The *transformational* peace addresses identity problems, creates genuine security, and thinks in generations — like Nuremberg, which built institutional infrastructure that survived sixty years.

Aron Trainin's principle is significant: **"Crimes against international law are committed by men, not by abstract entities."** The guilt can be shifted from the Russian nation to the structure. Collective blame creates revanchism; individual accountability creates possibility.

The Four Figures and Their Dual Legacy

Four historical figures bridge the path from Nuremberg to today's peace deliberations: Aron Trainin (individual accountability), Oleg Rummyantsev (leader of the Constitutional Commission 1990–1993), Valery Zorkin (first chairman of the Constitutional Court), and Sergey Shakhrai (co-author of the constitutional drafts). Together they represent a historical continuity that shifts focus from Putin the person to the structure.

But Rummyantsev is not an uncritical idol. His 1994 Harvard lecture reveals that the interrupted constitutional work carried ambiguities requiring discrimination. His federalism from 1990–1993 can be resumed, but his civilizational rhetoric from 1994 must be examined. He is **living proof** that another path existed — and can be resumed — but only if we confront his paradox honestly.

Beauvoir's Paradox and Its Resolution

Simone de Beauvoir's insight addresses the paradox: **"We cannot create freedom for others. But we can create structures that make the choice of freedom possible."** Oleg Rummyantsev is precisely this structure — living proof that another path existed and can be resumed.

By pointing to Rumyantsev, we show: It is not the West demanding reform. It is a Russian jurist who witnessed another path. We do not force freedom. We point to structures that already exist.

"You are not forced. You are reminded of what you already started."

Temporal Asymmetry — Critical Factor

Here Article 2's analysis connects: Kozhokin's document from December 2025 shows that the Kremlin already has an 18-month head start with operational structures (IRI, Rybar LLC, EISI) active in transit countries. While the EU discusses long-term political consensus, the Kremlin has already begun working with culture, information, and repression.

If the diaspora does not encounter a constitutional future before meeting a cultural nostalgia backdrop, the nature of the choice changes permanently. The time factor is the decisive variable in the entire battle.

"Nuremberg thought in generations. Minsk thought in days. This article — and the EU's next decision — can think in decades."

"The plan is already written. The cost is daring to rediscover it — with full awareness of what must be excluded."

2. Summary: The Battle for the Russian Diaspora

Two Strategies for the Same Challenge

The document *The Battle for the Russian Diaspora* compares two opposing strategies. IFRI's report from June 2024 proposes that Europe actively integrates highly skilled Russian labor to weaken Putin's regime through "brain drain." Kozhokin's document from December 2025, written for the Kremlin, presents a counter-strategy that categorizes the diaspora into loyalists, pragmatists, and opposition, and focuses on capturing them in transit countries (South Caucasus) before they reach the EU.

Three-Group Model — Operational Structures

Kozhokin's categorization is not theoretical — it already has operational structures:

Group	Structure	Function
Loyalists	IRI, Venice Biennale 2026	Culture as loyalty binding
Pragmatists	Rybar LLC (1.5M Telegram followers)	Professional content as information channel
Opposition	EISI, "Traitor Law" July 2026	Mapping + repression

The chain runs from culture (identity) → information (utility) → control (repression) — a proven governance model where each group is addressed with adapted tools.

Comparative Analysis: IFRI — Kozhokin

Dimension	IFRI	Kozhokin
1. Character of migration	"Relocation" — temporary, systematic, many consider returning	Diaspora is permanent and should be stabilized as a loyal resource for Russia
2. Target group profile	Highly educated, young, European-valued, critical of Putin	Divided into three groups: loyal, pragmatists, opposition — focus on winning/retaining the first
3. Economic role	Capital and competence should help Western Europe's economy	Capital and competence should strengthen Russia's influence in the neighborhood (South Caucasus, Central Asia)
4. Integration vs. loyalty	Integrate into the Western world — become "Russian Europeans"	Affirm Russian identity — "Russian Houses," family-oriented programs, Soviet creative nostalgia
5. Geographic priority	EU (Germany, France, Cyprus, Poland)	South Caucasus (Armenia, Georgia, Azerbaijan) + Africa and Asia
6. Strategic purpose	Weaken Russia through "brain drain"	Strengthen Russia by mobilizing the diaspora as a soft power tool
The fundamental contradiction: IFRI's vision is built on the premise that Russians <i>can</i> become something other than what the Kremlin prescribes — that identity is fluid, that values can be exchanged. Kozhokin sees identity as something stable that must be <i>controlled</i> , not changed.		

Geographic Competition: Europe vs. South Caucasus

IFRI concentrates on EU member states — Germany, France, Cyprus, Poland — where relocated persons can be integrated into Western European structures. Kozhokin, however, places focus on the South Caucasus (Armenia, Georgia, Azerbaijan) plus Africa and Asia.

This is not a random distribution but a deliberate strategic choice. The South Caucasus represents transit countries where many relocated persons find themselves after leaving Russia. These countries function as buffer zones where the diaspora is still in motion, has not determined its final destination, and is therefore particularly susceptible to influence.

Kozhokin's insight is simple: If the Kremlin manages to establish loyalty bonds in these transit countries before the relocated reach the EU, the risk decreases that they become permanently Western-oriented. The programs in Armenia and Georgia include not only economic incentives but also cultural infrastructure — "Russian Houses," family-oriented events, and educational opportunities that tie the diaspora to Russian narratives even far from Moscow's geographic control.

Temporal Asymmetry — The Decisive Variable

The IFRI report was published in June 2024, and its recommendations require long-term EU political consensus to implement. Between decision and implementation lie months or years of member state negotiations, legislative processes, and administrative implementation.

Kozhokin's document, however, came in December 2025 — after the Kremlin already had 18 months to study IFRI's arguments and formulate a counter-strategy. Moreover, Kozhokin's programs

are already active in transit countries, where they can act quickly, flexibly, and without democratic procedural constraints.

This creates an asymmetry that may prove decisive. Kozhokin does not need to wait for political decisions — he already has operational structures in place. While the EU discusses simplified residence permits and common guidelines, Kozhokin already has culture, information, and repression in place.

The Decisive Blind Spot

Both strategies reduce identity to either values that can be measured (IFRI) or belonging that can be managed (Kozhokin). Neither addresses the deeper question: *what is a Russian identity that requires neither European integration nor Soviet nostalgia?*

The answer may lie in the constitution.

The third way is constitutional identity — a Russianness defined by rights and obligations rather than language, religion, or nostalgia. A federal structure rather than centralized imperialism. It is the identity the diaspora can carry — in Berlin, Armenia, or Moscow — without feeling betrayed or assimilated.

"This is not a technical question about immigration policy. It is an existential battle over which worldview the Russian diaspora will adopt — European integration or Russian cultural reflection."

Philosopher Simone Weil formulated a fundamental insight in *The Need for Roots*: "Having roots is perhaps humanity's most important need, but also the most neglected."

3. Conclusion: Constitutional Resumption as a Possible Precondition for Peace

Introduction: Why This Question Can Be Posed

After more than four years of intense war, we have reached a point where a consideration can be made: it is not only *possible* to pose the question of constitutional resumption in future peace negotiations — it is *a path that is open for consideration*. This is not a utopia or a theoretical wish. It is a strategically considered question built on historical precedent, philosophical analysis, and a deep understanding of how structures survive individuals.

An opening that allows the question in this concluding article to be posed is that unconfirmed informal talks have taken place between party representatives (Ukraine–Russia). Talks that can be interpreted as exploring possibilities and analyzing reactions.

The article's conclusion has been formulated by bringing together three central documents: the ethical and historical value foundation from *Russian Peace*, the structural threat picture from *The Battle for the Russian Diaspora*, and the practical problem formulation of what can be considered at a negotiation table without creating immediate resistance in this article.

But before proceeding, we must acknowledge something crucial: creating a consensus in Ukraine is **extremely difficult**.

Ukraine's Difficult Choice: Considering Structure Rather Than Revenge

After 12 years of war with hundreds of thousands dead, millions of refugees, occupied territories, and terrible injustices experienced, every consideration that Russia "acknowledges the system" is not merely a technical question — it is an **existential challenge** for Ukraine's nation-building.

Three difficulties can be addressed:

First: The burden of sacrifice. Every compromise can be perceived as betrayal of the dead and the devastated communities. When parents have lost their children, when cities have lain in ruins, when thousands have been tortured — how can one then say that "a Russian structural reform" is more important than immediate justice? This is not a theoretical question. It is the pain of every Ukrainian family that has suffered.

Second: The distrust. The Minsk agreements of 2014–2015 taught us that Russian "acknowledgments" are worthless without enforcement. Every Russian promise has been broken since 2014. How can Ukraine now believe that a new acknowledgment — even of a constitutional structure — will hold? This distrust is rational. It is grounded in experience.

Third: The pressure from alliances. The EU, the USA, and NATO have different timeframes and priorities. No internal Ukrainian consensus can exist without external stability. Ukraine must balance between its own needs and its allies' geopolitical interests.

And yet — **precisely because this is so difficult** — this may be worth considering. Only a consideration that addresses *the system*, not merely the person, could break the cycle of conflicts that has lasted 12+ years. This is the paradoxical nature of Ukraine's situation: *the most difficult choice may also be the most reasonable one*.

The Mechanism That Worked in Germany 1945

To understand why this could work, we must understand what happened in Germany in 1945 — and what *did not* happen in Russia in 1991.

The mechanism in Germany:

The Nuremberg process was established (structural acknowledgment). The first generation accepted it (as a necessary evil). Later questions (confiscated properties, borders, reparations) became negotiable. The prerequisite: Fundamental structural accountability had already been laid.

The mechanism in Russia:

The Glasnost reforms. The 1990s constitutional work. Yeltsin's seizure of power. The 1993 vertical super-presidential constitution. The emergence of the imperial structure.

The mechanism for Ukraine/Russia:

Russia can accept the constitutional discussion (structural acknowledgment). The system (the Yeltsin/Putin structure) could be understood as the problem. All other guilt can then be placed

within this framework. Remaining questions (territory, war crimes, reparations) could become negotiable. The prerequisite: Fundamental structural accountability would need to be **chosen** by Ukraine.

The crucial difference: In Germany, structural acknowledgment was **imposed**. For Ukraine, it could be a consideration that Russia itself could accept. That makes it both more difficult — and more authentic.

Why this could be significant for Ukraine's consensus: If Russia itself accepts that the constitutional work is resumed, it does not become a Ukrainian dictate. It becomes a Russian acknowledgment. Then Ukraine could say to its own citizens: *"This is not our demand. This is their acknowledgment."*

This is the psychological key. It is not Ukraine making demands. It is Russia acknowledging the problem. And that makes the question posable.

Three Tests as Reflection Framework for Authentic Federalism

Three tests can be used to reflect on whether constitutional resumption could become a new façade:

Test	Question	Criterion
Clay test	Can Russia demonstrate self-government by confronting its imperial assumptions?	Yes, if the work <i>explicitly excludes</i> civilizational rhetoric that legitimizes external expansion
Snyder test	Is federalism a façade or reality?	Yes, if regional authorities can <i>refuse</i> Kremlin directives without political cost
Beauvoir test	Does the structure recognize every people as a subject?	Yes, if republics and neighboring states are treated as free to choose, not as objects for Russian integration

These three tests offer a framework for reflection on whether federalism is authentic.

Why This Could Create Ukrainian Consensus

Group	Argument	Consideration
Nationalists	"Russia acknowledges the system — not Ukraine as inferior"	Accepting structural accountability rather than territorial demands
Cosmopolitans	"Structural principles surpass temporary solutions"	Trusting long-term institutions over immediate security
Idealists	"The system must be addressed, not just Putin"	Seeing that structural reform could be more valuable than individual prosecutions
Pragmatists	"Minimal consideration, maximum effect — the rest is negotiable"	Accepting that peace may come without immediate justice
Young lawyers	"Finally a frame of reference that is not Minsk"	Believing that the constitutional path differs from Minsk
Senior lawyers	"We avoid being forced to take a position on immediate justice"	Questions of justice can be addressed in upcoming negotiations on a peace treaty

The common ground: All can consider that Russia acknowledges the need for constitutional review — without Ukraine needing to specify what it should contain. But this is not solely

Ukraine's responsibility. **The EU has a shared interest in supporting Ukraine** — regardless of which path Ukraine chooses. If Ukraine considers constitutional resumption, EU resources are available to support that process. The EU has the same interest in the Putin structure being broken and held accountable. This is therefore not only about Ukraine's security — it is about the EU's long-term stability. A destabilized Russian society affects the entire European security architecture and the vulnerability of neighboring states.

But there is a price: Accepting this framework means that Ukraine would need to:

1. Believe that *structure* could be more important than *revenge*
2. Trust that *resumption* could be worth more than *immediate justice*
3. Accept that *generations* may need to work on the question

This is why consensus is so difficult — and so necessary to consider.

The Strategic Formulation at the Negotiation Table

What could be considered at the table:

1. **Russia can accept the premise that the 1990s constitutional work is resumed and serves as a foundation for continued negotiations**
2. **Guilt can be shifted** from the people to the system (the Yeltsin/Putin structure)
3. **All other justice** could become negotiable within this framework
4. **Ukraine determines** which concrete measures are taken and at what pace

Why this could be strategically valuable:

Position	Russia's potential response	Assessment
Resumption as negotiation basis	"Yes, we can resume that work"	✓ Guilt shifted to the system
Individual accountability	"Putin is an individual actor"	✗ Shifts to the person
Courts	"No, that is too political"	✗ Blocked
Constitutional review	"That is our internal affair"	✗ Dismissed

This is the level that could be maintained: Structural acknowledgment of resumption as a negotiation foundation without immediate detailed demands.

Strategic advantage of the formulation: By linking resumption to the negotiation process itself, it could become a **conditional foundation** — not a separate point. Russia cannot say "We acknowledge that it was interrupted" and then ignore it. They would need to *act* on the resumption for negotiations to continue.

The Link to the Diaspora Process — Critical Dimension

When Russia at peace negotiations considers that **the 1990s constitutional work is resumed and serves as a foundation for continued negotiations**, three things could happen simultaneously that might break Kozhokin's diaspora strategy:

First: Identity moves from "the Russian World" to "the Federation." The constitutional tradition of 1990–1993 was built on federal principles, not imperial ones. By resuming this work, Russia could define what it means to be Russian *within* a federation, not *outside* it.

Second: The basis of loyalty changes. Kozhokin's strategy is built on cultural nostalgia (Soviet creativity, "Russian Houses," family-oriented programs). A resumed constitution creates loyalty based on *rights* and *obligations*, not nostalgia and belonging. That is the difference between being loyal to a *culture* and being loyal to a *constitution*.

Third: The timeframe is broken. Kozhokin works with an 18-month head start in transit countries. The constitutional process works in *generations*. When the diaspora encounters a constitutional future rather than a cultural nostalgia backdrop, the nature of the choice changes.

This is the link missing in both IFRI and Kozhokin: Identity is not transformed through integration (IFRI) or nostalgia (Kozhokin). Identity can be transformed through **institutional frameworks** that make the choice of freedom possible.

But the time factor is decisive. If the EU does not act quickly, the Kremlin may have won the battle for the diaspora's loyalty before negotiations have even begun. The EU cannot simply "offer" integration — it can actively create incentives that match or exceed the Kremlin's loyalty programs. And it can do so quickly.

The EU's Role — Enabling Without Imposition

Three Alternatives:

Alternative	Status	Justification
1. External dictate	Rejected	Creates resistance
2. Imposed transformation	Rejected	Beauvoir forbids it
3. Support for internal resources	Recommended	The way forward

Concrete Measures:

Measure	Purpose	Example
Fund academic research	Preserve intellectual heritage	RSUH/MGIMO cooperation
Legitimize the Duma's role internationally	Strengthen parliament	Counter super-presidentialism
Sanctions against individuals, not peoples	Targeted accountability	According to Trainin's principle
Federation guarantee	Integrate the state's wholeness	Include with internal reform
Countermeasures against operational structures	Match the Kremlin's tempo	IRI, Rybar, EISI mapping

The EU's way forward: Fund, legitimize, sanction — but **do not dictate**. The ultimate insight: "*You are not forced. You are reminded of what you already started.*"

But the EU can also be fast. The temporal asymmetry from Article 2 requires the EU to actively counter the operational structures (IRI, Rybar, EISI) already in place. Principled positions are not enough — concrete countermeasures are available. **Kozhokin uses existing organizational structures** that can act immediately without democratic procedural constraints. **The EU can do the same by targeting existing structures** rather than going through the slower legislative route. Such targeting could involve **updating the IFRI report** with the concrete operators (IRI, Rybar, EISI,

Venice Biennale 2026) so the EU can track, sanitize, and counter with specific names rather than abstract principles. It is about matching the Kremlin's tempo — not with new laws, but with targeted steering of what already exists.

Cross-Generational Value Foundation

Five-Generation Framework:

Generation	Task	Result
1st	Accept that the system is the problem	"We had to acknowledge"
2nd	Ask what it means	"We understand why"
3rd	Internalize as moral compass	"This is who we are"
4th	Create new institutions	"We build together"
5th	Inherit democracy	"We live in freedom"

Russian identity after peace:

- Not "the Russian World" — exclusive, imperial
- Not "Soviet Nostalgia" — nostalgic, cultural
- But "**the Constitutional Federation**" — inclusive, rights-based

The constitutional identity is the diaspora's third way. It can be carried in Berlin, Armenia, or Moscow — without contradiction. It is the identity that survives generations.

The Ultimate Consideration: That the Question Is Posable

Summary of considerations:

1. **Historical precedent:** The Nuremberg process showed that structural acknowledgment is possible even under occupation. If it could happen in Germany in 1945, it can happen in Russia today — with a crucial difference: it must be *chosen*, not *imposed*.
2. **Philosophical foundation:** Simone de Beauvoir's ethics shows that we cannot create freedom for others — but we can create structures that make the choice of freedom possible. Oleg Rumyantsev is precisely this structure.
3. **Strategic consideration:** The question of resumption is minimal yet maximal in effect. It shifts guilt to the system without demanding immediate measures. All other justice becomes negotiable.
4. **Diaspora disruption:** When the structure changes, identity changes. The diaspora process can be broken because loyalty shifts from nostalgia to rights.
5. **Ukrainian consensus:** Despite the difficulties, all Ukrainian groups could unite around the proposition that Russia could acknowledge the system. It is the one point where all can stand together despite 12 years of war trauma.
6. **Time-critical factor:** The Kremlin already has an 18-month head start with operational structures. The EU can act quickly before the diaspora is permanently bound to the Kremlin's narrative framework.

This is the consideration: The question is not merely posable. It is *open for consideration*. And it is *feasible* — if formulated correctly **and synchronized with Ukraine's upcoming negotiations**.

Concluding Judgment

"Melanie hoped for peace that comes 'according to plan.' Wiehe asked what it costs. Answer exists: The plan is already written. The cost is daring to rediscover it."

Which generation peace belongs to is defined by this choice. Nuremberg thought in generations. Minsk thought in days. Ukraine has the possibility to make its next decision — **and can think in decades**.

The ultimate insight: *"You are not forced. You are reminded of what you already started."*

And now it *can* be resumed — **if** Ukraine sees it as a path toward a new Russian identity.

"This is precisely what did not happen in Germany 1945 — and that is why Germany succeeded in building a functioning democracy and Russia, so far, has not done so."

But in Ukraine we have the chance to do it differently. Not by imposing but by offering Russia a **choice** — the Clay test: **to exclude civilizational rhetoric that legitimizes external expansion**.

This is what I wish to show: That it is possible to pose this question at a future negotiation table. That it is worth considering. And that it may be worth investing in — not for today's generation, but for those who come after.

A peace that thinks in decades is possible for Ukraine to choose. EU has the possibility to support that choice. But time is short — and the time factor is the decisive variable that can determine whether this path becomes possible or whether the Kremlin wins the battle for the diaspora before negotiations have even begun. **Ukraine makes the decision; EU can support it** — not as a single actor but as partners for structural transformation.

"Ukraine decides. EU can support. The time factor determines whether peace becomes transactional or transformational."