

A DAY AFTER THE MINSK AGREEMENTS: UKRAINE BETWEEN WESTERN EXIT STRATEGY AND RUSSIAN ENDGAME

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The article present analysis of the latest developments in the process of peace negotiations between the major western powers and Russia. The article is focused on the strategic context of the Russian-Ukrainian conflict. The author argues that Ukraine has to intervene into the process of decision making in the key western powers with distinct demands which would interlink its national security with security in wider region and its requirements for peace with containing further Russian aggression.

Key words: armed conflict, international relations, negotiations, Ukraine, Russia

Ключові слова: збройний конфлікт, міжнародні відносини, переговори, Україна, Росія.

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The recent breakdown between US and key European countries and Russia on the issue of war in Syria intensifies scholar debate about possibility of the new “Cold war” in Europe and proxy armed conflicts between East and West in the European periphery. According to the European diplomats, Russian direct involvement in Assad’s Aleppo offensive turned down any prospects of lifting EU sanctions in 2017 [1].

However, as president of France recently put it in the Council of Europe, the war in Donbas could become another “frozen conflict” should efforts to implement Minsk agreements fail [2]. If peace negotiations process collapses, Ukraine may be forced to choose between scenarios, which include substantial risks to its sovereignty. As Liliya Shevtsova argued, freezing the conflict might develop quite different approaches, ranging from establishing “a Ukrainian version of Transdnistria, financed by Russia” to “a “Finlandized” Ukraine left drifting between Russia and Europe” [3].

Therefore, the *goal* of this article, considering various possible scenarios of the future, is to find out what makes a strategic context of the conflict in Donbas, namely, the political, legal, economic, social and regional dimensions, and explore what goals were pursued by the major external players, Russia and the western powers.

Formally mediated by the OSCE in February 2015, the Minsk arrangements on facilitating of the September Minsk protocols [4] about conditions of the armistice between the Ukrainian forces and the troops of the Russian-backed separatists in Donbas resulted in a vague and interlocutory commitment of the Russian

president Vladimir Putin to halt military aggression against Ukraine.

According to author’s interpretation of these documents, Moscow linked truce with limiting Ukraine’s sovereignty by means of federalization and “special status” of Donbas. Meanwhile, Kyiv saw Minsk accords as a tool to recover occupied territories and escape from the Russian military pressure.

Since Putin denied both formidable military involvement in the conflict, which he had continuously defined as a “civil war in Ukraine” [5], and the Ukraine’s sovereign right to defend its territory, there has been little chance that the new armistice deal would lay path for a long standing peace agreement.

However, US, France and Germany insisted not only on implementation of these flawed agreements but also pursue goals of selective cooperation with Russia, regardless its long-term goals.

In EU the initial steps were made in January 2015, days before Russian troops forced Ukrainian army to leave Debaltsevo in violation to Minsk agreements. Issues Paper, prepared by European External Action Service under High Representative Federica Mogherini, suggested to “engage with Russia in the short- to medium-term” due to “significant interests on both sides” [6]. In 2016 it has been transformed into “five principles guiding the EU’s policy towards Russia”, which included “selective engagement with Russia on issues of interest to the EU” and were supported by all country members [7].

While US don't speak about interdependence, it also shows interest in cooperation with Russia beyond their disagreement over Ukraine. It seems that US are more preoccupied with "encouraged Europe to spend more on defense and to diversify its energy supplies in order to reduce its susceptibility to coercion"[8] than looking for ending conflict on terms that protect Kyiv from such coercion in the nearest future.

After two and a half years of conflict, it should be admitted that the major western powers are wary of a direct confrontation with Russia, and this cautious policy guided their efforts to stop conflict between Ukraine and Russia. For instance, it is stated in the Ise-Shima Declaration that "the conflict in Ukraine can only be solved by diplomatic means" and reiterated about "importance of maintaining dialogue with Russia... to reach a comprehensive, sustainable and peaceful solution to the crisis" [9].

Such **attitude toward conflict between Ukraine and Russia reflects an old western perception of the relationship between two countries.** It is still true that Ukraine as a "grey zone" between European and Euro-Atlantic security structures (EU and NATO) and Russia [10], a country, which under certain condition would join Eurasian re-integration projects established by Moscow.

In addition, growing Russian assertiveness, which included both hostile actions toward former Soviet republics and economic incentives for key EU countries and euro-skeptic governments in the Central Eastern Europe, prompted ideas of respecting Russian "special interests" and cherishing its partnership compared to relations with other CIS countries. Moreover, it was Obama Administration, which in 2009 sent a clear message to Europeans that Russia was an important player. This perception only strengthened after completing Framework for Elimination of Syrian Chemical Weapons in 2013.

As the hybrid war broke out in February 2014, it became evident that Russia had enough strength to defeat and capture three Baltic states, as well as swathes of Polish territory, before NATO could respond. According to U. S. Lieutenant General Ben Hodges, commander of the U. S. Army Europe, that hasn't changed a lot after two years of conflict [11]. Thus a country without NATO backing has even less chances to survive encounter with the Russian military machine.

Therefore, **the major western powers think that re-arming of Ukraine couldn't deter escalation of the conflict,** since Russia would definitely start preventive invasion to defeat Ukrainian army before western assistance and military build-up make Ukrainian defence strong enough to withstand full-scale attack. It should be mentioned that, according to some experts, who consulted Ukrainian government, this position was formulated in US by April 2014, within

Obama Administration [12], which was expected to "lead from behind" its European allies worried by Russian annexation of Crimea.

However, the hybrid aggression against Ukraine also includes important diplomatic component. From this point of view, **we consider the Minsk agreements as an opportunity for Russia to achieve its goals without new open military invasion.** Therefore, the so-called "Normandy format" of negotiations about terms of peace makes sense for Russia only as a mechanism of pressure on Ukraine.

If Minsk fails, Russia has two options: either begin gradual annexation of Donbas, as it happened with Southern Osetia and Abkhazia, or continue military aggression against Ukraine. It is not unimaginable that in the course of the next two-three years Russia might start with gradual annexation of occupied territories in Donbas and then switch to a new war if it could divide the West and weaken economic sanctions.

In this case, Ukraine will be fighting for its mere existence. According to Philip Karber, a full-scale Russian military offensive likely would aim to seize key military-industrial areas such as the tank plant at Kharkiv, the missile factory at Dnepropetrovsk, the shipyard at Mykolyev, and the port of Odessa. Russian forces also could drive into Ukraine from the northeast to the outskirts of Kiev and place the capital within artillery range in a bid to force a change of government. "Loss of that much population, around 14 million people, and territory would effectively end Ukraine as a viable state," Karber said, adding that the action would involve full-scale war, large numbers of refugees, and heavy casualties. It could also trigger anti-Russian guerrilla warfare [13].

Thus the main task of Ukrainian foreign policy is to prepare western public opinion and key decision makers for a "nightmare scenario" – a full-scale conventional and unconventional war in case of the new Russian invasion. Indeed, **major efforts are aimed at demanding from the West to take steps, which are seen necessary to prevent this scenario from happening, and provide all required assistance to improve resilience of the Ukrainian army and society.**

Among crucial elements of western assistance to Ukraine we should mention **delivery of the military assets and training as well as trans-border cooperation on building "shared resilience" of critical infrastructure.** In both by providing necessary equipment for the army and financially supporting modernization of indigenous military industry, including joint ventures to restore Naval, air defence and missile defence capabilities. **Ukraine must insist on establishing permanent legal basis for such assistance, similar to US-Israel memorandum of understanding,** which will regulate scope

and timing of military assistance between Ukraine and the western powers.

Although military cooperation is very important, the main point of concern is the western attitude toward Ukraine's economy restructuring. Among the first, who elaborated about "a modern-day equivalent of the Marshall Plan" for Ukraine was George Soros, calling US and German governments, as well as IMF, to rescue country from financial collapse [14] and stop treating the country like "another Greece" [15].

Recent Ukraine's negotiations with the pool of private lenders and bondholders, most of them from America [16], were left without necessary assistance from the US government as if there was no war going in Donbas or annexation of Crimea. While it is not viable to let Ukrainian elites become "free riders" and main benefactors of a "haircut" and debt relief, it was also short-sighted to let private lenders bargain for a deal with the government, which will burden public finances in the nearest future and undermine recovery of the main pro-western oriented agents in the country – common people.

It is crucial for the West to understand that providing Ukraine only with a bail out easing stipulated only by the austerity measures, instead of huge investment in productivity-growth spots and close oversight of performance, would just preserve oligarchic monopolistic economy, which can result only in another revolutionary and violent turmoil in the nearest election cycle. Consequently, domestic troubles will invite just another Russian invasion as it happened in 2014.

Along with the cooperation in the military and economic spheres there is an important task of building consensus between Ukraine and the West about approaching Russia with option of political solution of the conflict. It is necessary to maintain certain "red lines", which are crucial to keep Ukraine's sovereignty during peace negotiations with Russia.

In this respect, **Minsk negotiations have chances to endure if the West completely abandons idea of blatant exchange of peace for the "special status" of Donbas.** Everything is acceptable, including amnesty to combatants, granting special cultural and economic rights and political immunity to their "leaders" if Ukraine, its law and government retain their absolute power over the territories. Otherwise, if Russia aspires for control over the Donbas "autonomies" and demand to assign them with right for self-determination and outright veto over Ukraine's policies it is a clear message that Kremlin tends to weaken Kyiv and continue aggression in the future.

It is essentially important for Ukraine to persuade the West that it is the only player which can legitimately use force in the zone of conflict to protect its interests and citizens. This concept is not new to

the West, since it was accepted in the 1980s and early 1990s, when Israel simultaneously conducted military operations against Palestinian and Islamic fundamentalist terrorists and armed groups and developed several channels of negotiations with the PLO leadership. Firmness of Israeli government under Yitzhak Rabin in both policies resulted in the Oslo Accords. Thus, strong military response to Russian provocation in Donbas, backed by the Western sanctions, significant non-lethal and lethal military equipment, extensive training and modernization of Ukrainian military industry would show Moscow that the use of force will not yield anything but more cost.

If Russia is determined to leave Donbas but has reservations against hypothetical injustice and it is possible to make agreement about gradual disengagement and demilitarization of Donbas according to negotiated division of the occupied territories into the zones. This should include lower military presence of the Ukrainian armed forces as well as reciprocal low military presence of the Russian troops on the Ukrainian-Russian borders, enforced by the international observer contingent in all roads and transport routes between two countries in the former area of conflict.

Joint Ukrainian-western diplomatic efforts are very important if Russia chooses to incorporate occupied Donbas divided into "puppet states" and establish permanent military bases there. Then, Ukraine will seek transformation of the third level EU sanctions into permanent solution, approved on the European level, which would make it impossible to block them due to resistance of the certain EU member governments, leaning toward Russia. **The best case scenario to tackle Russian defiance presumes EU and US cooperation on decreasing share of Russian oil and natural gas in the European markets, including its substitution from alternative sources and reversing existing joint projects between Russian and European energy companies.**

The most important counterargument about the Minsk agreements is that their implementation is not owned by the Ukrainian people, including those who live in a conflict zone. From the very beginning the work of the trilateral contact group and its foreign facilitators on ceasefire, demining, exchange of POWs, election issues has been done without consent from people of their representatives in the national parliament and local councils, volunteer organizations and civil activist NGOs.

In essence, the most important stakeholders who will have to take part, support or live in the process of implementation are excluded from preliminary work and have different stances about acceptable peace conditions. Therefore, negotiations in Minsk are at risk of becoming suitable political vehicle to bring Ukraine either into Russian protectorate or regime of the marshal law. In any case that will not bring the West to the minimal satisfactory resolution of the conflict.

Furthermore, unresolved **issue of the annexed Crimea leaves Russia with free hands to launch a new offensive in order to protect peninsula or “autonomous” districts of Donbas if they established.** The war alert in late August 2016, after Putin accused Ukraine in attempt to penetrate Crimean defence with special forces, proved that without some kind of international, legally settled resolution of Crimea issue Russia would be tempted to remove by force any uncertainty about its seizure of peninsula and a right to control Ukraine.

So far, the Western reaction to the Russian aggression in Ukraine has been late and irrelevant. Aimed at containing and moderating hostilities rather than terminating the conflict, EU and US sent false messages both to Kyiv and Moscow. Ukraine saw western maneuvers as a proof that only its own military successes, not diplomatic tools, can guarantee its sovereignty. While Russia view situation through the lance of the Western weakness to blackmail by force, ultimately nuclear threat, and that only “hard security” gains, such as occupation of Crimea, would be acknowledged by the West as evidence of Russian special interests and ability to protect them.

Therefore, **western failure to accept that there are more probable outcomes of the Ukrainian-Russian conflict, which go beyond “political solution” in Donbas, will end in more dangerous crisis in the middle term.** It should be reminded that only presence of military force, sometimes as international peace enforcement, broad security assistance and support of the victim of aggression, complete isolation of the country that broke rules of war and peace, made it possible for diplomats to “freeze” conflicts in Korea and in the Balkans. On the other hand, as in case of Georgia, recognition of aggressor as a part of peacemaking coalition resulted in the new war.

Until Ukrainian side receives adequate help from the West, short of formal membership in NATO, such as financial and military aid, including air and maritime dimensions; until Russia understands that any new direct or indirect actions against Ukrainian sovereignty would increase western involvement and economic sanctions, including energy sectors, **both sides would see the war as the only way to protect their interests.**

To conclude we must say that the West is facing difficult dilemma as it approaches limits of the limited interference into the conflict between Russia and Ukraine. Its constructiveness, openness and caution are opposed by suspicion, hidden agenda and zero-sum game logic on Russian and, to some extent, Ukrainian sides. If the West wants stability and peace on its borders it has to choose either side of the conflict. At the very same time it would almost definitely mean accepting great risk of a short-term escalation by losing player.

References

1. Escalation in Syria means EU less likely to soften stance on Russia. Retrieved from : <http://www.reuters.com/article/us-ukraine-crisis-eu-russia-idUSKCN12B0U8?feedType=RSS>
2. Hollande on Minsk accords : First, Donbas elections, then control over border. unian.info. Retrieved from : <http://www.unian.info/politics/1566876-hollande-on-minsk-accords-first-donbas-elections-then-border-control.html>
3. Shevtsova L. What Minsk Means (2015). The American Interest. www.the-american-interest.com. Retrieved from : <http://www.the-american-interest.com/2016/04/11/what-minsk-means/>
4. Kompleks mer po vypolneniyu Minskikh sohlashenii, sohlasovannyi Trekhstoronnei kontaktnoi hrupoi na sammite v Minske 12 fevralia 2015 [Complex of measures on implementing of the Minsk arrangements, negotiated by the Trilateral contact group during Minsk summit on February 12, 2015]. [osce.org](http://www.osce.org). Retrieved from : <http://www.osce.org/ru/cio/140221?download=true> [in Russian].
5. Putin describes situation in Ukraine as civil war (2014). [reuters.com](http://www.reuters.com). Retrieved from : <http://www.reuters.com/article/us-ukraine-crisis-putin-war-idUSBREA4M08A20140523>
6. Issues Paper on relations to Russia, Foreign Affairs Council of January 192015 (2015). [ft.com](http://blogs.ft.com). Retrieved from : <http://blogs.ft.com/brusselsblog/files/2015/01/Russia.pdf>
7. Foreign Affairs Council, 14/03/2016. Main results (2016). www.consilium.europa.eu. Retrieved from : <http://www.consilium.europa.eu/en/meetings/fac/2016/03/14/>
8. Joseph R. Biden, Jr. Building on Success. Opportunities for the Next Administration (2016). www.foreignaffairs.com. Retrieved from : https://www.foreignaffairs.com/articles/united-states/2016-08-07/building-success?cid=oth-cfr_tout-biden-081717
9. G7 Ise-Shima Leaders' Declaration, G7 Ise-Shima Summit, 26–27 May 2016. www.mofa.go.jp. Retrieved from : <http://www.mofa.go.jp/files/000160266.pdf>
10. Robert Legvold and Celeste A. Wallander ed. Swords and Sustenance. The Economics of Security in Belarus and Ukraine (2004). MIT Press. Retrieved from : https://mitpress.mit.edu/sites/default/files/titles/content/9780262621823_sch_0001.pdf
11. How dangerous Nato really is // Die Zeit. Retrieved from : <http://www.zeit.de/politik/2016-06/eastern-europe-nato-defence-alliance>
12. General and Former Defense Official Urge Nonlethal Military Aid for Ukraine (2014). The New York Times. Retrieved from : http://www.nytimes.com/2014/04/16/world/general-and-former-defense-official-urge-nonlethal-military-aid-for-ukraine.html?_r=0
13. Russian Military Forces Staging Near Ukraine. www.thepotomacfoundation.org. Retrieved from : <http://www.thepotomacfoundation.org/russian-military-forces-staging-near-ukraine/>
14. George Soros. Sustaining Ukraine's Breakthrough (2014). www.project-syndicate.org. Retrieved from : <https://www.project-syndicate.org/commentary/george-soros-calls-on-the-eu--and-germany-in-particular--to-take-the-lead>
15. George Soros. Last Chance for Ukraine and Europe (2015). www.project-syndicate.org. Retrieved from : <https://www.project-syndicate.org/commentary/ukraine-eu-last-chance-by-george-soros-2015-03>
16. Factbox-Ukraine bonds and holders as Kiev seeks talks with creditors (2015). Reuters. Retrieved from : <http://uk.reuters.com/article/ukraine-debt-idUKL5N-0W831R20150311>