

Is There a Way Out of the Minsk Agreement Deadlock?

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Despite years of talks under the specter of the Minsk protocols, no rapprochement has taken place between Russia and Ukraine on the “special status” of the Donbas. In fact, the situation has steadily deteriorated. Both Minsk I (September 2014) and Minsk II (February 2015) called for immediate ceasefires but deadly skirmishes have continued in a never-halting stream and spikes in violence routinely occur. Major rounds of hostilities took place in the summer of 2016 and again in late January 2017. It seems clear that the Minsk accords are untenable. As the *Economist* [stated](#) in September 2016, “the agreement is riddled with loose language and the sequencing of many steps is highly convoluted.” All sides need to return to the fundamentals: establish a genuine ceasefire, followed by an updated sequence of confidence-building measures.

The Situation on the Ground

Heavy-duty Russian forces continue to encircle Eastern Ukraine. Russia has deployed numerous divisions, brigades, and regiments near Ukrainian borders since the Euromaidan. The Institute for the Study of War (ISW) [stated](#) in August 2016, “Russia’s current force posture allows it to threaten or conduct military operations into Ukraine from multiple directions, increasing Ukraine’s vulnerability to Russian or Russia-backed separatist forces.”

Russian officials claim that the militarization of Russia’s border with Ukraine is a response to NATO actions. However, many doubt this considering that NATO has been active mostly far afield, in Poland and in the Baltics. Last summer, Russia established a large military base in Belgorod, 25 miles north of the Ukrainian border near Kharkiv, an area that has been peaceful. At that time, it switched on its S-400 air defense system near the border. When Russia expands its force projection capabilities, it signals preparations for a large-scale military conflict. In the context of the Minsk protocols, these are escalatory actions rather than peace-building moves.

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Last summer, the Kremlin began to increasingly disseminate the message that Ukraine was preparing a major offensive and killing civilians in Donbas. These statements were considered by many as an attempt by Moscow to accuse Kyiv of violating the Minsk agreements and to therefore justify separatist hostilities. Tensions were triggered when Russia's Federal Security Service (FSB) [claimed](#) that it had prevented a terrorist attack in Crimea that was "plotted by Ukrainian military intelligence" to "target vital infrastructural facilities in the peninsula." Reports said that a Russian soldier and a FSB agent were killed combating two Ukrainians, Yevhen Panov and Andriy Zakhgtey, who were subsequently arrested and charged with being connected to Ukrainian military intelligence.

In the recent spike of deadly violence in late January 2017, [statements](#) from Kyiv and Moscow reveal just how far apart both sides are in respecting the Minsk provisions. The Ukrainian Foreign Ministry said, "Russian occupation forces carried out massive attacks across the contact line using all available weapons..." At the same time, the Russian Foreign Ministry said that Ukrainian troops "continue to conduct offensive operations to seize positions held by self-defense forces..."

A New Approach?

A number of alternative approaches to the Minsk protocols have been suggested. One of the more far-reaching is by Rutgers University professor Oleksandr Motyl who has consistently [argued](#) that Ukraine should get rid of the Donbas because integrating it would sound a death knell for the whole country:

"Tragically ... the power of Ukrainian patriotic rhetoric—"The Donbas is eternal Ukrainian land!"—may wind up saddling the country with a burden so heavy that it will crush its sovereignty and its democracy, move it decisively away from Europe and the world, and succeed in achieving what Viktor Yanukovich failed to do: transform Ukraine into a backward hinterland of a backward imperialist petro-state."

Though recommendations such as these are not acceptable for the majority of the Ukrainian public and leadership, it does raise a singular good point about "burden," which ties into the failure of the Minsk agreements. The Donetsk and Luhansk People's Republics (DNR/LNR) are too "toxic" to be reintegrated into the Ukrainian political landscape without dismantling the full-fledged administrative and military structures in the separatist-controlled areas that Moscow has built. Many believe that Russia's goal is to obtain systemic, legitimized leverage over Kyiv through its de facto control of the Donbas. Allowing DNR\LNR elements to enter Ukrainian national institutions would thus bring destabilization into Ukraine's political life.

One possible remedy would be to have a round of free and fair elections in the Donbas. This would create new, legitimate politicians, who could then enter the political system

with far less resistance from the Ukrainian authorities. However, election issues in the Donbas are unsettled and it is not clear that new local elites with reconciliatory views toward Kyiv can appear and survive.

Properly revisiting election rules could potentially build confidence for all sides. At the moment, Russia and its proxies insist that elections in the Donbas should be managed by the separatists themselves. According to the election proposals submitted by the separatists to the trilateral group, their electoral commission should be created by the local authorities and the Central Election Commission of Ukraine should appoint only one person per local commission. In effect, legitimate Ukrainian political parties would not be allowed to campaign freely or nominate candidates.

Russia also calls for only “selected” media to provide coverage of elections in the Donbas. Moreover, the proposal says that only residents who have stayed permanently in the occupied zones since 2014 can be allowed to run as candidates and that internally displaced persons (IDPs) may only vote if they return and register with local authorities before the voting date. The separatists also stated they would only accept a disarmed, temporary, international police mission, and that the existent Russia-controlled military units, which de facto run the entire area, are to remain in their current position and roles.

For its part, the Ukrainian side advocates for the full restoration of political freedoms as a precondition for legitimate elections. Kyiv calls for allowing free and secure political activities (such as public campaigning) and asks for the OSCE and other international and domestic observers to enjoy unrestricted access to all areas. Kyiv also demands that political parties should be able to (re)establish local branches and operate freely, and that journalists should have freedom of movement.

The Minsk accords are unable to resolve the contradictory perspectives on holding elections. The only area where modest success has taken place within the bounds of the accords has been in the exchange of prisoners. A few hundred people returned to their homes on both sides. However, even this process began to lose its positive dynamics in early 2016 and is now experiencing stagnation.

Public Opinion: Divided and Uncertain

It would be helpful if the Russian and Ukrainian public made demands for a sincere peace process. It is hard to discern how the Russian public feels and whether it is able to influence its policymakers. In Ukraine, uncertainty prevails. Public opinion expectations toward the Donbas conflict is unstable because of the ups and downs of the political stalemate and bouts of military escalation.

However, in a broad sense, there is the indication that Ukrainians seek peace. In a May 11-16, 2016, [poll](#) by the Democratic Initiatives Foundation, Ukrainians were asked a range of questions about the conflict. One of the more pertinent ones was about the “price of peace.” The majority of Ukrainians, 70 percent, felt that compromise was the best way to overcome the conflict. About 23 percent felt ready to agree to “peace at any price.” Only 14 percent supported a “military solution” to resolve the conflict. The notion of “compromising on anything with anyone to reach peace” was supported by about a third of all respondents in the south and east of the country, and by about 16 percent in the center and west. The poll also indicated that about half of the population, 48 percent, believe that the DNR/LNR should return to Ukraine and be part of the country on the same terms as before the conflict started. Forty-three percent do not think elections are acceptable in the occupied areas in the near future, while 58 percent support the idea of an international peacekeeping mission in the Donbas. Ukrainian public opinion seems to share the “Minsk discourse,” which contends that the key to the solution lies in the Donbas itself.

Ukraine and its Western partners should not be constrained by short-term views and outdated plans. It is doubtful, for example, that Ukraine can rapidly re-establish formal sovereignty over the Donbas or that the separatists can take the lead on implementing fair elections and salvaging the peace process. In effect, Russia is currently dictating the conditions of Donbas “re-integration.” It appears that Russia’s real, though not openly articulated, objective is to have neither an independent Donbas nor a dependent Novorossiia, but a weakened and failed Ukrainian state. To prevent the further dysfunctionality of Ukraine, Kyiv (and the West) need to set up clear red lines and conditions for this reintegration. The principles of democratic functionality and real sovereignty should be valued higher than rhetoric of territorial integrity.

Conclusion

Peace in the Donbas is not near at hand and the Minsk roadmap is not helping. Human lives are being lost, sometimes on a daily basis, as was the case in summer 2016 and January 2017. Mistrust prevails on all sides, between Moscow and Kyiv, and between Kyiv and the secessionist elites. On the Ukrainian side, the population is divided over the issue of the “price of peace.” Surveys indicate high acceptability for compromise (to find peace), but the current DNR/LNR regimes are seen as hostile, so incorporating them into Ukrainian politics would be toxic for the country. These uncertainties could be partly reduced if the Minsk roadmap were re-drawn. If a ceasefire can be put in place – without preconditions – a transitional period of three to five years could be set up for dialogue between all stakeholders: Ukraine, Russia, and residents of the Donbas (separatists, Ukraine supporters, and IDPs). During this period, non-local militants (Russian citizens) could withdraw from the Donbas, which would lead to a revival of political pluralism, normalized economic transactions, and human rights values – all of which would boost confidence and stability. The logical next step, in the medium-term,

would be to hold legitimate elections in the Donbas. Two referendums could be considered: one in the Donbas and one nationwide. The results of these would provide incisive guidance for the long-term political solution.

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