

Unfulfillable Promise: Mediation Efforts in the Russian-Ukrainian War since 2014

PART 1. THE GRAY-ZONE CONFLICT¹

PONARS Eurasia Policy Memo No. 866
December 2023

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There have been intensive and varied mediation initiatives between Ukraine and Russia – initially to prevent conflict and later to resolve it – since the Euromaidan revolution of 2014, when protests led to the overthrow of then-President Viktor Yanukovich. Over the past decade, a plethora of formal and informal, institutionalized and non-institutionalized actors have attempted to organize mediation between Moscow and Kyiv at various levels, from the local to the international; using different formats (including track 1, track 1.5, and track 2 diplomacy); and applying direct and indirect strategies. None of these efforts, however, have led to a durable settlement of the conflict.

Part of the reason is that the conflict has a longer, non-violent history that predates 2014, as well as three distinct layers that have varied in prominence and intensity over time: a conflict within Ukraine over the country’s strategic foreign policy orientation; a conflict between Moscow and Kyiv over Ukraine’s sovereign independence and territorial integrity; and a conflict between Russia and the West over their respective spheres of influence in the contested European neighborhood.

Acknowledging this complexity should not be understood as implying that Russia’s actions are anything but unprovoked grave violations of international law. However, assessments of past and current mediation efforts and recommendations for future mediation formats will not be credible without a better understanding of the conflict environment in which the war between Russia and Ukraine has been occurred since 2014.

¹ This memo is the first in a two-part assessment of the effectiveness of mediation in the Russian-Ukrainian war during its gray-zone (2014-2022) and conventional (2022-present) stages.

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Informal Mediation

The *United Nations Guidance for Effective Mediation* [defines](#) mediation as “a process whereby a third party assists two or more parties, with their consent, to prevent, manage or resolve a conflict by helping them to develop mutually acceptable agreements.” While such agreements are often critical to conflict resolution, they are also prone to fail, and it often [takes](#) repeated mediation attempts before the recurrence of violent conflict can be prevented for good.

Informal mediation in the early years of the gray-zone conflict in eastern Ukraine is one of the most controversial issues in Ukrainian politics. It entailed informal individual or institutional mediators organizing direct communications between the parties to the conflict (for example, supporters and opponents of the Euromaidan; or commanders of pro-government battalions and the armed forces of Ukraine, on one side, and leaders of the self-proclaimed DPR and LPR, on the other).

Though these discussions were not formally authorized by the Ukrainian government, the involvement of informal mediators was necessary to solve immediate humanitarian problems: the organization of humanitarian corridors for the evacuation of wounded soldiers and civilians, the exchange of prisoners of war, the safety of civilians in the zone of armed conflict, and the protection of critical infrastructure. In addition to humanitarian issues, informal mediation was widely used to organize illegal and semi-legal trade (including in coal) between enterprises located in the territory controlled by the Ukrainian government and those in the self-proclaimed “people’s republics.”

Since the early stages of the gray-zone conflict, Ukrainian and foreign human rights organizations and charitable foundations, which have continued to operate in Donbas, have been the main providers of these informal mediation services, alongside locally known and trusted individuals acting in a private capacity. Importantly, the OSCE’s Special Monitoring Mission (SMM), established in March 2014, initially also acted as an informal go-between. It had a presence on the ground just as the conflict in Donbas was escalating. Although there was no formal mediation component to its mandate, the SMM was [intended](#) to “facilitate the dialogue on the ground in order to reduce tensions and promote normalization of the situation.” This enabled monitors to perform similar informal mediation tasks, especially in support of civilians affected by the escalating violence.

Although informal mediation provided an immediate and effective solution to humanitarian problems, it soon began to run counter to official Russian and Ukrainian policies regarding the self-proclaimed DPR and LPR. As a result, the space in which these informal mediation efforts had initially thrived began to narrow and eventually disappeared. Both sides also used the COVID-19 pandemic to further curtail local efforts.

Russia abandoned and disowned the so-called “freemen” (volunteer fighters, private armies, veterans of the Soviet invasion of Afghanistan, negotiators, and civil society representatives) who maintained unauthorized contacts with the Ukrainian side, thereby entrenching the occupation regime through which the Kremlin and its proxies controlled local political, economic, and social processes on the territory of the self-declared “people’s republics.”

On the Ukrainian side, the decision to increasingly limit informal mediation efforts was driven by different calculations but ultimately had the same result. By 2018, Kyiv had declared the conflict to be a war between Russia and Ukraine and [adopted](#) legislation to this effect. For this strategy to be credible, it was necessary, from a Ukrainian perspective, to eliminate all direct channels of communication with the DPR and LPR—including, in particular, informal ones that threatened to undermine the policy of isolating Russian-occupied territories.

Despite their initially positive contribution to facilitating humanitarian relief for the conflict-affected population in and near the self-proclaimed “people’s republics,” informal mediation efforts were gradually curtailed by both sides. A perhaps unintended consequence of Ukrainian efforts to call out Russia’s aggression for what it was—an unprovoked violation of the country’s sovereignty and territorial integrity—the elimination of these informal channels of communication between war-affected communities on both sides of the front line was exactly what Russia wanted. The consequent entrapment of residents of the DPR and LPR facilitated their rapid integration with Russia and (under the influence of Russian propaganda) their growing hostility toward Ukraine.

The Gray Zone of Mediation: The Normandy Format

The Normandy format—which takes its name from a meeting to commemorate the 70th anniversary of D-Day—is an informal gathering of the presidents of Ukraine, France, and Russia, and the German chancellor. Following their first meeting on June 6, 2014, the so-called Trilateral Contact Group (TCG) was established. The latter brought together Russia, Ukraine, and the Organization for Security and Cooperation in Europe (OSCE) in the hope that the OSCE could mediate a settlement of the escalating conflict in Donbas. Thus, the Normandy format principally functioned (and arguably malfunctioned) as a top-level crisis management platform, while the TCG was the main mediator on the ground and also became, from September 2014, the key mechanism for mediating efforts to implement the Minsk agreements.

As it became clear over the summer of 2014 that delegating mediation to the OSCE not only had not brought the conflict closer to a settlement but had also failed to prevent its further escalation, the leaders of the Normandy format came together in Minsk in early September 2014 and negotiated the first Minsk accord. An implementation protocol was agreed two weeks later, and the Minsk II accord, designed to speed up implementation,

was signed in February 2015. Neither accord resulted in the hoped-for breakthrough to peace, and two further meetings of the countries' leaders – in October 2016 in Berlin and in December 2019 in Paris – likewise failed to break the implementation impasse on the ground.

The Normandy format reflected the specifics of the gray-zone conflict: Russia, despite being a party to the conflict, positioned itself as a mediator. On the one hand, tacit acceptance of this kept Moscow involved in diplomatic efforts to find a solution to a conflict that had not yet become a conventional inter-state war. On the other hand, the lack of formal acknowledgment that Russia was a party to the conflict limited the Normandy format to addressing the conflict within Ukraine, which was only one aspect of a complex blended conflict. The price of maintaining this illusion was enabling Russia to continue its hybrid war against Ukraine; with hindsight, its prize, arguably, was to enable Ukraine to prepare for the coming conventional war.

A less generous interpretation of the Normandy format would be that it ultimately failed to achieve what it had been established to do: prevent the Russian-sponsored conflict *in* Ukraine from escalating into a conventional war *between* Russia and Ukraine. This is likewise a result of the Normandy format's own limitations: it did not, and because of its composition could not, deal with the conflict over spheres of influence in the contested European neighborhood between Russia and the West. The failure to address this dimension of the more complex blended conflict, which became apparent by late 2021, was a key factor in Russia's decision to move from a relatively low-cost, low-intensity war in Donbas to a full-scale invasion. Where the Kremlin miscalculated, however, was in assuming that the West, while rhetorically [opposing](#) Moscow's geopolitical demands, would in practice be as accepting of this next Russian land-grab as it had been of the Russian invasion of Georgia in 2008 and the annexation of Crimea in 2014.

Mediation in the Gray Zone: The OSCE's Special Monitoring Mission and the Trilateral Contact Group

Against the background of the curtailment of all informal negotiation formats and the fragile nature of the ceasefire established by the Minsk accords, the OSCE became effectively the only mediator on the ground. It had a longstanding presence in Ukraine, dating back to the 1990s, and responded rapidly to the escalating conflict in 2014 through the creation of the SMM, which, as noted above, engaged in some informal mediation early on in the escalating conflict under the dialogue-facilitation component of its mandate. The SMM also became involved in the Trilateral Contact Group, with its Chief Monitor serving as coordinator of the Working Group on Security Issues from June 2015 onwards.

By the summer of 2015, the TCG had emerged as the main mediation format, albeit one that was functioning in permanent crisis-management mode and was largely limited to dealing with urgent obstacles to the implementation of the Minsk agreements.

Representatives of the two so-called “people’s republics” were included in all the working groups (on security, political, economic, and humanitarian issues). This enabled the OSCE to facilitate several prisoner exchanges, the organization of safe humanitarian corridors, the evacuation of unaccompanied minors and other vulnerable groups to territories controlled by Ukraine, and the repair and maintenance of critical civilian infrastructure along the front line.

The TCG working groups provided for a relatively smooth transition from the early informal mediation efforts, even enabling some of the latter to be [institutionalized](#). The establishment of four working groups allowed for a degree of deconfliction between intractable (political) and more tractable (security, humanitarian, and economic) issues. In this way, the impossibility of progress on political issues did not prevent progress in other areas, with the economic working group proving the format most conducive to mediation—something also [observed](#) in the context of the Transnistrian conflict.

However, as the Kremlin established a more comprehensive—and, arguably, effective—occupation regime, TCG mediation became less necessary, and less desirable, from a Russian perspective. Dependent as it was on the constructive and good-faith engagement of the parties to the conflict, this increasingly limited the ability of the OSCE—which had by then become more dysfunctional as a dialogue platform—to mediate effectively.

OSCE mediation was more successful than the Normandy format: it made a significant contribution to humanitarian relief efforts on the ground, which in turn helped, at least temporarily, to stabilize and contain the conflict in Donbas. Ultimately, however, it did not accomplish its mandate of implementing the Minsk agreements. This failure cannot be laid at the door solely of the OSCE, the SMM, or the TCG. Indeed, the failure of the Normandy format to set a clear agenda for negotiations, and to provide the required political cover and guarantees for them, had [created](#) an environment conducive to the escalation of the gray-zone conflict into a full-scale conventional war.

Conclusion

Although there is now a recognition that the conflict in and around Ukraine involves many actors at different levels, this was insufficiently reflected in the mediation efforts between 2014 and 2022, which ultimately failed to prevent the escalation from hybrid to conventional war. This is not to suggest that mediation, in whatever format, could have accomplished this, but it is to caution against (albeit without dismissing) a fatalistic view that, with the benefit—and bias—of hindsight, now constructs a narrative that condemns mediation efforts as having enabled Russia’s full-scale invasion of Ukraine in February 2022.

Rather, the point is that understanding why mediation at the gray-zone stage of the war was insufficiently effective may help to prevent a similar failure in the future if and when the current conventional war “slips back” into a hybrid disguise.

Three points stand out in this context. First, the principal political framework of mediation—the Normandy format—focused too narrowly on just one aspect of the complex blended conflict in and around Ukraine. It focused on resolving a conflict within Ukraine that was instigated and fueled by Russia while allowing Russia to play the role of a “mediator” and framing the conflict as one between the government in Kyiv and separatists in Donbas (while completely detaching Crimea from this process both literally and figuratively).

Second, while this pretense may have been helpful in keeping Russia engaged and thus in facilitating the relative, albeit temporary, successes of OSCE mediation in the Trilateral Contact Group, it meant that mediation failed to address two other, closely connected dimensions of the broader conflict, namely between Russia and Ukraine and between Russia and the West. Allowed to fester, both of these became drivers of the eventual escalation to conventional inter-state war because whatever mediation efforts in the TCG managed, and had future potential, to achieve was an insufficient incentive for Russia not to escalate. Nor did either the Normandy format or the TCG have effective enforcement mechanisms in place to deter such escalation.

Third, when it became evident that the Minsk agreements were unimplementable—Ukraine having been forced to sign on to arrangements that unfairly favored Russia and denied democratic forces any meaningful voice—Ukraine’s partners not only stopped supporting their implementation outside the Normandy and TCG formats, but also failed to propose alternative formats through which a more adoptable and functional agreement could have been mediated.

With the OSCE sidelined politically and relegated to managing a series of local crises on the front lines in Donbas, it should have fallen to France and Germany, through their roles as mediators in the Normandy format, as well as the US, the UK (after Brexit), the EU, and NATO, to consider such alternative mediation formats and back them with more robust measures to deter Russian escalation of, and beyond, its hybrid warfare campaign. What was needed, but failed to materialize, was an alternative (or reinvigorated existing) format with more leverage and legitimacy. Instead, a separate US-Russia dialogue (on Syria and Ukraine) led nowhere and became dysfunctional; suggested “tweaks” to the Minsk accords (like the Steinmeier formula) were variations on an already failing theme; security guarantees for Ukraine did not materialize; and continued economic engagement with Russia encouraged the Kremlin to assume that further escalation would go equally unpunished.