



## GETTING BEYOND MINSK: TOWARD A RESOLUTION OF THE CONFLICT IN UKRAINE

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Cover photo: Vladimir Putin and Donald Trump matryoshka dolls in Moscow.  
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# GETTING BEYOND MINSK: TOWARD A RESOLUTION OF THE CONFLICT IN UKRAINE

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## EXECUTIVE SUMMARY

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The military conflict between Ukraine and Russia remains unresolved. The Minsk diplomatic process, which will be three years old in September 2017, committed Russia to a withdrawal of military forces from the Donbas region and committed Ukraine to constitutional reform and providing special status for the Donbas. The first step of Minsk, a ceasefire, has never fully gone into effect, and the situation is currently drifting toward a frozen conflict or a renewal of hostilities between Ukraine and Russia.

This paper argues that the Trump administration should make a renewed diplomatic push in the direction of resolving this conflict. It should begin by assessing where each of the major actors — the Ukrainians, the Russians, and the European Union, represented in the process by France and Germany — stands in the summer of 2017. The Trump administration should then use its convening power to address, in concert with these actors, two of the main sticking points that have constrained progress on Minsk: a disagreement on sequencing that derives from the obscurely worded documents signed in Minsk in September 2014 and in February 2015, and the neglect of the December 2015 deadline for Minsk implementation that was missed and has never been reformulated.

The involved parties should be led to agree on a clear sequencing of actions and to a definite timeframe for taking these actions. A December 2017 deadline would be ideal. Incentives and penalties can be woven into this new round of diplomacy. The stakes are high. In the event of failure, Europe's eastern borders will remain a zone of conflict and instability. In the event of diplomatic progress, Ukraine will be freed to

focus on its reform agenda, and a foundation will have been laid for improving the U.S.–Russian relationship.

# 1 INTRODUCTION

*“Why should U.S. taxpayers be interested in Ukraine?”*

–U.S. Secretary of State Rex Tillerson, April 11, 2017, at a meeting of G7 foreign ministers in Lucca, Italy<sup>1</sup>

After months of intense fighting in eastern Ukraine, a diplomatic process was solidified in February 2015. Signed in the capital city of Belarus, the agreement is commonly referred to as “Minsk.” It committed Russia to a ceasefire in the Donbas and to a withdrawal of troops and heavy weapons. Ukraine dedicated itself to a ceasefire as well and to constitutional reform that would guarantee special status for the Donbas, the foundation for an eventual political settlement.<sup>2</sup> Western sanctions on Russia acquired “Minsk implementation” as their condition for being lifted, though more than two years later Minsk has yet to be implemented. A true ceasefire never took root, and the timeframe embedded in Minsk, pegged to implementation by December 2015, became irrelevant once this deadline passed.

Minsk has helped to contain the violence in the Donbas. It is the diplomatic framework to which all involved parties remain officially pledged. Nevertheless, international commitment to Minsk is frayed and fraying. Russia has refused to let Western sanctions dictate its policy on Ukraine. Nor has Moscow imposed a

ceasefire upon its zone of influence, and it has retained a substantial unacknowledged military presence in the Donbas. Ukrainian politicians commonly liken the constitutional change stipulated in Minsk to political suicide, because of the still-born ceasefire and because the proposed constitutional change is domestically unpopular. Even in a period of transatlantic political ferment, the United States, Germany, and France have shown no immediate willingness to lift sanctions on Russia, and they continue to offer military and economic support to Ukraine; but the Donbas has long ago receded from the headlines. Ukraine hardly registered in the U.S. presidential election of 2016.<sup>3</sup> The same has been true, so far, during the 2017 election seasons in France and Germany. Minsk is a diplomatic process adrift.

Minsk could suffer some severe challenges in 2017. Full-scale fighting may return to a conflict zone full of irregular soldiers, paramilitary units, and armed independent actors. Changes in political leadership will constitute a separate challenge. A vocal guarantor of Minsk, U.S. President Barack Obama left the White House in January 2017. A signatory to Minsk, French President François Hollande is about to make his political exit. German Chancellor Angela

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<sup>1</sup> Quoted in O. Beavers, “Tillerson Asks European Diplomats Why US Taxpayers Should Care about Ukraine,” *The Hill*, April 11, 2017, <http://thehill.com/homenews/administration/328385-tillerson-asked-european-diplomats-why-us-taxpayers-should-care-about>.

<sup>2</sup> The Donbas is an imprecise term, geographic rather than political, roughly indicating Ukraine’s Donetsk and Luhansk *oblasts*. Part of it is under separatist control and part remains under Ukrainian control. In this paper, Donbas signifies the parts of Donetsk and Luhansk *oblasts* under separatist control.

<sup>3</sup> Most journalistic references to Ukraine during the campaign focused not on Minsk but on the figure of Trump campaign manager Paul Manafort and his business dealings in Ukraine. This has remained the case after the election. For a representative example see K. P. Vogel, J. Meyer, and D. Stern, “Manafort Sought for Questioning – in D.C. and Kiev,” *Politico*, March 20, 2017, <http://www.politico.com/story/2017/03/paul-manafort-trump-ukraine-russia-236286>. One issue that did make an impression was the removal of the plank on providing lethal weapons to Ukraine from the Republican National Convention platform. See J. Rogin, “Trump Campaign Guts GOP’s Anti-Russia Stance on Ukraine,” *The Washington Post*, July 18, 2016, [https://www.washingtonpost.com/opinions/global-opinions/trump-campaign-guts-gops-anti-russia-stance-on-ukraine/2016/07/18/98adb3b0-4cf3-11e6-a7d8-13d06b37f256\\_story.html?utm\\_term=.0b6c49651647](https://www.washingtonpost.com/opinions/global-opinions/trump-campaign-guts-gops-anti-russia-stance-on-ukraine/2016/07/18/98adb3b0-4cf3-11e6-a7d8-13d06b37f256_story.html?utm_term=.0b6c49651647).

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Merkel is running for reelection this fall, and Ukrainian President Petro Poroshenko, while not up for reelection until 2019, could face cracks in his parliamentary majority as soon as this spring. With so much in flux, the Minsk process risks a diminution of Western support. Without active support, Minsk could fail outright, leaving Ukraine with a widening military conflict on its soil. Out of impatience or by design, Moscow could formally incorporate the Donbas into Russia, though this would risk further Western sanctions, or it could opt for a de facto annexation. An unresolved conflict will continue to poison Russia's relations with the West in ways that are destabilizing in Europe and beyond. Only peace in Ukraine will allow Europe to secure its eastern flank.

The Trump administration has the chance to tackle the Ukraine crisis afresh. It should restate the Obama administration's overall commitment to Minsk, offering Russia no prospect of sanctions relief without demonstrable movement in the direction of peace and a political settlement. Rather than waiting for elections to be held in Western Europe or for the situation to deteriorate further in the Donbas, the Trump administration should seize the diplomatic initiative this summer: a diplomatic victory would have many positive ramifications. The Trump administration should approach Minsk along the following five lines of effort: (1) consultation with Germany, France, Britain, the EU, and other European allies on a commonly agreed upon and obtainable objective for the Donbas and for Ukrainian security in general; (2) consultation with Ukraine on what is politically feasible in relation to decentralization and special status for the Donbas, as stipulated in Minsk; (3) consultation with Russia on its aspirations for

the Donbas and for regional security generally; (4) the mobilization of U.S. leadership and convening power aimed at redrawing the 2014-2015 Minsk roadmap for a ceasefire and political settlement; and (5) the restoration of a strict sequence to Minsk implementation, with clearly articulated incentives for progress and penalties for backsliding. Ukraine and Russia are obviously at odds with one another. They have conflicting regional priorities, and they have differing readings of the current crisis. Effective diplomacy, and the search for a common political endpoint, is condemned to operating within these differences. In-depth consultations with Ukraine and Russia should allow Washington to gauge accurately the scope of the problem and the practical space for resolving it.<sup>4</sup> Nothing would improve U.S.-Russian relations and European security more than a resolution of the Ukraine crisis, difficult as this will be, and nothing would do more to aid the cause of reform or to brighten economic prospects in Ukraine.

<sup>4</sup> The Trump administration's possible decision to open a Ukraine-related diplomatic channel with Russia is welcome news in this regard. See J. Hudson, "Trump Administration Expected to Open Diplomatic Channel with Top Putin Aide," *BuzzFeed*, April 21, 2017, [https://www.buzzfeed.com/johnhudson/exclusive-trump-administration-expected-to-open-diplomatic?utm\\_term=.bkdeoG74Q#.wwBK5Am6R](https://www.buzzfeed.com/johnhudson/exclusive-trump-administration-expected-to-open-diplomatic?utm_term=.bkdeoG74Q#.wwBK5Am6R).

## 2 THE NEED FOR MINSK

A first round of Minsk was negotiated in September 2014 and a second in February 2015. In both instances, negotiations followed heavy fighting. A military logic guided the diplomacy, in which the objectives of the four major actors — Ukraine, Russia, Western Europe, and the United States — diverged. Ukraine's objective was to restore its own sovereignty. This aspiration to total sovereignty included Crimea's return to Ukraine, though Minsk did not link Crimea and the Donbas. Kyiv envisioned the Donbas region under Ukrainian law and Ukrainian control, as a normal part of Ukraine, with no over-the-border Russian presence or manipulation. Russia's true objectives have to be extrapolated from its official position, according to which the conflict is a civil war among Ukrainians, with minimal Russian involvement. In the lead-up to Minsk, the Russian objective was probably to halt Ukrainian efforts at integrating itself into European institutions, NATO above all, and to maintain Russian leverage over Kyiv.<sup>5</sup> The Western European objective was primarily to halt the fighting. Beyond that, it was to engineer a political solution, brokered by the Organization for Security and Co-operation in Europe (OSCE), to which both Kyiv and Moscow could agree, thereby restoring Ukraine to genuine sovereignty. Washington's objective resembled Western Europe's in method and aim. The method was for European leadership amid a European crisis: diplomatically, Washington need not be in the front row. The common transatlantic aim was a restoration of the international order encoded in the Helsinki Final Act, a matter of keeping European borders

<sup>5</sup> For a sympathetic evaluation of Russia's position see J. Mearsheimer, "Why the Ukraine Crisis Is the West's Fault," *Foreign Affairs*, September/October 2014, <https://www.foreignaffairs.com/articles/russia-fsu/2014-08-18/why-ukraine-crisis-west-s-fault>.

sacrosanct at least as far as the Donbas was concerned.<sup>6</sup> Crimea was a related problem that fell in a separate strategic category.

The destruction that necessitated Minsk has been horrific. The death toll stands close to 10,000 as of late 2016, with some 23,000 injured. The fighting displaced approximately 2.8 million people, with 1.8 million IDP's in Ukraine. Some one million people have left Ukraine for Russia.<sup>7</sup> Those who stayed had to live with ongoing war and chaos. The destruction to the Donbas itself was catastrophic, and the overall economic costs have been immense — beyond any simple empirical measurement. The Donbas was severed from the Ukrainian economy. Ukraine has long been a poor country by European standards: according to World Bank measurements, Ukraine's pre-crisis per capita GDP was \$8,630 in 2013 (in current U.S. dollars, PPP).<sup>8</sup> Ukraine has had to divert precious resources to the war effort. Investor confidence in Ukraine was devastated by the war and by the uncertainties it inflicted on Ukraine's political and economic future. For much of 2014, Ukraine's economy was in precipitous decline. If it has since recovered

<sup>6</sup> Ulrich Speck provides a detailed analysis of Western policy aims in Ukraine in "The West's Response to the Ukraine Conflict: A Transatlantic Success Story," *Transatlantic Academy*, April 2016, <http://www.gmfus.org/publications/wests-response-ukraine-conflict>.

<sup>7</sup> On these numbers see "Conflict in Ukraine Continues to Take Civilian Toll — UN Human Rights Report," *UN News Center*, December 8, 2016, [http://www.un.org/apps/news/story.asp?NewsID=55750#.WQELv\\_nyu70](http://www.un.org/apps/news/story.asp?NewsID=55750#.WQELv_nyu70); and G. Sasse, "The Voices of the Displaced in Ukraine and Russia," *Carnegie Europe*, February 13, 2017, <http://carnegieeurope.eu/strategieurope/67979>.

<sup>8</sup> On the Ukrainian per-capita GDP see [http://data.worldbank.org/indicator/NY.GDP.PCAP.PP.CD?locations=UA&name\\_desc=true](http://data.worldbank.org/indicator/NY.GDP.PCAP.PP.CD?locations=UA&name_desc=true).

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modestly, uncertainty still impedes Ukraine from attracting the investment peacetime conditions would merit.<sup>9</sup>

But the crux of the conflict was never economic. Throughout the Ukraine crisis, both Ukraine and Russia have shown themselves to be stubbornly tolerant of economic pain. The crux of the crisis in 2014 and early 2015 was military. The anarchic events starting with the Euromaidan protests of winter 2013-2014 culminated in President Viktor Yanukovich's February 2014 decision to flee the country. This resulted in Russia's annexation of Crimea and in a separatist uprising across the East that was both real and stage-managed from Moscow.<sup>10</sup> Dreams of Novorossiia, a revival of the Russian empire within Ukraine, never very probable to begin with, were dying away by summer 2014.<sup>11</sup> The downing of flight MH17, a passenger aircraft heading from the

Netherlands to Malaysia, on July 15, 2014 discredited both Russia and the separatists in European eyes. It was becoming more difficult for Moscow to continue the policy of arming but not necessarily directing separatist forces. In July 2014, the Ukrainian military launched an attack on the Donbas that had the potential to succeed. Had it succeeded, there would have been no need for Minsk. Ukrainian sovereignty would have been restored by force of arms.

Russia altered its military calculus in August 2014, consolidating control, streamlining the chain of command and semi-covertly introducing its own regular units. This reversed the military dynamic for good. After suffering a series of battlefield defeats, Ukraine was in effect suing for peace by going to Minsk in September, and this enabled Russia to dictate an agreement that disadvantaged Kyiv. What Russia conceded, in Minsk, was its willingness to accept Ukrainian sovereignty, not including Crimea, and to eliminate its military presence from Ukraine. Ukraine agreed to an "inclusive national dialogue" and to the decentralization of power for Donetsk and Luhansk oblasts. The Minsk Protocol containing these provisions was signed on September 5 by Ukraine, Russia, separatist representatives, and the OSCE. A second protocol, with greater detail on the ceasefire, was signed on September 19.

The September Minsk protocols were a bandage at best.<sup>12</sup> By January 2015, the bandage was falling off, and the Russian-backed separatists were once again on the march. They took the Donetsk airport in January and inflicted a bitter

<sup>9</sup> In statistics provided by the World Bank, Ukraine experienced 0 percent GDP growth in 2013; -6.6 percent in 2014; -9.8 percent in 2015; and 2.3 percent in 2016. The World Bank projects 2 percent economic growth for Ukraine in 2017, and 3.5 percent in 2018. See The World Bank, "Ukraine Economic Update – April 2017," April 4, 2017, <http://www.worldbank.org/en/country/ukraine/publication/economic-update-spring-2017>.

<sup>10</sup> The complicated events of February 2014 figure prominently in the several books have already been published on the Ukraine crisis. See S. Charap and T. J. Colton, *Everyone Loses: The Ukraine Crisis and the Ruinous Contest for Post-Soviet Eurasia* (London: Routledge, 2017); R. Menon and E. Rumer, *Conflict in Ukraine: The Unwinding of the Post-Cold War Order* (Cambridge, MA: MIT Press, 2015); A. Wilson, *Ukraine Crisis: What It Means for the West* (New Haven, CT: Yale University Press, 2014); R. Sakwa, *Frontline Ukraine: Crisis in the Borderlands* (London: Tauris, 2016); and S. Plokhy, *The Gates of Europe: A History of Ukraine* (New York: Basic Books, 2015), p. 291-354.

<sup>11</sup> For an excellent essay on history and Russian foreign policy, partially in relation to Russian actions in Ukraine, see S. Kotkin, "Russia's Perpetual Geopolitics: Putin Returns to the Historical Pattern," *Foreign Affairs*, May/June 2016, <https://www.foreignaffairs.com/articles/ukraine/2016-04-18/russias-perpetual-geopolitics>.

<sup>12</sup> For a survey of the military situation in Ukraine circa December 2014, see International Crisis Group, "Eastern Ukraine: A Dangerous Winter," December 18, 2014, <https://www.crisisgroup.org/europe-central-asia/eastern-europe/ukraine/eastern-ukraine-dangerous-winter>.



defeat on the Ukrainian army at Debaltseve in February. This precipitated a round of high-level diplomacy. On February 11, Poroshenko, Russian President Vladimir Putin, Merkel, and Hollande all met in Minsk for a marathon, 16-hour meeting, at the end of which they agreed to a new “package of measures.” It did not negate the earlier protocols; it added to them. The convoluted text bore the marks of a rush to make sure that something would be signed. The OSCE was to manage the ceasefire; elections were to be planned, developing the logic of the September Minsk protocols. Then came Points 9 and 11. Point 9 decreed the restoration of the borders to Ukraine “by the end of 2015” but “on the condition” that Point 11 be fulfilled. Point 11 entailed constitutional change and special status for Donetsk and Luhansk oblasts by the end of 2015. If Point 9 comes before Point 11, its enactment is conditional on Point 11. This bizarre numbering and wording would prove fatal to the package of measures, as far as formal diplomacy was concerned. Moscow would insist on an 11-9 sequencing and Ukraine on a 9-11 sequencing. The text can plausibly corroborate both interpretations.<sup>13</sup>

An uncertain ceasefire went into effect several days after the package of measures had been signed by no fewer than four heads of state or government.<sup>14</sup>

Despite differing objectives, each of the major parties benefitted in one way or another from Minsk. Ukraine bought time. On the heels of multiple military defeats, even a spotty ceasefire was better than war against a stronger adversary. Ukraine needed time to regroup. A non-nuclear, non-aligned state outside of Europe’s formal security structures, Ukraine also needed the Western support implied by Merkel’s and Hollande’s presence in Minsk — and by their signatures on the package of measures. By signing onto Minsk, Ukraine’s success was tied to Western prestige (and vice versa), a valuable psychological asset for Kyiv.<sup>15</sup> At Minsk, Russia got a seat at the table, precisely what it felt it had been denied in earlier phases of Ukraine-related diplomacy: indeed, Russia had actively set the terms of Minsk. Russia was also constraining Poroshenko by forcing him to do what Kyiv did not want to do — namely, to confer special status on the Donbas. The Western powers, including the United States, got sought after promises from Russia on

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<sup>13</sup> For an analysis of Russia’s combined military-diplomatic aims regarding Minsk, see S. Charap, “Forcing Kiev’s Hand: Why There Won’t be a Frozen Conflict in Ukraine,” *Foreign Affairs*, September 2015, <https://www.foreignaffairs.com/articles/ukraine/2015-09-09/forcing-kiev-s-hand>.

<sup>14</sup> For a review of Minsk diplomacy in relation to the battle of Debaltseve, see International Crisis Group, “Ukraine Crisis: Risks of Renewed Military Conflict after Minsk II,” April 1, 2015, <https://www.crisisgroup.org/europe-central-asia/eastern-europe/ukraine/ukraine-crisis-risks-renewed-military-conflict-after-minsk-ii>. For a cogent analysis of Russia’s military presence in Ukraine, in 2014 and 2015, see M. Czuperski, J. Herbst, E. Higgins, A. Polyakova, and D. Wilson, “Hiding in Plain Sight: Putin’s War in Ukraine,” Atlantic Council, October 15, 2015, [http://www.atlantic-council.org/images/publications/Hiding\\_in\\_Plain\\_Sight/HPS\\_English.pdf](http://www.atlantic-council.org/images/publications/Hiding_in_Plain_Sight/HPS_English.pdf).

<sup>15</sup> For a big-picture analysis of Ukrainian foreign policy vis a vis Russia and the West, see A. Motyl, “A Grand Strategy for Ukraine: How to Navigate between Russia and the West,” *Foreign Affairs*, April 5, 2016, <https://www.foreignaffairs.com/articles/ukraine/2016-04-05/grand-strategy-ukraine>.

*By July 2014, U.S. and European sanctions were aligned, but they had no objective other than to deescalate an escalating conflict. Minsk gave sanctions a tangible objective.*

military withdrawal and Ukrainian sovereignty. They also got a reasonable plan for a political process, which entailed OSCE-run elections and the full reincorporation of the Donbas into Ukraine. On a more practical level, Minsk clarified Western sanctions policy, which was necessary for the articulation and continuance of the policy.<sup>16</sup>

A comprehensive transatlantic sanctions policy did not follow inevitably from the war in the Donbas. Prior to the shoot-down of flight MH17, Washington had been gearing up for unilateral sanctions intended to pressure Moscow into backing down militarily or at least to raise the costs of prolonging its military activities in eastern Ukraine. The MH17 tragedy shaped European public opinion, demonstrating to Western Europe its startling proximity to the depredations of a European war. By July 2014, U.S. and European sanctions were aligned, but they had no objective other than to deescalate an escalating conflict. Minsk gave sanctions a tangible objective. Put negatively, sanctions were to be in place so long as Minsk was not being implemented, starting with the September Minsk Protocols. Put positively, sanctions were meant to provide the requisite pressure for a ceasefire and for a political process, the one spelled out in the September Protocols and then in more fulsome detail in the February package of measures. The December 2015 deadline was for the political process to be completed. Ukraine had the incentives of peace and sovereignty. Russia

<sup>16</sup> For a defense of Minsk as a case study in economic statecraft, see A. Moravcsik, "Lessons from Ukraine: Why a Europe-Led Geo-Economic Strategy is Succeeding," *Transatlantic Academy*, July 27, 2016, <http://www.gmfus.org/publications/lessons-ukraine-why-europe-led-geo-economic-strategy-succeeding>.

had the overlapping incentives of avoiding further sanctions, of sanctions relief and of a normalization of relations with the West.

For the West, a Minsk-plus-sanctions policy substituted for direct military involvement. On this point, the Franco-German position was pivotal. German reluctance was the most consequential: Merkel repeatedly stated that there was no military solution to the Ukraine crisis. Her position resonated in the White House despite notable congressional and think-tank enthusiasm for providing lethal military aid to Ukraine.<sup>17</sup> The Obama administration did not eschew all military aid to Ukraine. Neither did NATO and other EU member states. With the exception of Lithuania, however, the Western powers drew the line at lethal assistance.<sup>18</sup> Therefore, for the Obama administration's Ukraine policy sanctions were central. Had the Ukrainian city of Mariupol been attacked, crossing a putative red line, Western sanctions would probably have been intensified. The West retains many unused

<sup>17</sup> See S. Talbott, M. Flournoy, J. Lodal, S. Pifer, I. Daalder, J. Herbst, J. Stavridis, and C. Wald, "Preserving Ukraine's Independence, Resisting Russian Aggression: What the United States and NATO Must Do," *Atlantic Council*, Brookings Institution, and Chicago Council on Global Affairs, February 1, 2015, <https://www.brookings.edu/research/preserving-ukraines-independence-resisting-russian-aggression-what-the-united-states-and-nato-must-do>. See also A. Motyl, "The West Should Arm Ukraine," *Foreign Affairs*, February 10, 2015, <https://www.foreignaffairs.com/articles/russia-fsu/2015-02-10/west-should-arm-ukraine>. Brookings' Fiona Hill, now on the National Security Council, and Clifford Gaddy provided a dissenting argument, "How aiding the Ukrainian military could push Putin into a regional war," *The Washington Post*, February 5, 2015, [https://www.washingtonpost.com/opinions/giving-weapons-to-ukraine-could-goat-putin-into-a-regional-war/2015/02/05/ec2e9680-abf5-11e4-ad71-7b9eba0f87d6\\_story.html](https://www.washingtonpost.com/opinions/giving-weapons-to-ukraine-could-goat-putin-into-a-regional-war/2015/02/05/ec2e9680-abf5-11e4-ad71-7b9eba0f87d6_story.html).

<sup>18</sup> On Lithuania's provision of lethal aid to Ukraine see "Lithuania Says It Supplies Ammunition to Ukraine for First Time in Two Years," *Reuters*, September 3, 2016, <http://www.reuters.com/article/us-lithuania-ukraine-idUSKCN1190F3>.

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coercive economic measures, including the option of removing Russia from the SWIFT international financial payment system: extant sanctions reflect only a modest application of Western power. Regarding Ukraine, the threat of additional sanctions made sanctions a tool of deterrence as well as a vehicle of Minsk implementation.

On the interlocking nature of sanctions and Minsk implementation, transatlantic consensus has endured, surviving the U.S. election of 2016. The sanctions themselves have outlasted the December 2015 deadline (written into Minsk) by over a year.<sup>19</sup> Without Minsk, the West would be without a sanctions policy. Without sanctions, the West might be without a Ukraine and a Russia policy, even if actual Minsk implementation is, by common agreement, an increasingly distant prospect. The Trump administration has not yet shown a clear sign of wishing to deviate from this less-than-heartening status quo.

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<sup>19</sup> See E. Fishman, “We Built the Russia Sanctions to Last,” *The Wall Street Journal*, March 20, 2017, <https://www.wsj.com/articles/we-built-the-russia-sanctions-to-last-1490050833>.

# 3 WHERE WE ARE NOW

*Many Russians consider Putin's assertiveness a proportional response to decades of post-Soviet humiliation for Russia, to a European security architecture which serves Western pretensions at the expense of Russian interests and to an American foreign policy that, since the Iraq War, has shown itself to be reckless and destabilizing (in the Russian view).*

In the spring of 2017, the security situation in the Donbas is deteriorating. Fighting persists along the line of contact, and according to OSCE reports even the basic criteria for a ceasefire have not been met.<sup>20</sup> As economic and political connections attenuate between this troubled province and the capital, the Donbas is pulling away from Ukraine: Kyiv has recently imposed a boycott on Donbas businesses.<sup>21</sup> For residents of the Donbas, the rest of Ukraine may well be starting to seem like another country, a development contrary to the spirit of Minsk, which prioritized the reintegration of the Donbas into Ukraine. Russian involvement in the Donbas is increasingly formalized, as indicated by the use of Russian currency there and the issuance of Russian passports to Donbas residents.<sup>22</sup> This too contradicts the spirit of Minsk, which mandates the Donbas's reintegration into Ukraine together with a withdrawal of Russian troops and officials. Week by week, month by month, events on the ground are moving away from rather than toward Minsk implementation.

<sup>20</sup> On the military situation in the Donbas see B. Jerabik, "Escalation in Donbas: Ukraine Fights for the Status Quo," *War on the Rocks*, February 8, 2017, <https://warontherocks.com/2017/02/escalation-in-donbas-ukraine-fights-for-the-status-quo>. Reports from the OSCE Special Monitoring Mission to Ukraine are available at: <http://www.osce.org/ukraine-smm/reports>.

<sup>21</sup> On the boycott see "Ukraine's Leaders May Be Giving Up on Reuniting the Country," *The Economist*, February 11, 2017, <http://www.economist.com/news/europe/21716632-reintegrating-donbas-starting-look-russian-trap-ukraines-leaders-may-be-giving-up>.

<sup>22</sup> On the issuance of Russian passport in the Donbas see A. Grigas, "Separatists Launch New 'Passportization' Strategy in Eastern Ukraine," Atlantic Council, March 23, 2016, <http://www.atlanticcouncil.org/blogs/ukrainealert/separatists-launch-new-passportization-strategy-in-eastern-ukraine>. See also R. Goncharenko, "The Silent Secession of Eastern Ukraine," *Deutsche Welle*, October 23, 2015, <http://www.dw.com/en/the-silent-secession-of-eastern-ukraine/a-18802074>.

Sanctions may still work. Leaving them in place and doing nothing else could conceivably force Russia into complying with Minsk; as currently construed, Western policy depends on this outcome. Yet a Russian withdrawal is hard to envision under present circumstances. Putin has staked his political career and legacy on Ukraine. Though there are some Russians who lament the annexation of Crimea and the Russian incursion into the Donbas, Putin has genuine domestic political support for defying the West on Ukraine and for pursuing what Putin has defined as Russia's priorities. Many Russians consider Putin's assertiveness a proportional response to decades of post-Soviet humiliation for Russia, to a European security architecture which serves Western pretensions at the expense of Russian interests and to an American foreign policy that, since the Iraq War, has shown itself to be reckless and destabilizing (in the Russian view). Politically, Putin can wait. He has more to lose from looking weak than from looking recalcitrant on the Ukraine issue. Further incentive for patience is the Kremlin's hope that the political winds will shift in Kyiv and that the West will lose interest and be willing to make concessions.<sup>23</sup>

Precisely because sanctions lie at the center of Western policy, it makes sense for Putin to try to wait out Kyiv and the West. Over time, sanctions will show diminishing returns as a policy instrument, even if they have had a non-trivial impact on the Russian economy. In

<sup>23</sup> An excellent analysis that sheds historical light on Ukraine's place in U.S.-Russian relations is E. Rumer, R. Sokolsky, P. Stronski, and A. Weiss, "Illusions vs. Reality: Twenty-Five Years of U.S. Policy toward Russia, Ukraine, and Eurasia," Carnegie Endowment for International Peace, February 9, 2017, <http://carnegieendowment.org/2017/02/09/illusions-vs-reality-twenty-five-years-of-u.s.-policy-toward-russia-ukraine-and-eurasia-pub-67859>.

their early stages, the sanctions not only reduced the Russian GDP by about one percent annually, they also discouraged an unmeasurable amount of foreign investment. Investors needed to be wary about Russia, even if the sanctions did not directly affect them, because they had to reckon with further sanctions. Sanctions brought uncertainty to the Russian market.<sup>24</sup> Two and a half years after the imposition of Western sanctions, this uncertainty is dissipating. An increase in European sanctions would be politically impossible at the moment, absent a major Russian provocation, and the United States is unlikely to increase sanctions unilaterally. Investors can factor in existing sanctions, making the Russian economy more predictable now than it was two years ago. The IMF anticipates economic growth for Russia in 2017 and 2018. Russia has formidable economic problems, but they are not so formidable — or so directly linked to sanctions — that Putin would need to capitulate to the West before

the presidential elections of 2018. After the election, he will be under even less pressure to capitulate.<sup>25</sup>

Ukraine has limited options. In the past three years, Ukraine has lessened its economic dependence on Russia. It is now harder to travel between Ukraine and Russia, and Ukraine has diversified its access to energy, a major source of Russian influence. Kyiv is now better positioned to advance its relationship to the European Union. The Association Agreement with the EU is now provisionally in effect, and it is en route to being ratified by the EU.<sup>26</sup> This is clearly a core mission of the Poroshenko government. At the same time, Ukraine has very little leverage over Russia. Much political rhetoric from the Poroshenko government, especially Kyiv's gestures toward NATO membership, is unacceptable to Moscow.<sup>27</sup> Russia does not feel that it has a good-faith partner in the

*Russia has formidable economic problems, but they are not so formidable — or so directly linked to sanctions — that Putin would need to capitulate to the West before the presidential elections of 2018.*

<sup>24</sup> There is a lively debate over the efficacy of sanctions. For an overview see A. Weiss and R. Nephew, "The Role of Sanctions in U.S.-Russian Relations," Carnegie Endowment for International Peace, July 11, 2016, <http://carnegieendowment.org/2016/07/11/role-of-sanctions-in-u.s.-russian-relations-pub-64056>. For a critique see E. Ashford, "Not-So-Smart Sanctions: The Failure of Western Restrictions against Russia," *Foreign Affairs*, January/February 2016, <https://www.foreignaffairs.com/articles/russian-federation/2015-12-14/not-so-smart-sanctions>; and *The Economist*, "Small Carrot, Medium Stick: The EU's Russia Sanctions," June 23, 2016, <http://www.economist.com/news/europe/21701184-blocking-investment-has-only-slightly-restrained-russia-small-carrot-medium-stick>.

<sup>25</sup> After GDP declines of -3.7 percent in 2015 and -0.6 percent in 2016 for the Russian Federation, the IMF projects growth of 1.1 percent in 2017, and 1.2 percent in 2018. See International Monetary Fund, "World Economic Outlook: A Shifting Global Economic Landscape," January 2017, <https://www.imf.org/external/pubs/ft/weo/2017/update/01/>. For an argument about sanctions as politically beneficial to Putin see A. Movchan, "How the Sanctions Are Helping Putting," *Politico*, March 28, 2017, <http://www.politico.com/magazine/story/2017/03/how-the-sanctions-are-helping-putin-214963>.

<sup>26</sup> On recent developments see C. Kroet, "Dutch Lower House Backs EU-Ukraine Agreement," *Politico*, February 22, 2017, <http://www.politico.eu/article/dutch-lower-house-backs-eu-ukraine-agreement/>.

<sup>27</sup> In early February 2017, Poroshenko announced his intention to hold a referendum on NATO membership for Ukraine, vowing to "do all I can" to usher Ukraine into NATO, should the referendum support this goal. See E. King, "Ukraine mulls referendum on NATO membership," *Politico*, February 2, 2017, <http://www.politico.eu/article/ukraine-mulls-referendum-on-nato-membership/>. In April 2017, the chairman of the Ukrainian parliament, Andrey Parubiy argued the country should join NATO "as quickly as possible." See Interfax-Ukraine, "Parubiy Says Ukraine Should Do Everything Possible to Quickly Join NATO," *Kyiv Post*, April 4, 2017, <https://www.kyivpost.com/ukraine-politics/parubiy-says-ukraine-everything-possible-quickly-join-nato.html>.

Poroshenko government, and Ukraine cannot exert much political or diplomatic pressure on Russia. Militarily, Ukraine could mount an offensive in the Donbas, in violation of Minsk, but this would almost certainly elicit a strong counter-reaction from Russia, which retains dominance in the air and has installed sophisticated weapons systems in the Donbas, while fortifying neighboring areas in the Russian Federation. Ukraine's best option is to use its influence in Brussels, Berlin, Paris, and Washington to ensure that the West continues to support Ukraine in its contest with Russia. Improvements to the Ukrainian military are a disincentive for Russia to move further into Ukraine, and Ukraine can live with a stalemate in the Donbas. The status quo is manageable for Kyiv, though it is Ukraine that has the most to lose from the eventual unraveling of Minsk.

The West has a lot to lose as well, though not so much in the short term. The West had set ambitious goals for itself regarding Ukrainian security. Western leaders have repeatedly claimed that they will settle for nothing less than complete Minsk implementation and the restoration of Crimea to Ukraine. But over time the lofty goals behind Minsk have lost their urgency among Western leaders. Gradually, Minsk and its sequential steps seem to have been reduced to the maintenance of sanctions as such, no longer as the means to an end but as a symbol of transatlantic resolve and as a demonstration of support for Ukraine. When the possibility of reducing or eliminating sanctions comes up — every six months for the EU — sanctions are dutifully renewed in the name of unity and resolve. It is imperative to beat back Russian efforts to evade sanctions or to install politicians who are not committed to sanctioning Russia. Yet, objectively speaking,

a resolution to the Ukraine crisis is further from being achieved in 2017 than it was in 2015. Reminding itself of the big picture, the West should rethink the relationship between ends and means in its diplomacy, and it should inject several new elements into the diplomatic process we call Minsk.

# 4 RECOMMENDATIONS

The Trump administration inherited a meaningful diplomatic process on which great effort has already been spent. Around the world, many countries are watching the Minsk process and drawing conclusions about Western power from it: to this degree, Minsk truly symbolizes Western resolve and power. Perceived cracks in this resolve, not to mention the outright failure of Minsk, would endanger both the United States and its European allies. For this reason, the Trump administration should publicly commit to Minsk and to maintaining sanctions on Russia until there is progress on the ground. The Trump administration should reiterate the importance of transatlantic ties to Ukraine-related diplomacy. The EU's economic clout has amplified American foreign policy objectives throughout the Ukraine crisis, and the United States has materially strengthened NATO in the past two years with the European Reassurance Initiative, thereby bolstering Europe's overall security.<sup>28</sup> This recent history is a necessary foundation for a peaceful resolution to the Ukraine crisis.

In consultation with allies and with all parties to the conflict, the Trump administration must also consider modifying Minsk. Renewed American leadership to this end would illuminate the overall situation circa 2017. In concert with other countries, Washington should reintroduce a timeline for Minsk, resetting the deadline for achieving a complete ceasefire and beginning a political process. Finally, Washington should help draft a simple, lucid package of measures

that would incentivize progress on Minsk for Ukraine and Russia while spelling out penalties for non-compliance.

The Trump administration should act quickly on all of this, seeking measurable progress by December 2017. It should take the following five steps.

**First:**

- **The Trump administration should consult with Germany, France, Britain, the EU, and other European allies on Minsk and on the problems that underlie it.** It should use this consultation to seek a commonly agreed upon and obtainable objective regarding the Donbas and Ukrainian security more generally, emphasizing the big picture over the details of the extant Minsk protocols and package of measures. It should discuss messaging on the Ukraine crisis and ways of avoiding of rhetorical overreach: better the narrow, clearly articulated goal that can be achieved on time than the sweeping affirmation of general principle that eventually falls by the wayside. The Trump administration can use these consultations to demonstrate that it is willing to exert political will to find a way forward in Ukraine.
- **In private, the Trump administration should discuss with European allies the issue of NATO membership and of NATO's open-door policy toward Ukraine.** Extant Western messaging on NATO membership for Ukraine has been confusing at best. At the 2008 Bucharest summit, NATO rejected granting Membership Action Plans for Ukraine and Georgia despite the Bush administration's support; but it was agreed that both countries would one day join

*The Trump administration should publicly commit to Minsk and to maintaining sanctions on Russia until there is progress on the ground.*

<sup>28</sup> For details on the European Reassurance Initiative see "European Reassurance Initiative," U.S. Department of Defense, January 26, 2015, [http://comptroller.defense.gov/Portals/45/Documents/defbudget/fy2016/FY2016\\_ERI\\_J-Book.pdf](http://comptroller.defense.gov/Portals/45/Documents/defbudget/fy2016/FY2016_ERI_J-Book.pdf).

*The open-door policy is what it is. It cannot be easily edited out of the NATO charter, but in relation to Ukraine its logic is Kafkaesque and should be acknowledged as such. No major Western power wants to see Ukraine in NATO.*

NATO. In 2010, Yanukovich was elected president having promised to end Ukraine's NATO membership drive and to improve relations with Russia. He extended Russia's lease on its Black Sea naval base in Crimea for 25 years in exchange for cheap gas. In June 2010, he got the Ukrainian parliament to pass a law barring the country's membership in any military bloc but allowing for cooperation with NATO. In December 2014, Ukraine overturned this non-bloc status, presumably as a way of opening the path to NATO membership. Obama, Hollande, and German Foreign Minister Frank-Walter Steinmeier all signaled, often in very subtle ways, that NATO membership is off the table for Ukraine. However, the Poroshenko government continues to act as if Ukraine is on the path to NATO membership.<sup>29</sup>

<sup>29</sup> Indeed, the NATO website is available in English, French, Russian – and Ukrainian. However, at the July 2016 Warsaw summit, NATO did not recognize Ukraine as trying to join, listing Georgia, Macedonia, and Bosnia and Herzegovina as future aspirants. In offhand remarks, several Western politicians have played down NATO membership for Ukraine. Steinmeier, then Germany's foreign minister and now its president, said that he did not see NATO membership for Ukraine. See C. Schult, "Stop Talking about NATO Membership for Ukraine" *Spiegel International*, December 2, 2014, <http://www.spiegel.de/international/europe/commentary-on-debate-over-nato-membership-for-ukraine-a-1006138.html>. Hollande said that France "was opposed to Ukraine joining NATO." See C. McDonald-Gibson and J. Lichfield, "Ukraine Crisis: Francois Hollande and Angela Merkel Make Desperate Attempt to Convince the Two Sides to Accept a Political Solution," *The Independent*, February 5, 2015, <http://www.independent.co.uk/news/world/europe/ukraine-crisis-hollande-and-merkel-in-ukraine-peace-mission-10025495.html>. In Jeffrey Goldberg's paraphrase, President Obama believed "that Ukraine is a core Russian interest but not an American one, so Russia will always be able to maintain escalatory dominance there," a claim that would seem to invalidate NATO membership for Ukraine. See "The Obama Doctrine," *The Atlantic*, April 2016, <https://www.theatlantic.com/magazine/archive/2016/04/the-obama-doctrine/471525>. For a useful timeline of Ukraine-NATO relations see NATO, "Relations with Ukraine," April 3, 2017, [http://www.nato.int/cps/en/natolive/topics\\_37750.htm](http://www.nato.int/cps/en/natolive/topics_37750.htm).

The open-door policy is what it is. It cannot be easily edited out of the NATO charter, but in relation to Ukraine its logic is Kafkaesque and should be acknowledged as such. No major Western power wants to see Ukraine in NATO. Ukrainian membership would cross multiple Russian red lines. It would also make NATO indefensible, opening a 1,400 mile land and sea border with Russia. Moving to incorporate Ukraine into NATO would destroy the alliance. Still, the option of membership must be made to seem realistic for the sake of the open-door policy, although this manner of maintaining appearances comes at mind-boggling cost to the West's relations with Russia. This irrational and self-defeating policy does not serve the interests of the West, of Ukraine, or of Russia. Perhaps, as a bargaining chip, the Bucharest summit's promise of NATO membership to Ukraine could be explicitly walked back, even if the NATO charter does not void the theoretical possibility of Ukraine's joining NATO.

#### **Second:**

- **The Trump administration should consult with Ukraine on Ukrainian security, sovereignty, and the political and economic situation in Donbas.** It should assure Ukraine that the United States is committed to Ukrainian sovereignty, committed to the cause of reform in Ukraine, committed to maintaining the Crimea-related sanctions, and committed to offering financial and other kinds of support to Ukraine over the long term.
- **In private, the Trump administration should talk through Minsk implementation with Kyiv, in order to gain a clear sense of what is possible and what is not possible by the standards of Ukrainian domestic politics.** It



should be communicated to Kyiv that certain expectations come with American support — i.e. that Ukraine is both willing and able to implement the special-status provisions it signed onto in Minsk, assuming a genuine ceasefire goes into effect. Washington should signal that, if need be, it will exert pressure on Kyiv to ensure that Minsk or a revised version of Minsk is implemented.

**Third:**

- **The Trump administration should consult with Russia.** The Trump administration should hold frank and open discussions of Russian objectives for the Donbas, regional security concerns and the best diplomatic process for resolving the Ukraine crisis. Too often, in the past, U.S.–Russian negotiations on Ukraine have gotten bogged down in the details of Minsk implementation. It would be helpful to raise this discussion to a more strategic level, and to see if Russian strategic thinking (to the extent it can be clearly discerned) holds out new opportunities for resolving the crisis or will be the stumbling block that prolongs this crisis. It would make sense to initiate this conversation among senior White House, State Department, and Pentagon officials — with their Russian counterparts — and ultimately to elevate this discussion to the presidential level. Russia has long been asking for high-level discussion of regional and international order with the United States — there is no guarantee that such discussion will bear fruit, but high-level discussion will be necessary to make diplomatic progress on Minsk; and high-level discussions are also a form of leverage for the United States; the better they go, the more they can be continued. The insight yielded by

high-level consultation could in turn inform the incentives and penalties written in to a reformulated Minsk.

- **The Trump administration should communicate that it is willing to work with Russia on a constructive solution, and that progress would substantially improve U.S.–Russian relations.** The Trump administration should also convey that, if progress is not made in the future, it will entertain any number of punitive options, from increased sanctions to arming Ukraine.

**Fourth:**

- **The Trump administration should employ U.S. leadership to jumpstart the diplomatic process.** The United States should consider hosting a meeting of the involved parties in the Ukraine crisis. This could be held in either the United States or in Europe (in Helsinki, in Geneva, or in Reykjavík perhaps) but preferably not in Minsk. The United States need not change the Normandy format for Minsk by adding itself as a fifth party. Doing so might wreak havoc on the whole process, making it too much a bilateral U.S.–Russian process. But the United States can use its convening power to good effect, as it did to conclude the Kosovo War or, to take a much earlier example, to conclude the Russo–Japanese war of 1905 (in Portsmouth, New Hampshire!). A high-profile meeting would accomplish several aims: it would demonstrate American leadership; the media attention would compel participants to complete the meeting with diplomatic deliverables; the meeting itself would shatter the public image of Minsk as an initiative from the past, to which the involved parties are less and less

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committed, and it would bring a burst of diplomatic energy that could then be used to push for progress on the ground.

*Fifth:*

- **In consultation with its allies and with Ukraine and Russia, the Trump administration should help reintroduce a sequence and a deadline to Minsk diplomacy.** This deadline could be December 2017. The failed ceasefire must be reexamined and reconsidered.
- **The possibility of UN peacekeepers is worth exploring with Ukraine and with Russia (as Russia could easily veto this option at the UN Security Council).** Unless there is a powerful mechanism to enforce the ceasefire and to build confidence on both sides of the line of contact the ceasefire will fail again and with it the whole diplomatic process will come undone. Another option would be to empower the OSCE, resource-wise, to a greater extent than has been done previously, and to expand its powers of surveillance in the day and at night.<sup>30</sup>
- **Prior consultation with Ukraine and Russia should guide a redrafting of the Minsk documents.** The sequencing problem from the February 2015 package of measures must be ironed out: unequivocal ceasefire with a verifiable deadline; constitutional reform; political amnesty; withdrawal of the Russian military presence; and then elections under Ukrainian law and OSCE Office for Democratic Institutions and Human

Rights (ODIHR) supervision; or some other sequencing of events on which all parties can agree. Whatever is agreed to must be spelled out in good, non-circuitous prose and numbered in a way that clearly reflects the intended sequence of events. Put differently, it should be easy to verify deviation from the security and political steps agreed to in this latest round of diplomacy.

- **Rewards and punishments should be built into this process.** Rewards can range from some sanctions relief (for Russia) and greater financial assistance (for Ukraine) to a closer working relationship on matters of European security (for Russia). Punishments can range from increasing sanctions to providing lethal weapons to Ukraine (for Russia) and reducing financial assistance (for Ukraine).

Passivity is a recipe for long-term Western failure in the Ukraine crisis, and Western failure would have far-reaching repercussions. It would leave Ukraine to the mercy of Russia's military, possibly adding to the flow of refugees into the EU. It would damage the West's reputation for providing order and stability in Europe. It would invalidate the image of Europe whole, free, and at peace articulated at the end of the Cold War. It might well lead to serious military conflict beyond Ukraine's borders, given the regional tensions and anxieties which stretch from the Balkans to the Baltics. This fighting could in turn inspire unconventional military tactics, from cyber to the practice of "immoral special operations," which, in tandem with the civil war in Syria, would contribute to the erosion of international norms and order, from which only rogue states and terrorist networks would profit. By contrast, successfully getting beyond Minsk would contribute to a virtuous

<sup>30</sup> On possible UN peacekeepers see "International Interim Administration as a Model for Conflict Resolution in Donbas," ICPS, 2017, [http://icps.com.ua/assets/uploads/images/images/eu/mta\\_en.pdf](http://icps.com.ua/assets/uploads/images/images/eu/mta_en.pdf).

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cycle of peace and stability for Ukraine. Were progress to be made, greater possibilities would emerge for problem-solving ventures between Russia and the West in arms control, cyber war, and counterterrorism and in the pursuit of international order. Why should U.S. taxpayers be interested in Ukraine? They should be interested because several key national security concerns for American citizens, devolving from European order and from the U.S.–Russian relationship, intersect with the conflict in Ukraine that began in 2014. Moving toward a resolution of this crisis would make the world a safer place for Europeans and Americans alike.

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