

Ukraine Conflict: The Final Push For Peace

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On 13 April 2015, Ukrainian military forces reported six soldiers killed and 12 wounded during hostilities with pro-Russian separatists of the self-proclaimed Donetsk and Luhansk Peoples' Republics, who also claimed four of their fighters killed and 17 wounded.¹ Though the inevitable byproduct of war, this loss of life proves particularly salient in the larger context. For such death and destruction, now approaching a casualty count of over 6,100 people, continues largely unabated despite a second ceasefire agreement signed months ago in a final push for peace to the conflict in eastern Ukraine.² The so-called Minsk Protocols appear to be enforcing only a tenuous break in violence at best.

All conflict parties remain on alert for the highly anticipated Russian spring offensive. Retired U.S. Army General and NATO Supreme Allied Commander Wesley Clark recently reported:

"Ukrainian forces expect [an] attack within the next 60 days. This assessment is based on geographic imperatives, the ongoing pattern of Russian activity, and an analysis of Russian actions, statements, and Putin's psychology to date."³

This expectation of impending attack bears even greater weight as the United States mulls over supplying lethal defensive weapons to Ukrainian military forces in the event that peace talks break down.

The growing possibility of an interstate proxy war in Ukraine between the world's two biggest military powers demands an analysis of the final push for peace. This essay aims to evaluate the sustainability of the Minsk Protocols to halt future escalation in eastern Ukraine. The first and second sections examine the formulation and implementation of the Minsk I Protocol signed in September 2014, while the third and fourth sections similarly assess the Minsk II Protocol signed in February 2015. The final section proposes alternative intervention strategies, including an assessment of the efficacy behind U.S. arming of Ukraine. Ultimately, all conflict parties must work together to build upon the Minsk Protocols in order to avoid a dangerous escalation in fighting and to push for a peaceful resolution of the Ukraine conflict.

Minsk I Protocol in September 2014

After the ousting of former Ukrainian President Viktor Yanukovych in February 2014 following months of protests, civil unrest escalated considerably across Ukraine, leaving little room for negotiations. The Russian annexation of Crimea spurred on popular demonstrations in Donetsk and Luhansk Oblasts that transformed into an armed rebellion against the newly elected government of Ukrainian President Petro Poroshenko. The United States and European Union imposed crippling sanctions over alleged Russian backing for the separatists. Conflict escalation reached its peak in Summer 2014, when a civilian airliner was accidentally shot down over rebel territory. In August, Russian troops directly intervened to repel advancing Ukrainian military forces at the Battle of Ilovaisk and to threaten the strategically important port city of Mariupol.⁴

This serious uptick in heavy violence compelled the conflict parties to convene for negotiations of the first bilateral ceasefire agreement. On 26 August, Poroshenko met with Russian President Vladimir Putin in Minsk, Belarus to discuss the Ukraine conflict. A week later Putin proposed a 7-point peace plan that morphed into the 12 provisions of

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the Minsk I Protocol signed on 5 September 2014.⁵ Spearheaded by the Normandy Four (Ukraine, Russia, Germany, France), a Trilateral Contact Group consisting of Ukrainian, Russian, and separatist representatives along with observers from the Organization for Security and Cooperation in Europe (OSCE) negotiated the deal.⁶ An accompanying document, known as the Minsk Memorandum, followed on 19 September 2014 to provide more details on ceasefire conditions under the Minsk I Protocol.⁷

The Minsk I Protocol coupled with the Minsk Memorandum aspired to address the military, political, economic, and humanitarian dimensions of the Ukraine conflict, focusing on implementation of a bilateral ceasefire via OSCE verification in particular. Context transformation⁸ informs the theory of change behind this agreement, which is defined as “an explanation of how and why a set of activities will bring about the changes sought to achieve.”⁹ Notably, Ramsbotham et al. explain that “conflict resolution often cannot be left to the conflict parties alone, but must also address the wider regional and global context in which the conflict is situated.”¹⁰ The Track I diplomatic composition of the Normandy Four and Trilateral Contact Group captures this reality. If the wider regional power brokers – United States, European Union and Russia – may reach a rational compromise, then peace may trickle down into Ukraine between the pro-Western government in Kiev and pro-Russian separatists in Donetsk and Luhansk Oblasts.

Successes and Failures of Minsk I Protocol

The Minsk I Protocol only achieved a couple minor successes worth noting. Alarming, the conflict parties only fulfilled 2 out of the 12 provisions in the ceasefire agreement. Provision 12 guaranteeing the personal safety of participants in negotiations successfully came to pass. More substantively, both sides managed to make progress on Provision 5 calling for the release of all hostages. Ukrainian security services and pro-Russian rebels exchanged hundreds of prisoners in the weeks following the deal.¹¹ Otherwise, the conflict parties largely failed to adhere to the Minsk I Protocol.

The military, political, economic, and humanitarian dimensions of the conflict continued to deteriorate despite the ceasefire agreement. Over the next few months, hundreds of civilians and soldiers were killed by illegal heavy weaponry during fluctuating hostilities in eastern Ukraine, which violated Provision 1, Provision 10, and the Minsk Memorandum. The persistent violence and Russian interference stymied OSCE monitoring efforts required by Provision 2 and Provision 4.¹² A divided Ukrainian Parliament did manage to pass a law ensuring three years of self-rule for the separatist republics but failed to pass timely legislation to ensure other political guarantees enshrined in Provision 3, Provision 6, Provision 7, and Provision 9.¹³ Rebel leaders acted obtusely by quickly administering their own local elections as well.¹⁴ Finally, the lack of coordination on humanitarian aid in the war-torn Donbass region shredded Provision 8 and Provision 11 as eastern Ukrainians became dependent on supply convoys likely carrying both food and weapons from Russia, instead of transparent assistance from the International Committee of the Red Cross.¹⁵

A flawed theory of change undermined the Minsk I Protocol and the accompanying Minsk Memorandum. Conflict resolution specialist John Paul Lederach provides insight into the problem, stressing that “we know more about how to end something painful and damaging to everyone but less about how to build something desired.”¹⁶ This agreement fell into the linear model trap where a peace accord functions episodically to address surface symptoms rather than root causes that require long-term, sustainable peacebuilding processes.¹⁷ For example, it was significant that the dignitary titles of the separatist representatives who head the Donetsk and Luhansk Peoples’ Republics failed to appear in the final written document.¹⁸ This omission captured a key unaddressed divergence of positions. Although signatories in a deal guaranteeing greater decentralization under a Ukrainian unitary system, separatist leaders still claimed to fight for total independence.¹⁹ Meanwhile, Russia carefully distanced itself diplomatically from having to recognize the sovereignty of the two states and embark on another annexation.²⁰

The underlying assumption of the Russian government and the separatists as a monolithic decision-making structure was wrong. The regional power brokers – United States, European Union and Russia – could not simply impose their will on the direct conflict parties to transform the context. The agreement lacked the necessary specificity on controversial political and economic problems as well as a reasonable time frame for implementation of ceasefire

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conditions, such as heavy weapon withdrawal, to affect real change through international linkages. Besides a small contingency of OSCE monitors, no clear mechanisms of evaluation, nor indicators of change were identified to measure progress on the military, political, economic, and humanitarian dimensions of the Ukraine conflict. These serious flaws left the Minsk I Protocol and Minsk Memorandum destined to fail in the near future.

Minsk II Protocol in February 2015

In January 2015, the Minsk I Protocol completely collapsed when separatist forces launched a Russian-directed offensive against Donetsk airport and the strategic railroad hub of Debaltseve.²¹ Wilson Center Scholar Michael Kofman accurately assessed that the Minsk I Protocol only “offered a respite to warring parties, but no mechanism to secure their interests.”²² Furthermore, Russia enjoyed less leverage in the first round of negotiations than expected and made a serious strategic error by making itself a party to a conflict in which its military involvement is consistently denied. Russia wished to remedy the imbalance to achieve its broader political goals. The Ukrainian army now faced serious pressure from the onslaught, and U.S. senior policymakers started demanding lethal defensive weapons for Ukraine.²³

The Minsk II Protocol represents a last push for peace negotiated in the final hour before conflict seriously escalated in eastern Ukraine.²⁴ European leaders greatly feared the injection of U.S. arms onto the battlefield. Through the Normandy Four and consultations with Washington, German Chancellor Angela Merkel and French President Francois Hollande arranged several days of shuttle diplomacy in order to negotiate a second bilateral ceasefire agreement on 12 February 2015.²⁵ Expanding on the Minsk I Protocol, this deal outlined in greater detail how to address the military, political, economic, and humanitarian dimensions of the conflict, including a time frame for implementation and a clear map of the contact line for heavy weapon withdrawal.²⁶

The theory of change behind the Minsk II Protocol differs in multiple key ways from the flawed logic of the Minsk I Protocol and accompanying Minsk Memorandum. This second agreement provides established indicators of change and mechanisms for evaluation based on timing and sequencing. For example, Provision 2 and Provision 4 state that bilateral dialogue shall commence on conducting local elections in accordance with Ukrainian law in the Donetsk and Luhansk Oblasts on the day following the pullout of heavy weaponry from the contact line for which Ukrainian military forces and pro-Russian separatists have no more than 14 days. If regional power brokers – United States, European Union and Russia – enforce strict implementation and verification schedules with detailed conditions incorporating the interests of all stakeholders, then the direct conflict parties, Kiev and rebels, will sequence from a military truce to a political settlement and economic reconstruction in eastern Ukraine.

Successes and Failures of Minsk II Protocol

The Minsk II Protocol came at another ripe moment in the Ukraine conflict. Heavier violence coupled with winter weather conditions fostered the second round of substantive negotiations. Dr. Ira William Zartman describes such a situation as a “hurting stalemate,” where the conflict parties “realize that they cannot achieve their aims by further violence and that it is costly to go on.”²⁷ The threat of U.S. arms to Ukraine and serious losses on both sides created a new window of opportunity for diplomacy at the very least to arrange another brief respite from war until spring arrived. Drawing from lessons learned after the Minsk I Protocol, negotiators sought to devise a more sustainable agreement that ultimately elicited greater success.

All stakeholders found their fundamental interests imbedded in the deal.²⁸ The Ukrainian government maintained its territorial integrity by only offering decentralization not secession to the rebels. Separatist leaders received local political and security guarantees, particularly through Provision 11, which protects Russian language rights and permits the creation of people’s militia units in the Donetsk and Luhansk Oblasts. Broader concessions to the separatists resurged the geopolitical influence of Russia in Ukraine, while the European Union gained solace from the potential reestablishment of periphery stability. This strong foundation enabled the Minsk II Protocol to survive delicately for the coming months after an early setback.

The Battle of Debaltseve nearly derailed the Minsk II Protocol.²⁹ The strategic railroad hub saw the bitterest fighting

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in the days following the signing of the second bilateral ceasefire agreement. But hostilities ended there a week later with the retreat of Ukrainian military troops, and pro-Russian rebels seized the beleaguered city. With the most controversial sticking point of the truce resolved albeit forcefully, the Ukrainian government and separatist leadership started to gradually implement the Minsk II Protocol.

The Minsk II Protocol elicited greater success than the Minsk I Protocol and accompanying Minsk Memorandum. Attacks decreased significantly as OSCE monitors reported the beginning of a mutual withdrawal of heavy weaponry from the line of contact.³⁰ On 6 March, OSCE chief Lamberto Zannier stated that “the ceasefire is, all in all, holding, but there are violations,” mainly from small arms fire.³¹ The Ukrainian Parliament also managed to pass new legislation in support of broader autonomy for the Donetsk and Luhansk Oblasts.³² Timing and sequencing processes integrated into the agreement provided mechanisms for evaluation of progress and for forging reformulated policies going forward.

Despite these positive steps toward peace, a host of problems still plagues the Minsk II Protocol that risks spiraling eastern Ukraine into total conflict again in the next few weeks. First, both sides have impeded OSCE observers from executing a comprehensive monitoring mission. Weak verification results in an incomplete evaluation of ceasefire violations and withdrawal of heavy weapons, which interrupts the intended sequencing from military truce to political settlement and economic reconstruction. Another major flaw of all negotiated deals thus far is the lack of language holding Russia responsible for supplying arms and direct military personnel support to the separatists. NATO officials claim that intelligence reports show Russia continues to bolster rebel forces, possibly even exploiting the ceasefire to reset for a spring offensive.³³ Finally, a proposal to form working groups on various issues outlined in the agreement has failed to materialize.³⁴ Such a mechanism could have been a critical forum for consistent diplomatic engagement to rebuild trust and to prevent future escalation of conflict. But this key failure as well as many other difficulties ultimately call into serious question the sustainability of the Minsk II Protocol.

Alternative Intervention Strategies to Minsk Protocols

The shaky status of the Minsk Protocols means the conflict parties may pursue alternative intervention strategies to reach resolution in eastern Ukraine. U.S. senior policymakers across the political spectrum continue to call for the United States to supply lethal defensive weapons to Ukrainian military forces as Russia appears set on rearming the rebels for a spring offensive in the coming weeks. Such a policy shift though would be a deadly strategic mistake. Regional power brokers – United States, European Union, and Russia – must instead build upon the limited successes of the Minsk Protocols in newly innovated ways to formulate a peaceful compromise to the Ukraine conflict.

The vaguely desired outcomes vis-à-vis U.S. arming of Ukraine are based on false assumptions about Russian geopolitical behavior. The general logic behind the policy proposal commences as follows. Ukraine military forces desperately need lethal defensive weapons to protect themselves against consistently escalating Russian aggression. The new systems will impose a greater cost on the adversary in the region with more Russian soldiers returning home in body bags. The Russian people, currently unaware of Russian military intervention in eastern Ukraine, will rise up against their leader Putin who will be forced to capitulate to Western demands in order to maintain the stability of his domestic regime. Unfortunately, such a relatively favorable scenario will not come to pass.

An escalation in conflict will be much more likely if the United States decides to arm Ukraine. First, Putin would further exploit the anti-Western sentiment of the Russian people already bolstered through media propaganda blaming Western sanctions, not years of corrupt financial mismanagement, for Russian economic woes.³⁵ Alleged greater civilian deaths and perhaps a few Russian humanitarian aid advisors killed due to a U.S. injection of arms would make the Russian people close ranks, giving Putin a wider mandate to expand operations across eastern Ukraine. Second, the rationality of Putin to halt due to heightened costs should not be assumed as a Russia possessing escalation dominance has shown that total Western influence in Ukraine represents a red line for Russian national security. Lastly, though U.S. senior policymakers charge forward with demands for lethal assistance to stop Putin, too little discussion presently occurs on how this move will elicit a desired political settlement.³⁶ Military action in Ukraine outside of a robust peacebuilding framework will lead to the same tragedies seen in Afghanistan

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and Iraq today.

Alternative intervention strategies should branch out from the positive steps of the Minsk Protocols as well as integrate greater U.S. diplomatic capacity to reach a peaceful resolution in eastern Ukraine. Conflict resolution experts often reference philosopher Hans-Georg Gadamer who proposes “hermeneutic dialogue” to achieve a “fusion of horizons” across cultural and historical differences between conflict parties.³⁷ The polarization of Russian and Western societies due to information warfare presently undermines the few forums for constructive engagement via the Normandy Four and Trilateral Contact Group. Working groups promised through the Minsk II Protocol must be formalized to move forward with important peacebuilding issues beyond ceasefire conditions, including the Donbass special status, international coordination of humanitarian aid, and reconciliation processes for hotly disputed events like the Maidan sniper shootings and MH17 crash. Moreover, if the United States insists on inserting itself militarily in Ukraine, then the United States should also be directly engaged in negotiations on the Ukraine conflict, officially joining the Normandy Four shuttle diplomacy group to prevent future escalation in fighting. Restarting the reset-era U.S.-Russia Bilateral Presidential Commission is additionally imperative to rebuild trust between the United States and Russia to address issues in Eastern Europe and in other geopolitical hotspots throughout the world. Ultimately, a combination of Track I and Track II diplomacy has proven most effective at developing a sustainable peace in conflict zones.³⁸

Conclusion

Esteemed historian and Russia expert Stephen Cohen, who many Western media outlets have labeled as a “Putin apologist,” recently shared in an interview a series of insightful comments that identify the Russian perception of Western involvement in the Ukraine conflict. The remarks are worth recasting in full for their provocative ramifications for U.S. policy vis-à-vis Russia going forward.

“The problem is that by taking the view, as the American media and political establishment do, that this crisis is entirely the fault of “Putin’s aggression,” there’s no rethinking of American policy over the last 20 years. I have yet to see a single influential person say, “Hey, maybe we did something wrong, maybe we ought to rethink something.” That’s a recipe for more of the same, of course, and more of the same could mean war with Russia....

Let me give you one example. It’s the hardest thing for the American foreign policy elite and the media elite to cope with.

Our position is that nobody is entitled to a sphere of influence in the 21st century. Russia wants a sphere of influence in the sense that it doesn’t want American military bases in Ukraine or in the Baltics or in Georgia. But what is the expansion of NATO other than the expansion of the American zone or sphere of influence? It’s not just military. It’s financial, it’s economic, it’s cultural, it’s intermarriage—soldiers, infrastructure. It’s probably the most dramatic expansion of a great sphere of influence in such a short time and in peacetime in the history of the world.

So you have Vice President Biden constantly saying, “Russia wants a sphere of influence and we won’t allow it.” Well, we are shoving our sphere of influence down Russia’s throat, on the assumption that it won’t push back. Obviously, the discussion might well begin: “Is Russia entitled to a zone or sphere in its neighborhood free of foreign military bases?” Just that, nothing more. If the answer is yes, NATO expansion should’ve ended in Eastern Germany, as the Russians were promised. But we’ve crept closer and closer. Ukraine is about NATO-expansion-no-matter-what. Washington can go on about democracy and sovereignty and all the rest, but it’s about that. And we can’t reopen this question.... The hypocrisy, or the inability to connect the dots in America, is astonishing.”³⁹

This essay aspired to evaluate the sustainability of the Minsk Protocols to halt another escalation of conflict in eastern Ukraine. The Minsk Protocols have gradually paved the road toward peace with a few positive steps taken by all conflict parties, but serious problems remain both in the formulation and implementation of the agreement as well as in the willingness of all stakeholders to fully adhere to its stipulations. The latest uptick in violence once more and repeated calls for U.S. arming of Ukraine to counter an impending Russian-directed separatist offensive threaten to catapult the United States and Russia into an interstate proxy struggle. Without alternative innovation strategies

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that maximize comprehensive diplomatic engagement aimed at truly compromising divergent stakeholder interests and positions, the final push for peace may ultimately descend into a self-fulfilling prophecy toward regional war.

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