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U.S.-Russia Engagement on the Ukraine Crisis

Is It Possible and Would It Matter?

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The Minsk Agreements (to be more specific, the “Complex of Measures” document known as Minsk II) were concluded in the capital of Belarus on February 12, 2015. The key negotiators were the leaders of Germany, France, Russia, and Ukraine. Although the accord did lead to a significant drop in violence and bloodshed, almost none of its provisions have been implemented. Today, the process is stalled, low-level fighting is ongoing in eastern Ukraine, and significant escalation risks are ever-present.

There are many explanations as to why this outcome has come to pass, many of which are biased and one-sided. Kyiv routinely blames the entire conflict on “Russian aggression,” while the Kremlin argues that the Ukrainian side has never been truly committed to the Minsk Agreements—particularly, to the political clauses of the document—and that the West must force its hand.

The document itself was drafted in a hurry; it is in many ways quite vague, ambiguous, and subject to various interpretations. Despite these shortcomings, it was enshrined in international law as UN Security Council Resolution 2202. Yet the further we move away from February 12, 2015, the fewer the chances are that the Minsk Agreements will ever be implemented fully. The constant references to the document that we hear in Russia, Ukraine, Europe, and the United States sound almost like religious mantras, which have little to do with the realities on the ground.

The U.S.-Russia “Ukraine track” was designed to complement and, ideally, to accelerate the process of implementation of Minsk. Unfortunately, the practical outcomes of consultations between U.S. Special Envoy for Ukraine Negotiations Kurt Volker and his Russian counterpart Vladislav Surkov have been, to put it diplomatically, modest. The two sides approached the issue from very different perspectives and demonstrated little interest in finding mutually acceptable compromises, an approach which essentially prevented substantive negotiations. The U.S. side viewed Russian involvement in the conflict as an ongoing flagrant violation of international norms and a major strategic blunder for which Moscow has

to pay an appropriate price. Washington was ready to negotiate specific terms for Russia's withdrawal, allowing Moscow to save face by addressing some of its concerns about potential abuses of power by Kyiv in the Donbas.

The Surkov team apparently saw the Russian involvement in the Donbas as an important and generally successful policy. Moscow's engagement there was an investment that was supposed to generate returns in terms of leverage on political decisions made in Kyiv—both on foreign policy matters (such as Ukraine's geopolitical future) and on the domestic political agenda (e.g., center-periphery relations and language policy). Such vastly different starting assumptions did not lead to any common vision of the Donbas settlement, let alone produce a resolution of the broader Ukraine crisis.

In September 2017, President Putin proposed a limited UN peacekeeping operation in Donbas to assist the existing OSCE monitoring mission. This proposal generated a lot of discussion, ideas, and suggestions regarding the potential modalities of such an operation. There were numerous attempts to operationalize Putin's proposals, to bridge the gap between the Russian and Ukrainian views of the operation, and to link the international peacekeeping initiative to implementation of specific clauses of the Minsk Agreements.

Nevertheless, these discussions gradually lost steam due to the profound lack of political will on all sides to find a mutually acceptable solution. Moreover, at the end of 2018 there was another escalation of the confrontation in the Azov Sea, the first acknowledged clash between officials in Kyiv and Moscow. This incident made implementation of the Minsk Agreements even less politically feasible than before.

Many politicians and experts express their hopes that the presidential election in Ukraine, scheduled for the end of March, might open new opportunities for progress in Donbas. The assumption is that when the political dust in Kyiv finally settles the Ukrainian political leadership—no matter what leadership it turns out to be—will be in a stronger position with more flexibility and more appetite for compromise. Therefore, 2019 might become a turning point in the dynamics of the Ukraine crisis.

Though the March election is indeed an important milestone for Ukraine, it is highly unlikely that it will radically change Kyiv's approach to the Minsk Agreements. The Ukrainian president operates under more constraints than, for example, President Putin, and Ukraine's political establishment is currently more interested in resistance than compromise. It will be difficult for any Ukrainian president to stand up to the nationalist groupings that are categorically against a political settlement, some of which are armed. Moreover, both Poroshenko and his main rival Yulia Tymoshenko are running on hawkish platforms.

It now looks apparent that there will be no victor in the first round of the presidential election, leading to a second-round vote in late April. Campaigning for the October parliamentary elections will de facto begin immediately thereafter, further limiting Kyiv's freedom of maneuver in any negotiations. But even after all the 2019 elections are over, there is unlikely to be a consensus in the Ukrainian political establishment or society to move forward on a settlement in the Donbas.

One should also keep in mind that 2019 is going to be a very hard and volatile year for all the Western powers that might make a difference in resolving the Ukrainian crisis. The United States faces a number of other pressing foreign policy crises that seem to have taken higher priority than Ukraine. France's Emmanuel Macron has mounting domestic problems to handle and appears to have lost his initial commitment to resolving the Ukraine crisis. In Germany, Chancellor Angela Merkel is no longer as strong as she used to be, and it is unlikely that Berlin will demonstrate the resolve and imagination needed to move things forward in Ukraine anytime soon. The European Parliament elections in May and political turmoil in a number of other EU member states might further erode interest in Ukraine.

There are also few signs that Moscow is considering a significant change of its policy toward Ukraine in 2019. The Kremlin is clearly irritated, if not infuriated, by some of the recent steps taken by the Ukrainian authorities—particularly their move to break with the Russian Orthodox Church. The predominant perception in the Kremlin seems to be that Moscow can outlast both the current government in and Western commitment to Kyiv, and that Ukraine, under a new leadership, will be forced to change its policies sooner or later.

Moscow also now lacks an economic incentive to demonstrate goodwill in eastern Ukraine. Under the Obama administration, the most significant U.S. sanctions against Russia were directly linked to the implementation of the Minsk Agreements. Today, not only are the objectives of U.S. sanctions far broader—including Syria, election interference, and chemical weapons use—but Congress (in the CAATSA legislation) has also deprived the executive branch of the prerogative of sanctions relief when it comes to Ukraine. This has led to a view in Moscow that even if Russia “behaves” in Ukraine, sanctions are unlikely to be lifted. Instead, there will be reason to maintain or even toughen sanctions.

Unlike the U.S. measures, the most significant EU sanctions remain exclusively linked to the implementation of the Minsk Agreements. However, this distinction makes little difference to the Kremlin. As the example of Iran sanctions demonstrates, EU firms tend to abide by U.S. policies, even if the EU political leadership opposes them. The Iranian case is watched closely in Moscow, and the evidence so far has undercut the factions in the Russian political establishment lobbying for some kind of reconciliation with Kyiv. Their opponents can justifiably claim that EU sanctions relief would be essentially meaningless unless the United States were onboard.

The conflict in the Donbas is also closely linked to broader, long-standing disputes between Russia and the West over the European security architecture. The Ukraine crisis was not the cause of the current divides in Europe. On the contrary, it is the most graphic manifestation of a division that emerged much earlier. Current U.S. and EU policy is that these problems should be dealt with sequentially: the two sides should first address Ukraine and then build on that momentum to discuss more fundamental matters of European security. However, this approach is not likely to work. In the absence of broader security arrangements, Ukraine will always be fearful of Russian aggression—even if the Minsk Agreements are implemented. In its turn, Russia’s concern about Western military infrastructure deployed along its long border with Ukraine will not disappear with a Donbas settlement. Therefore, even if implemented, Minsk would at best represent a temporary and partial amelioration of the broader conflict over the regional order.

These problems appear too difficult for the U.S. and Russian governments to tackle anytime soon. However, Moscow and Washington need to remember that the fate of their relationship is tied to the Ukraine crisis. If negotiations on Ukraine remain stalled, we should expect the broader relationship to continue to deteriorate. Moreover, the current relative calm in the Donbas should not mask the ever-present potential for escalation, as the Azov Sea incident demonstrates. Eastern Ukraine is not a “frozen” conflict by any means; at any moment a small-scale clash there could snowball into a major war. And such a war would certainly destabilize the bilateral relationship.

Therefore, it makes sense for both sides to pursue an intensified two-track effort on the crisis, featuring a quiet discussion on European security in parallel with a renewed effort at negotiations on the Donbas. The former can be an informal dialogue that allows the sides to better understand each other’s positions and the potential space for mutually acceptable paths forward. It will have to involve the European Union as well. Rather than seeking concrete results, this track merely requires the sides to talk about the fundamental problems, which they are not currently doing. The latter should begin with an emphasis less on Minsk and

more on risk reduction and “harm reduction” for local populations. It could include modest, incremental measures with the goal not to resolve the crisis but rather to avoid further escalation and ease the burden on people directly affected by the conflict. That approach implies a gradual upgrade of confidence building measures on the ground, international cooperation on humanitarian aid, improved infrastructure for crossing the conflict lines, and improved communication between parties. The United States and Russia can work with their respective local partners to generate more flexibility on these matters.

Despite the stakes for the U.S.-Russia relationship, there seems to be little priority assigned to Ukraine negotiations in the bilateral context. Judging from the relatively blasé attitudes of the decisionmakers in both capitals, this conflict hardly qualifies as a crisis. Moreover, both sides think time is on their side. Moscow is convinced that over the long term the West will lose interest and Ukraine will be forced to compromise. Washington sees Ukraine growing further removed from the Russian orbit with each passing year. Yet neither of these “theories of victory” is particularly convincing; both seem likely to produce instability in and around Ukraine. Indeed, the current complacency masks what is a difficult choice for Moscow and Washington between the messy politics of compromise in the short term and the high likelihood of worsening security challenges in the long term.

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