



## THE RUSSIA-UKRAINE CONFLICT AND THE LIMITS OF DIPLOMACY

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Two years from its inception, the Russia-Ukraine conflict defies diplomatic resolution as well as attempts to separate it from the decline of East-West relations as a whole. Both the conflict itself and the new East-West discord have a long gestation. Russia's military intervention in eastern Ukraine brought to the surface deep, historically grounded differences about state identities and about Ukraine's course since 1991. At the same time, Ukraine is the fulcrum of Russia's mounting sense of grievance regarding the evolution of the international order, germinating in disillusionment and frustrated (betrayed) expectations from the mid-1990s.<sup>1</sup> Irrespective of developments elsewhere (e.g. Syria), a 'solution' to the conflict is most unlikely to be found in timescales congenial to Western political establishments. Its re-intensification is at least as likely as its stagnation.

### First Principles

Russia's leaders regard Ukraine as a component of internal as well as external policy. Even in the 1990s, 'independent Ukraine' was seen as a historical aberration and a Western project. What the Russian Federation recognised in 1992 was Ukraine's juridical independence (*nezavisimost'*), but it did not accept, pace Leonid Kuchma (President of Ukraine from 1994-2005), its 'freedom to choose' its partners and course (*samostoyatel'nost'*) as either a normative principle or a practical possibility.<sup>2</sup> As Alexander Bogomolov and Oleksandr Litvynenko (current Deputy Secretary of the Ukrainian National Security and Defence Council) observed in 2012, 'the very idea of a Ukrainian nation separate from the great Russian nation challenges core beliefs about Russia's origin and identity'.<sup>3</sup> This internal aspect has acquired greater potency since Vladimir Putin's return to the presidency in 2012: a development marked by the narrowing of the circle of power in a defensive, illiberal direction and a 'civilisational' opposition to Western 'hegemony' and 'messianism'.

Second, Russia does not accept the West's benign view of its own intentions. From the outset, NATO enlargement was seen as intrinsically anti-Russian. The EU's Eastern Partnership capped the evolution of an increasingly negative evaluation of EU enlargement as well. The prelude to today's conflict was increasingly brutal Russian pressure upon a 'non-bloc' state that sought to conclude an Association Agreement with the EU. Russia's turn from soft coercion and 'waging friendship' to hard power (first in Georgia, latterly in Ukraine) was a reflection of worsening threat assessments as much as growing confidence.<sup>4</sup>

Third, the Ukraine conflict is a pivot in Russia's struggle to reshape the security order in Europe and beyond it. Russia now openly calls for 'new rules' on the basis of 'Yalta principles': spheres of influence and 'respect' (i.e. equality between great powers rather than all powers).<sup>5</sup> Its attack on Ukraine was an attack on the rules that the OSCE was established to uphold. Until this defini-

<sup>4</sup> On the evolution of 'soft coercion', see James Sherr, *Hard Diplomacy and Soft Coercion: Russia's Influence Abroad* (Chatham House, 2013).

<sup>5</sup> On 4 February 2015, State Duma Speaker Sergey Naryshkin warned that Europe either 'relearn the lessons of Yalta' or risk war. 'Dialogue rather than War: Sergey Naryshkin calls upon Western leaders to study the "lessons of Yalta"'. [*Dialog a ne vojna: Sergey Naryshkin prizva liderov Zapada učit' "uroki Yalty"*] *Rossiyskaya Gazeta* [hereafter RG], 5 February 2015. In this he echoed Putin's Valdai Club speech (24 October 2014) which contrasted the 'mechanisms' established after World War II (based on 'balance of power' and 'respect') with the emergence of US *diktat* after the Cold War. Not a word was said about the post-Cold War system that Gorbachev and Yeltsin co-authored.

<sup>1</sup> For a comparatively early analysis, see James Sherr, *Russia and the West: A Reassessment* (Shrivenham Paper No. 6, UK Defence Academy, January 2008).

<sup>2</sup> *Samostoyatel'nost'*: 'ability to stand'. There is an old Russian expression: *Samostoyatel'noy Ukrainiy nikogda ne budet*: 'Ukraine will never be able to stand alone'.  
<sup>3</sup> Alexander Bogomolov and Oleksandr Litvynenko, *A Ghost in the Mirror: Russian Soft Power in Ukraine* (Chatham House Briefing Paper REP RSP BP January 2012), p. 3.



tion of security changes, agreement is more likely to betoken an armed truce than a reconciliation.

Fourth, Russia has miscalculated in Ukraine. Its undeclared war has not been a catalyst for Ukraine's disintegration, but for the consolidation of national sentiment. After more than two years of insurgency and two military offensives backed by Russian troops, the Donbas separatists control but five percent of Ukraine's territory.

### Dynamics of the Conflict

The dynamics of the conflict in Ukraine need to be understood in their own terms. The western Balkans analogy is of dubious relevance. Ethnic nationalism runs counter to the ideology of the Ukrainian state and is unpopular in the country.<sup>6</sup> Political parties espousing the ethno-nationalist cause received less than two percent of the national vote in the May 2014 presidential elections. In Donbas, the majority of residents are Russian speaking ethnic Ukrainians. The region is neither divided nor divisible into separate ethnic areas.

Second, the linguistic issue, a core component of Russia's *casus belli*, has been greatly oversimplified. Ukrainian state-building in the 1990s was in large part the work of eastern Ukrainian, Russian speaking elites. The 1996 Constitution defines Ukrainian as the 'state' language, but also guarantees the 'free development, use and protection of Russian and other languages' (Article 10). The 2012 language law allows each oblast to choose its 'official' language.<sup>7</sup> Some 60 percent of soldiers fighting in support of Ukraine are Russian speakers. The absence of conflict across ethnic, confessional and linguistic lines was reaffirmed by the UN Special Rapporteur on Minority Issues in January 2015.<sup>8</sup>

Ukraine's cleavages are regional. Eastern Ukrainians have felt estranged from Kyiv, whoever has held office. Viktor Yanukovich (former governor

of Donetsk Oblast) was elected by 75-80 percent of the region's voters, but by February 2013, more than 40 percent strongly opposed him. But discontent with governance has not translated into opposition to statehood. Even in May 2014, support for secession in separatist regions was well below 30 percent and support for 'federalism' only somewhat higher.<sup>9</sup>

Although the suddenness of Yanukovich's fall from power aroused apprehension in southeastern Ukraine and, in parts of Donbas, resistance, Russian leadership was required to militarise this resistance and give it a critical mass. Igor Strelkov (formerly Girkin), the first defence minister of the so-called Donetsk People's Republic (DPR) affirmed that 'if our detachment hadn't crossed the border, everything in short would have collapsed'.<sup>10</sup>

Despite Russia's instrumental role — among the initial leaders of the insurgency, only one was a Ukrainian citizen — the war has had a hybrid character, which it owes not only to new concepts of 'non-linear' warfare but a tradition of irregular warfare dating back to the Soviet and Tsarist empire. Such wars, like today's, blurred the distinction between internal and interstate conflict. The forces that coalesced under the DNR/LNR flags comprised serving and retired officers in Russian Federation FSB and GRU (military intelligence), remnants of Ukraine's former Berkut 'special' police, the private security forces of oligarchs, Cosacks, Chechen fighters, adventurers and those whom Strelkov calls 'brigades of gangsters'.<sup>11</sup> The 40-some-odd Ukrainian territorial defence battalions, largely private financed, also illustrate this hybrid character despite their progressive incorporation into the Ukrainian National Guard. The Ukrainian counter-offensive of May-August 2014, which reclaimed 23 of 36 districts, was

6 The 1996 Constitution defines the Ukrainian people as multinational. Its opening words are, '[t]he Verkhovna Rada of Ukraine, on behalf of the Ukrainian people – citizens of Ukraine of all nationalities...adopts this Constitution, the Fundamental Law of Ukraine.'

7 The attempt to repeal this law on 23 February 2014 was vetoed by Acting President Turchynov.

8 'The overwhelming majority of the minority and other representatives consulted by the Special Rapporteur on minority issues during her visit to Ukraine described a history of harmonious inter-ethnic and interfaith relations and a legislative, policy and social environment that was generally conducive to the protection of their rights, including cultural and linguistic rights.' Report of the Special Rapporteur on Minority Issues: Mission to Ukraine (Human Rights Council, Agenda Item 3), 27 January 2015.

9 Pew recorded 27 per cent support for secession in eastern oblasts in May 2014. In April, Gallup reported 5–8% for the right of oblasts to secede, 35% for a federal state, 49% for a unitary state. [www.pewglobal.org/2014/05/08/chapter-1-ukraine-desire-for-unity-amid-worries-about-political-leadership-ethnic-conflict/](http://www.pewglobal.org/2014/05/08/chapter-1-ukraine-desire-for-unity-amid-worries-about-political-leadership-ethnic-conflict/). [www.iri.org/sites/default/files/2014%20April%2024%20Survey%20of%20Residents%20of%20Ukraine,%20April%203-12,%202014.pdf](http://www.iri.org/sites/default/files/2014%20April%2024%20Survey%20of%20Residents%20of%20Ukraine,%20April%203-12,%202014.pdf); Pew Research Center, Chapter 1. Ukraine: Desire for Unity Amid Worries about Political Leadership, Ethnic Conflict, 8 May 2014, [www.pewglobal.org](http://www.pewglobal.org)

10 'Strelkov Said that It Was He Who Began the War in Ukraine' [Strelkov *soobshchil, chto eto on nachal voynu na Ukraine*], BBC Russian Service, 20 November 2014.

11 Igor Strelkov, 'Is that all that you are capable of?' [Eto vse, na chto viy sposobnyi?], *Vzglyad*, 18 May 2014, [www.vz.ru/world/2014/5/18/687251.html](http://www.vz.ru/world/2014/5/18/687251.html)



Alexander Lukashenko, Vladimir Putin, Angela Merkel, Francois Hollande, and Petro Poroshenko at the 11-12 February summit in Minsk. (Kremlin.ru/CC BY 4.0).

prosecuted by a mixed (MOD, National Guard and volunteer) force. It remains to add that anger is a force multiplier and that minorities far smaller than those in Donbas have overthrown political orders and dismembered states. It was into this inherently perilous environment that the OSCE Special Monitoring Mission (SMM) was deployed following its establishment on 21 March 2014.

The two Russia/separatist military offensives of September 2014 and January-February 2015, backed by Russian general purpose forces and advanced weaponry, created the prerequisites for the two Minsk accords and the fraught and fragile stalemate that still prevails. These offensives were designed to demonstrate:

- Russia’s military dominance and capacity to annihilate Ukraine’s forces at will;
- its determination to use any means necessary to block unilateral revision of the post-February 2014 status quo;
- its capacity to inflict economic damage on Ukraine and deny it the baseline needed for political sustainability, fiscal solvency and investor confidence;

- the failure of the West’s ‘punitive’ sanctions policy;
- the folly of ‘arming’ Ukraine;
- the impossibility of solving the conflict at the expense of Russia’s interests.

In sum, the offensives were tools of policy, not mere applications of force. They aimed to discredit Western narratives as well as modify Western policy. Yet, as the International Crisis Group has documented, they also reflected a difference in aims between the separatist leadership — who wanted to expand their holdings into a viable economic and administrative entity — and Moscow, which views them as a means of exercising a proxy, but institutionalised veto over Ukraine as a whole.<sup>12</sup>

### **The Significance of the Minsk Accords**

The Protocol on the Results of Consultations of the Trilateral Contact Group (Minsk-I) and the Package of Measures for Implementation of the Minsk Agreements (Minsk-II) were not consensual

<sup>12</sup> *Eastern Ukraine: A Dangerous Winter*, International Crisis Group, Europe Report No. 235, 18 December 2014, pp 10-15.



documents in the equitable sense of the term.<sup>13</sup> They were products of force majeure, mitigated by negotiation. In the process, the OSCE has acquired a central role as facilitator, negotiator, manager and monitor. But the determinant role is exercised by national governments.

It is the cease-fire and withdrawal provisions (Arts 1-3) that form the most consensual parts of the implementation package (Minsk-II). But other provisions in both accords call into question Ukraine's sovereignty and are at variance with positions previously articulated by the West.

By combining a cease-fire with provisions of a political settlement, both accords violate sound diplomatic practice. Cease-fires emerge out of urgency. Peace settlements require deliberation (which in a democracy must include representative structures of power). Constitutional changes require the same if they are to be sound, workable and legitimate. They should not be dictated by arbitrary deadlines or imposed at gunpoint. Moreover, the accords grant a *de jure* status to those whom neither Ukraine nor the West hitherto regarded as lawful authorities. They preserve the fiction that Russia is an interested party, rather than a protagonist in the conflict, not to say the instigator of it. Several provisions of Minsk-II are particularly problematic. Although restoration of border control by Ukraine is supposed to begin one day after the holding of local elections, the election modalities and constitutional reform are directly or indirectly subject to the agreement of the separatists (Articles 4, 8, 9, 11, 13), who have license to withhold their consent indefinitely. Two provisions articulated in Footnote 1 to Article 11 have also provoked disquiet in Kyiv: 'participation of local government in the appointment of prosecutors and judges' and 'creation of people's militia detachments by local councils with the aim of supporting public order'. Taken in the round, the Minsk agreements provided a framework for armed truce rather than stabilisation, let alone reconciliation.

It remains to add that whilst parallels with the 'frozen conflict' in Moldova are inevitable, four

differences command attention. First, the stationing of two contingents of Russian forces in Moldova has a legal basis within the framework of the Joint Control Commission and (in Russia's interpretation) the bilateral 1992 Cease-Fire Agreement, whose validity Russia affirms despite its 1999 OSCE Istanbul commitments. In Ukraine there is no such legal basis, and Russia denies that its forces are present. The accords mandate the 'withdrawal of all foreign armed formations, military equipment, as well as mercenaries' (Art 10). Second, whereas there has been no annexation of territory in Moldova, Crimea was 'incorporated' into the Russian Federation on 18 March 2014. Third, whereas the Transnistrian conflict arose in the context of Soviet disintegration, Russia's intervention in Crimea and eastern Ukraine took place seventeen years after the Russia-Ukraine State Treaty bound both parties to 'respect the territorial integrity and...inviolability of borders between them'. This treaty also has legal implications for the expropriation of Ukrainian assets, civil and military, valued at tens of billions of dollars. Finally, the infrastructure of Transnistria is intact and that of the Donbas heavily damaged. For all of these differences, there is an ominous affinity between the mandated 'special regime' in DNR/LNR, the autonomy of the Pridnestrovian Moldovan Republic and the 'special legal status' of the Autonomous Territorial Unit of Gagauzia, as well as the use of the term 'federalism' to denote a regime of *liberum veto* in both countries.

### The Paris Agreements

In summer 2015, a fragile but comparatively constructive dynamic emerged for the first time since Yanukovich left power. Under strong inducement from the United States, the Verkhovna Rada on 16 July passed the first reading of the constitutional reform (decentralisation) legislation envisaged by the Minsk accords. In the words of Assistant Secretary of State Victoria Nuland, this served to demonstrate that 'Ukraine is doing its job' and that there would be 'no excuses on the other side for renewed violence'<sup>14</sup>. Almost simultaneously, Russia engineered the emergence of a new DNR leadership rhetori-

<sup>13</sup> Minsk-I, 5 September 2014: [www.osce.org/home/123257](http://www.osce.org/home/123257) (in English); Minsk-II, 12 February 2015: [www.osce.org/cio/140156](http://www.osce.org/cio/140156) (in Russian)

<sup>14</sup> Press conference of Assistant Secretary Victoria Nuland (US Embassy, Ukraine), 16 July 2015.



cally committed to implementing rather than obstructing the Minsk accords. On 1 September, the guns in eastern Ukraine fell silent. On 2 October, the 'Normandy' parties (France, Germany, Russia, Ukraine) reached a number of significant understandings designed to unblock the Minsk process.

From Moscow's perspective, the art of the possible was assessed more negatively in summer than in winter 2015.

- The cumulative impact of Tier-3 sanctions was taking its toll on the state budget, the capital-intensive energy sector and a defence-industrial complex dependent on Western technology for critical modernisation;
- Washington and Berlin issued unmistakeable warnings that further escalation will meet with a sharp augmentation of sanctions well beyond Tier-3 levels;
- The military system was showing signs of strain. Force generation and the maintenance of 40-50,000 troops in theatre have placed demands on Ground Forces units as far away as Armenia, Kazakhstan and Vladivostok.<sup>15</sup>
- The burdens of war, annexation and occupation had failed to destabilise Ukraine, retard its military modernisation or deflect its Euro-Atlantic course. Ukraine's resilience, civic and military, has defied expectations.

From Ukraine's perspective:

- The prospect of defeating the separatists by force no longer exists;
- The financial and institutional means to assume the economic and humanitarian burden of the Donbas is meagre and the prospect of adequate external finance virtually nil.

In contrast to the baleful Minsk implementation package, the Paris provisions established a clear linkage between legitimate authority and transfer of powers. Return of the border would

<sup>15</sup> Igor Sutyagin, *Russian Forces in Ukraine* (RUSI Briefing Paper, March 2015). These figures do not include an estimated 26-29,000 in Crimea, including 13,000 in the Black Sea Fleet.

be strictly sequenced according to the election timetable and not made dependent on the consent of the current DNR/LNR leadership. Moreover, OSCE observers would be afforded unrestricted and unconditional access throughout the conflict zone (a clear enhancement of Article 3 of Minsk-II, which simply speaks of 'effective monitoring' by the OSCE). For Ukraine's part, the obligation to agree election modalities and 'special status' provisions with current DNR/LNR representatives was made unambiguous.

Yet perhaps most important, a failure by one party to observe any single provision would violate the agreement as a whole. Although the Paris accords fall within the ambit of the Minsk process and do not supersede it, they appear to establish a conditionality which Minsk-II lacks. Thus, the resumption of hostilities by Russia and its proxies would call remaining obligations into question. Ukraine would argue, and most definitely perceive, that it had grounds to suspend negotiations on special status. Conversely, failure by Ukraine to conduct negotiations in good faith might give Russia grounds to breach the cease-fire. Thus, instead of removing deadlocks, the Paris agreements provided fresh justification for them.

Nevertheless, the initial aftermath of the Paris meeting sustained sober optimism. The full cease-fire endured for over two months. Weapons withdrawals proceeded largely on schedule, but with enough infractions and cease-fire violations to impel Ukraine to register a formal complaint with the JCCC on 8 November.<sup>16</sup> Nevertheless, even in this quiet period, interference with OSCE monitoring continued.

In mid-November, conditions changed dramatically for the worse. Two days after the terrorist attacks in Paris, Ukraine and the OSCE registered a sharp escalation of hostilities, which but for a brief end-of-year holiday respite, has been maintained up to this writing. On 14 November, the SBU uncovered two armed subversive groups

<sup>16</sup> 'Tensions along the contact line abruptly escalated on October 18, 2015, when the second stage of arms withdrawal began, exhibiting a lasting trend of further deterioration. In all, in the period from October 18 till November 6 the Ukrainian mission to the JCCC observed 26 violations of the ceasefire and 361 provocative attacks of militants on positions of the Ukrainian Armed Forces and the 'gray zone' aimed to incite Ukrainian Armed Forces units to return fire! Ukrainian mission to JCCC accuses militia of activity that may disrupt arms withdrawal'. Interfax (Russia) 8 November 2015



OSCE personnel monitoring the movement of heavy weaponry in eastern Ukraine. (OSCE Special Monitoring Mission to Ukraine / CC BY 2.0)

operating inside unoccupied Ukraine. Moreover, on 30 December, Lavrov took a step away from the Paris agreements, calling for implementation of the law on special status before elections took place.<sup>17</sup> Taking all of this into account, the new OSCE Chairman-in-Office, Frank-Walther Steinmeier declared on 14 January that ‘key OSCE commitments were and are being broken’.<sup>18</sup>

### The Kaliningrad Episode

On 15 January, one day after the Chairman’s statement, a six-hour meeting took place in Kaliningrad between US Assistant Secretary of State Victoria Nuland and Russian Presidential Assistant Vladislav Surkov. The meeting was held in conditions of secrecy but ‘in close cooperation’

with the Normandy Four. ‘US officials’ briefed ‘senior Ukrainian officials’ the following day.<sup>19</sup>

There were hopes on the eve of the meeting that Russia was finally seeking a way out of the conflict.<sup>20</sup> Yet the meeting itself dashed these hopes. According to official Ukrainian sources, Moscow is prepared to alter its approach but in terms of symbols rather than substance. According to the exhaustive summary set out in Kyiv’s authoritative weekly, *Dzerkalo Tizhnya* [Mirror of the Week] Surkov proposed:

– A cosmetic inclusion of Ukrainian border troops on the eastern border but staffed with local contingents under conditions determined by

17 ‘Donbas should be granted special status before elections in Donetsk, Luhansk republics – Lavrov’, Interfax (Russia) 30 December 2015

18 He added that ‘SMM observers must finally be granted unrestricted access to the entire conflict zone — without threats, intimidation or exceptions!’. ‘Renewing Dialogue, Rebuilding Trust, Restoring Security: Speech to the OSCE Permanent Council’, Vienna, 14 January 2016. Steinmeier’s comments were consistent with the content of John Kerry’s sharply worded speech at the annual OSCE Ministerial Council in Belgrade on 3 December. ‘Kerry calls for Russia to pull back from Ukraine’ Carol Morello, Washington Post, 3 December 2015.

19 ‘Washington Briefs Kyiv on Nuland-Surkov Meeting — Embassy’, Interfax Ukraine, 16 January 2016 <http://en.interfax.com.ua/news/general/318001.html>  
20 Anders Aslund, ‘New Russian Management of the Donbas Signifies Putin May Be Ready to Negotiate’, Atlantic Council 4 January 2016 <http://www.atlanticcouncil.org/blogs/new-atlanticist/new-russian-management-of-the-donbas-signifies-putin-may-be-ready-to-negotiate> Timothy Ash: Is Ukraine-Russian peace deal brewing behind the scenes?, Kyiv Post, 18 January 2016 <http://www.kyivpost.com/content/author/timothy-ash/> ‘Russia and USA Sharply Enhanced their Efforts for Resolution in Donbas [Rossiya li SShA rezko aktivizirovali usiliq po uregulirovaniyu v Donbasse]’ 17 January 2016 <http://www.vedomosti.ru/politics/articles/2016/01/18/624301-rossiya-ssha-rezko-aktivizirovali-usiliya-uregulirovaniyu-donbasse>



Moscow: a Ukrainian flag on a border that would remain under Russia's de facto control;

– The withdrawal of 'regular forces' from DNR/LNR, leaving in place Russian 'military specialists' and local 'People's militias', subordinated to local field commanders and financed by Kyiv and the West;

– 'Decorative' elections that would include representatives of Ukrainian political parties but keep the control of rules and electoral commissions in local hands;

– An amnesty list drawn up by Moscow.<sup>21</sup>

And not least significantly:

– An end to the sanctions regime.

Almost a fortnight after the Kaliningrad meeting, the leadership of the DNR published its own conditions for ending the conflict:

1. A fixed quota of deputies in the Verkhovna Rada with which the Rada would have to agree legislation. This group would have 'a right of veto on any decision in the sphere of foreign policy'.

2. Total amnesty: all fighters as well as armed saboteurs [diversantiy] held in any part of Ukraine.

3. Full autonomy, including local police, security services, judicial organs, procuracy and border guards.<sup>22</sup>

The first of these conditions finds no echo in the Minsk accords or any other international agreement. Second, the Minsk amnesty provisions refer only to individuals held 'in connection with events that took place in certain areas of Donetsk and Luhansk' (Article 5) as well as 'hostages and other unlawfully detained persons' (Article 6). Third, there is no reference to autonomy in the Minsk accords, only to 'decentralisation'

by 'agreement' with the region's representatives and 'in accordance with Ukrainian legislation'. Fourth, whilst modalities governing decentralisation and elections are to be 'agreed' with the separatist leadership, there is nothing in the Minsk accords that requires Kyiv to accept the separatists' demands. As Ukrainian commentators have noted, the DNR has demanded more than Chechnya received after its de facto victory over Russia in 1996. Of the Paris Agreements, there is no trace. It is not surprising that Washington has decided not to continue the Kaliningrad discussions.

### A Disturbing Outlook

Russia appears to have decided that a more aggressive change in dynamic now suits its interests. But why should this be so in view of the economic pressures that so obviously damage the country?

The most likely answer is that the Kremlin perceives, with arguable justification, that the West is as burdened politically as Russia is economically. The Syria crisis and the refugee crisis it has generated have moved to the forefront of Western priorities and, to all appearances, thrown the West into disarray. Whatever its actual significance, the visit to Moscow (over Merkel's objections) of Horst Seehofer, Minister-President of Bavaria would have reinforced existing perceptions in the Kremlin that the authority of Angela Merkel, the lynchpin of Europe's Russia policy, is not what it was.<sup>23</sup> By its military intervention in Syria and exploitation of the refugee crisis, Russia has done its utmost to demonstrate, there as in Ukraine, that no problem can be solved without it. The timing of the escalation in Donbas, two days after the Paris attacks, does not appear to be coincidental. If Moscow intended the collapse of the cease-fire to be a test of Western resolve, then the results have shown this resolve to be wanting. The renewal of fighting has given the Normandy Four a perfect pretext to move beyond Minsk to a tougher set of conditions. Instead the West and the OSCE have responded

21 Sergey Rakhmanin, 'Change of Course?' [Smena Kurasa?] *Dzerkalo Tizhnyia*, 22 January 2016 [http://gazeta.zn.ua/internal/smena-kursa-\\_.html](http://gazeta.zn.ua/internal/smena-kursa-_.html)

22 Kirill Sazonov, 'The Fighters Articulated their Demands. We Can Draw Minsk to a Close' [Boeviki ozvuchili trebovaniq. Na Minske mozžno postaviti tochku], 28 January 2016. <http://glavcom.ua/articles/37520.html>

23 'Merkel's coalition rival urges dismantling of anti-Russia sanctions after visiting Putin' RT, 4 February 2016 <https://www.rt.com/news/331342-seehofer-russia-putin-sanctions/> 'Meeting of Bavarian Premier with Putin Alarmed Berlin' [Vstrecha prem'era Bavarii s Putinyem Vstrevozihila Berlin] [http://www.bbc.com/russian/international/2016/02/160204\\_germany\\_seehofer\\_moscow\\_visit](http://www.bbc.com/russian/international/2016/02/160204_germany_seehofer_moscow_visit)

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with protests against ‘cease-fire violations by all sides’ and intensified dialogue. The emergence of a cease-fire in Syria, albeit on Moscow’s terms, will only reinforce the cautiousness of those who fear a tougher approach.

It should surprise no one that Ukraine is losing faith in the entire process. Signs of disillusionment are becoming all too visible.<sup>24</sup> On 24 January President Poroshenko threw down the gauntlet, vowing that a parliamentary vote on constitutional changes would not take place until the separatists and their Russian supporters met several preconditions.

*Position one — cease-fire and a prolonged period of calm. This has to be guaranteed by Russia, and the world has to see that it is taking place....And the key position: restoration of control of the state border, in the first stage by the OSCE.*<sup>25</sup>

Yet the OSCE finds itself in an ever worsening predicament. In an excellent analysis some two months before these events, Stefan Lehne observed that the OSCE ‘has suddenly regained political relevance because of the Ukraine crisis’.<sup>26</sup> Today one is obliged to ask whether its relevance can be preserved. Not only does the OSCE lack the complement of material and human resources required to perform its mandate, the mandate itself is turning into a poisoned chalice. The OSCE has long recognised that foreign occupation and free elections do not mix (Crimea being but the latest example). Moreover, the OSCE is no lon-

ger Russia’s instrument of choice. More than six years before Putin claimed that the OSCE was being transformed into a ‘vulgar instrument designed to promote the foreign policy interests of one or a group of countries’ (February 2007), one of Russia’s most experienced diplomats, (then) Deputy Foreign Minister Yevgeniy Gusev warned, ‘we oppose the use of the OSCE for interference in the internal affairs of the countries situated to the east of Vienna’ (November 2000), adding ‘we won’t allow this to happen’.<sup>27</sup> But the principal challenge confronting the OSCE is systemic. Like the parties to the Ukraine conflict, it is the product of its history. Its predecessor, the CSCE, was the child of East-West détente. The OSCE is a graduate of the Cold War and the product of the ‘soft security’ challenges that arose in its aftermath. Its role in 1990’s conflict management was undertaken in a cooperative security order. Today, it is operating in a contested and abrasive security order.

The worst but all too realistic outcome is not that the Minsk process unravels, but that war returns to Ukraine. Each of the ‘game changers’ launched by Putin in the past two years — Crimea’s annexation, the military offensives in Donbas, the military commitment in Syria — has been stimulated by a combination of opportunity and pressure. Western timidity might once again provide Vladimir Putin with his opportunity. A foundering economy and impending State Duma elections (September 2016) provide the pressure. If Russia launches a ‘final push’ in Ukraine next summer, no one should be surprised.

24 For a summary of the results of a leading experts conference, see ‘Opinion: The Minsk Accords — Recipe for Catastrophe in Ukraine’ [*Mnenie: Minskie dogovorennosti — eto retsept katastrofy dlya Ukrainy*], *Noviy Region*, 29 January 2016

[http://nr2.com.ua/blogs/Ksenija\\_Kirillova/Mnenie-Minskie-dogovorennosti-eto-recept-katastrofy-dlya-Ukrainy-115538.html](http://nr2.com.ua/blogs/Ksenija_Kirillova/Mnenie-Minskie-dogovorennosti-eto-recept-katastrofy-dlya-Ukrainy-115538.html)

25 ‘Ukrainian President Names Conditions for Vote on Constitutional Changes’ [*Prezident Ukrainiy nazval usloviya dlya golosovaniya po izmeneniyu konstitutsii*], *Kommersant*, 24 January 2016. <http://korrespondent.net/ukraine/politics/3619586-poroshenko-nazval-usloviya-dlia-yzmeneniya-konstytutsyy>

26 Stefan Lehne, ‘Reviving the OSCE: European Security and the Ukraine Crisis’ (Carnegie Europe, 22 September 2015).

27 Gusev, *Financial Times*, 23 February 2001. President of Russia, ‘Speech and the Following Discussion at the Munich Conference on Security Policy’, February 10, 2007.

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