



# Peace in Ukraine I: A European War

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*Preventing War. Shaping Peace.*

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# Principal Findings

**What's new?** Russia's Ukraine policy, including its military intervention, is driven both by Moscow's goals in Ukraine itself and its longstanding desire to revise Europe's security order. Western responses are similarly driven by both Ukraine-specific and Europe-wide interests. A sustainable peace plan must address both sets of factors.

**Why does it matter?** Efforts to make peace in Ukraine by solving problems specific to Ukraine only will fail, because the causes of the conflict are both local and geostrategic. A truly sustainable peace should address European security as a whole to make Russia, its neighbours and the entire continent safer.

**What should be done?** European states should engage Russia in discussions of European security, including regional and sub-regional arms limitations. They should also consider adjusting the current sanctions regime to allow for the lifting of some penalties if Russia contributes to real progress toward peace.

*Crisis Group conducted the field work for this Report before the COVID-19 pandemic. Some dynamics examined in this publication may have changed in the meantime. Moving forward, we will be factoring the impact of the pandemic into our research and recommendations, as well as offering dedicated coverage of how the outbreak is affecting conflicts around the world.*



## *Executive Summary*

*This report is first in a Crisis Group series that will examine various dimensions of the war in Ukraine and chart possible pathways to its resolution. The initial instalment focuses on the conflict's geostrategic underpinnings and their implications for any settlement.*

The war in Ukraine is a war in Europe. It is also a war about European security. Russia's military intervention on its neighbour's territory was undertaken in large part to guarantee that Ukraine did not align with Western economic and security institutions. Russia's belief that such alignments would do it tremendous damage is rooted in its overall dissatisfaction with the European security order as it has evolved over the last three decades. Although any peace settlement will need to address Ukraine-specific matters, it also needs to address broader European-Russian security concerns in order to be sustainable. The EU, NATO and their member states, including the U.S., should begin exploring new approaches to European security with Moscow, including new arms control measures, even as they support Kyiv's efforts to end the fighting in Ukraine. In the meantime, the EU should also consider adopting a more flexible approach to its sanctions policy, offering incremental relief in exchange for incremental progress by Russia instead of today's all-or-nothing posture.

Since the end of the Cold War, the Kremlin consensus has held that Western countries represent a hostile U.S.-led bloc, intent on limiting Russian power and influence and encroaching on what Moscow considers its natural sphere of influence, defined as most of the countries on its immediate periphery. Russia has been most neuralgic about Ukraine, with which it shares a complex and intertwined history. Although the popular uprising that resulted in the 2014 overthrow of then-Ukrainian President Viktor Yanukovich surprised Brussels and Washington as much as it did Moscow, the Kremlin saw it as one more Western attack. In response, Russia annexed Ukraine's Crimean peninsula and supported a violent separatist movement in Ukraine's eastern Donbas region, beginning a war that continues to this day.

For Ukraine, Western support has been crucial to withstanding Russian aggression as repeated efforts to negotiate with Moscow to end the war have yielded scant results. Maintaining that backing, however, has meant accepting at least one component of Moscow's argument: that the war in Ukraine is a standoff between East and West, and that if Western states do not resist Russia in Ukraine, they will eventually face Russia elsewhere.

Western states have also accepted this argument, to a point. Uninterested in getting involved in the armed conflict itself, they have sought to compel Moscow to back down mainly through the use of sanctions. Some of those levied by the U.S. and EU have been directly linked to the war in Donbas. Washington and Brussels both argue that once the commitments Moscow made by signing onto the Minsk agreements, negotiated with Kyiv and the Organization for Security and Co-operation in Europe in 2014 and 2015, are fulfilled, those sanctions will be lifted. Russia, for its part, sees

the Minsk implementation as Ukraine's responsibility, and the sanctions as another instance of Western aggression. These competing interpretations have contributed to the impasse, and continuing war, that is now in its sixth year.

Volodymyr Zelenskyy, elected president of Ukraine in April 2019, has sought to break the logjam. Having campaigned on a platform of peace, prosperity and an end to corruption, he reached out to Moscow and to people living in separatist-controlled territory, looking to stop the shooting, exchange prisoners and find a way to reintegrate Donbas. But despite prisoner exchanges and new ceasefires, peace remains elusive.

The geostrategic nature of Moscow's motivations and the West's response is one reason for the impasse. Because the problem extends beyond Ukraine and reflects deep structural mutual suspicions, the solution must also encompass those external elements to be sustainable. To be sure, a peace plan for Ukraine is a prerequisite for peace. Future publications in this series will address several elements any such plan will have to include. But those almost certainly will not suffice if European security as a whole is not also part of the approach.

In this sense, sustainable peace in Ukraine will require a dialogue on European security and Russian relations with the West. EU members, Russia and their neighbours ought to start addressing broader European security issues, including through regional arms control discussions, to lower tensions and alleviate all sides' security fears. These talks will neither end the war nor, in all likelihood, result in quick agreements. But they will send a signal to Russia that its threat perceptions are taken seriously and that discussions with European states offer a promising way forward.

To strengthen the case that European-Russian dialogue holds real potential, the EU also should consider making its sanctions policy more flexible. Allowing some incremental sanctions relief for Russia in exchange for progress in eastern Ukraine would be in line with sanctions best practices and counter Moscow's narrative that they merely reflect a punitive strategy. By contrast, the current rigid, all-or-nothing approach has limited Russian incentives to change behaviour.

Critics of a more flexible sanctions policy understandably point to risks. The first is to EU unity, which has been a crucial feature of Europe's Ukraine policy and has helped convey seriousness to Moscow. But ironically, that unity could weaken if Russia were to take some conciliatory steps. A well-planned, agreed and more flexible approach would render Europe better prepared to act together if Russia changes tack. Preserving consensus will also require the EU to maintain its most severe sanctions linked to the Donbas war as long as Ukraine does not control all of its Donbas territory, and those related to Crimea for as long as Moscow continues to control the peninsula. A second risk is that of Russian backsliding. This can be mitigated by developing and clearly communicating the intent of the EU Council to reimpose sanctions within the framework of the Common Foreign and Security Policy if progress is reversed.

The war in Ukraine is local, and some of its roots are specific to Ukraine. The road to peace in Ukraine leads through Moscow, as only Moscow can cut off support to fighters in the east, withdraw weapons and ensure that Kyiv regains control of its territory. But the road to Moscow also leads through Europe: Moscow's decision to

annex Crimea and support armed fighters in Donbas was driven as much by its view of European and global security as by its interests in Ukraine itself. The steps outlined in this report will not in themselves end the conflict. But they could create a framework that gives peace in Ukraine a chance.

**Kyiv/Moscow/Brussels, 28 April 2020**



# Peace in Ukraine I: A European War

## I. Introduction

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The war in Ukraine has killed thousands, displaced about two million and torn communities asunder. Six years on, peace remains elusive, even with a young, energetic and seemingly committed new president in Ukraine. Among the many challenges to peace in Ukraine is the conflict's multifaceted nature. A sustainable solution will need to address both Ukrainian and broader dynamics. Ukraine's long-term security depends both on sustainable integration of the territories now controlled by separatists and on Kyiv's relationships with Moscow, Brussels, Washington and other capitals, as well as their relations with one another. These are tightly interlocking, and solutions that address only some pieces of the puzzle likely will fail.

In April 2019, the victory of Volodymyr Zelenskyy and his newly formed Servant of the People party sparked hope that an end to war in the country's eastern Donbas region might be possible. Zelenskyy's predecessor, Petro Poroshenko, had grown disillusioned and frustrated after several rounds of negotiation with Moscow. These had produced the 2014 and 2015 Minsk Agreements, which sought to outline a path to peace. But the agreements, signed by Kyiv under severe military pressure from Moscow and its proxies, proved highly controversial in Ukraine and remained largely unimplemented by all parties. Increasingly, Poroshenko's team came to believe that the only sustainable path to peace lay in Russia and its proxies backing down in the face of international pressure, including tighter sanctions.<sup>1</sup>

Zelenskyy took a somewhat different approach. He seemed to believe that a negotiated peace remained worth seeking. Although his campaign promises were vague, he emphasised the renewal of economic and humanitarian ties with the breakaway region and conveyed the sense that peace and prosperity, including for Donbas, were more important than securing a geopolitical and cultural divorce from Russia.<sup>2</sup>

Zelenskyy's first months as president brought some results. Ukraine fixed a broken bridge at Stanytsia Luhanska, the only civilian crossing along almost 200km of the front line.<sup>3</sup> Ukrainian forces and Russian-backed separatists there have now been largely disengaged from one another for six months, although combatants remain nearby and skirmishes continue.<sup>4</sup> Working through the Trilateral Contact Group, a Minsk treaty implementation body comprising Russian, Ukrainian, Organization for

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<sup>1</sup> Crisis Group interview, Ukrainian officials, Kyiv, July 2018; "Poroshenko rules out peace with Russia under Ukraine's capitulation", Unian Information Agency, 8 September 2018; "Захід змусить росію погодитись на введення миротворців на окупований донбас – Бригинець", Pramiia, 26 September 2018; Tom O'Connor, "Ukraine says it's time for 'peace with Russia ... people are tired of war'", *Newsweek*, 29 January 2019.

<sup>2</sup> See Zel!Prezident, "Інтерв'ю Володимира Зеленського – про війну на Донбасі, олігархів и Слугу Народу [Interview with Vladimir Zelenskyy – on the war in Donbas, oligarchs and servant of the people]", video, YouTube, 21 March 2019.

<sup>3</sup> Organization for Security and Co-operation in Europe Special Monitoring Mission to Ukraine (OSCE SMM), "Daily Report 276/2019", 21 November 2019.

<sup>4</sup> OSCE SMM, "Daily Report 50/2020", 29 February 2020.

Security and Co-operation in Europe (OSCE) and separatist representatives, the parties agreed to an unprecedentedly wide-ranging ceasefire in July 2019.<sup>5</sup> It produced an 80 per cent drop in violations, including of heavy weapon use. Although fighting resumed in late August, the drop was both larger and longer-lasting than during any previous ceasefire.<sup>6</sup> In September, Kyiv and Moscow each freed 35 individuals the other country had deemed political prisoners or prisoners of war in a much-lauded exchange.<sup>7</sup>

In early October, Kyiv, Moscow and the separatists cracked open a door to renewed talks by signing on to the so-called Steinmeier Formula. The formula, aimed at implementing parts of the Minsk agreements even as sequencing of other issues remains contentious, was put forward by Germany's then foreign minister and current president, Frank-Walter Steinmeier. The Minsk agreements call for so-called special status (which is to say, substantial autonomy) for parts of the Donbas now controlled by separatists, local elections there, and withdrawal of heavy weapons and foreign fighters as well as resumption of Ukrainian control.

But the opposing sides took competing positions regarding the order in which these steps would be taken. Kyiv insisted that it first needed to regain control over the territories before elections could be held or special status granted; Moscow and the forces it backs held to the opposite sequence. Steinmeier sought a compromise of sorts: areas now under separatist control would acquire provisional "special status" on the day local elections are held and achieve permanent special status if and when those elections prove credible and in compliance with both international standards and Ukrainian law.

Although Steinmeier's formulation was silent when it came to Ukrainian control, Zelenskyy, in accepting it, made clear that credible and internationally compliant elections could occur only after separatist and Russian troops relinquished control over the territories.<sup>8</sup> In a sense, his position left the disagreement with Moscow in place. Still, Russia greeted his acceptance of the formula as a step forward and agreed to hold the first meeting of the Normandy Four (Ukraine, Russia, France, Germany) since 2017.

In late October and early November, the sides carried out a further disengagement of their forces at the front-line towns of Zolote and Petrivske. This turn of events prompted protests in Ukraine led by a combination of veterans, Poroshenko loyalists and far-right activists, all of whom saw disengagement as capitulation. The Normandy Four nonetheless met in Paris in December. Although no breakthrough occurred, the gathering signalled a thaw in theretofore frozen negotiations. Ukraine

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<sup>5</sup> Ambassador Martin Sajdik, "Press statement of special representative of OSCE Chair in Ukraine and in the TCG Sajdik after meeting of TCG and working groups on 17 July 2019", 18 July 2019.

<sup>6</sup> Assessment of lower heavy weapons use reflects lower numbers of explosions recorded by the OSCE SMM. These are reported in their Daily Reports and Spot Reports. See also OSCE SMM, 2019 *Trends and Observations*.

<sup>7</sup> Katharine Quinn-Judge and Olga Olikier, "Ukraine-Russia Prisoner Swap: Necessary, Not Sufficient", Crisis Group Commentary, 11 September 2019.

<sup>8</sup> Zelenskyy's words were: "If we say we want elections to proceed according to Ukrainian law, then we understand that there can't be any machine guns, and the border should be ours". "Брифінг Зеленського: формула 'Штайнмайєра' та 'особливий статус Донбасу' [Zelenskyy briefing: the "Steinmeier" formula and 'special status of Donbas']", 5 Kanal, 1 October 2019.

and Moscow committed to another ceasefire, additional disengagements and improved access for the OSCE monitors tasked with observing and reporting on the conflict and facilitating dialogue among its parties.<sup>9</sup> The parties also agreed to meet again in the spring of 2020.

These deals and the other small steps that have taken place to date – as well as the difficulties in achieving them – underscore the challenges faced by any peace endeavour. Some of these are domestic: Ukraine must be able to sell any peace to its diverse polity and needs a plan to sustainably reintegrate territory it has not controlled for six years, to say nothing of the people who live there. If it can accomplish that, it will still face the dilemma of what to do with thousands of Ukrainian citizens who took up arms against Kyiv. Still, while none of these questions is easy, creative thinking and good politics may bring workable solutions to Ukrainians on both sides of the line of contact.

Zelensky's other problem, however, is external. Peace requires Moscow to respond in kind: to end its support for the war, withdraw weapons and personnel, and ensure that Ukraine regains territorial control. But Ukraine lacks both sufficient carrots and sufficient sticks to independently change Russia's cost-benefit analysis and render peace preferable to war. The reason, in large part, is that Moscow's motivations for this conflict are broader than Ukraine itself. For the Kremlin, the war in Ukraine is a war about both Ukraine and Russia's security, in Europe and globally. The Kremlin sees the war as a fight with the U.S. and, more tangentially, with European countries.

Ukraine, in turn, has relied on Western support to push back against Russia. While this backing has helped Kyiv, it has also contributed to Moscow's perception that it is, in fact, locked in conflict with Western states over Ukraine. As a result, for Ukraine-specific solutions to be sustainable, they will need to be paired with and bolstered by geostrategic progress involving not just Kyiv and Moscow, but the Euro-Atlantic community as a whole.

This report is the first in a series of Crisis Group briefings and reports that assess the components of a possible peace in Ukraine. It is based on interviews with officials and representatives of various perspectives in Russia, Ukraine and a range of NATO and EU member states conducted since 2015, as well as on other primary and secondary sources.

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<sup>9</sup> Although all OSCE member states agreed to deploy this mission, the monitors have been limited in their access to many locations on territory controlled by Russian-backed separatists.

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## II. Think Globally, Act Locally: Russia, Ukraine and Western Powers

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### A. What is Russia Thinking?

Vladimir Putin has often noted that the histories of Ukraine and Russia are tightly linked, their populations knit together by linguistic, familial and cultural ties.<sup>10</sup> Moreover, the territories of both countries have often been ruled together and, in recent centuries, much of the territory of modern-day Ukraine has generally been governed from Moscow, whether under the Russian empire or the Soviet Union up until its collapse in 1991.<sup>11</sup> If Moscow presently does not wish to rule Ukraine directly, it seeks a settlement in which Russian long-term influence over Kyiv is guaranteed and an element of Russian identity is entrenched in at least part of Ukraine. It wants to ensure that today's separatist territories, if and when reintegrated into Ukraine, play a unique role in the Ukrainian polity, with substantial autonomy and optimally veto power over national policies.

Ukraine's historical ties to Russia are one factor in Moscow's intervention. But to Russia, the war in Ukraine is also the hottest element in a continuing standoff with what Moscow sees as a U.S.-led Western bloc long bent on constraining, weakening and coercing it.<sup>12</sup> According to the Kremlin, this alliance, formal (in the form of NATO) and informal, has sought to spread its influence and military might to Russia's borders.<sup>13</sup> The alliance under this view has served to legitimise Washington's practice of destabilising governments on Russia's periphery and around the world, both by military means and by fomenting public protest and unrest.

Because Western rhetoric is often critical of Russia's leaders, including Putin himself, Moscow sees these practices as not only destabilising but also as a direct security threat. It also considers them hypocritical: Washington and Brussels accuse Russia of violating a rules-based order even as the U.S. and its NATO allies use force abroad time and again and make no secret of their intention to promote their political systems and values in countries that do not share them at present.

Threatened, in its view, by such pressure, Moscow has sought to block NATO's further enlargement and convince other European countries to renegotiate the con-

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<sup>10</sup> For Putin on Ukraine, see Vladimir Putin, "Конференция 'Православно-славянские ценности – основа цивилизационного выбора Украины'", 27 July 2013; "Владимир Путин: русские и украинцы – один народ", *Kommersant*, 27 October 2016; "Putin: Russians, Ukrainians are 'one people'", Associated Press, 20 July 2019.

<sup>11</sup> For an overview of Ukrainian-Russian history and relations (which looks remarkably sanguine in its conclusions today), see Anatol Lieven, *Ukraine and Russia: A Fraternal Rivalry* (Washington, 1999).

<sup>12</sup> Crisis Group analyst's interviews in previous capacities, Moscow, Washington and elsewhere, 2015-2018. Vladimir Putin, "Address by the President of the Russian Federation", 18 March 2014. Crisis Group interview, former Russian official, Moscow, August 2019. See also Fiona Hill and Clifford Gaddy, *Mr. Putin: Operative in the Kremlin* (Washington, 2015), p. 265.

<sup>13</sup> These perspectives have permeated Russian policy for decades. Crisis Group analyst's interviews in previous capacities, Moscow, Washington and elsewhere, 1999-2018. See Aleksandr Pel'ts, "Нужна Новая Военная Доктрина", *Krasnaia Zvezda*, 6 November 1996; Viktor Kirillov, "НАТО и Россия: От Кого Исходит Угроза?", *Orientir* (January 2008), pp. 9-13. More recently, see Ruslan Pukhov, "NATO is the obstacle to improving Russian-Western relations", *Defense News*, 28 March 2019.

continent's security architecture. It has also pursued its own military modernisation and sought to demonstrate capabilities and resolve with additional exercises and increased operational tempos.<sup>14</sup> Moscow's hope and intention is to eventually establish a new security system more responsive to its interests and concerns.<sup>15</sup>

This perspective helps explain why, when President Yanukovich's government fell in the wake of the 2014 protests in Kyiv, Moscow blamed the turn of events on Washington and its partners. The protests initially focused on Yanukovich's plans to renege on promises to sign on to an EU association agreement but soon morphed into calls for the president to step down. Although protesters were seeking closer ties with the EU, not NATO, Moscow was convinced that their actions formed part of a U.S. project.<sup>16</sup> That U.S. and other Western officials supported the protests was deemed further proof.<sup>17</sup> If Ukraine and Western countries consider Russia's subsequent annexation of Crimea and direct support for – and involvement in – violent unrest in eastern Ukraine as instances of clear-cut aggression, Russia presented those actions as essentially defensive, crucial to arresting Western expansion.<sup>18</sup>

For Moscow, Western sanctions imposed in response to Russian actions in Ukraine were just another attack – one its leaders say they are proud their country capably survived.<sup>19</sup> The sanctions linked to Crimea's annexation were comparatively modest, and Russia largely brushed them off. In contrast, those imposed by the U.S. and EU in reaction to Russia's military actions and support for fighters and self-proclaimed new governments in eastern Ukraine are far more serious. Some were relatively narrowly tailored, including travel restrictions and asset freezes targeting individuals linked to Russian operations in Ukraine or the ban on exports of weapons and dual-use items. Others had more far-ranging effect and seem geared to harm Russia's economy as a whole, such as limits on access to primary and secondary capital markets as well as to technologies and services linked to oil production and exploration.<sup>20</sup>

For Moscow, the decision by Brussels and Washington to tie the lifting of sanctions to implementation of the Minsk agreements was further proof that the policy was one of arbitrary punishment. Russia insists that it has done all it can to carry out Minsk: under its interpretation, the parties are to fulfil the agreements' terms in the order in which they are listed. In other words, Russia should withdraw its forces only after the Ukrainian government has granted Donbas special status, held elections

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<sup>14</sup> Susanne Oxenstierna et al., *Russian Military Capability in a Ten-Year Perspective – 2019* (Stockholm, 2019).

<sup>15</sup> A good overview is provided in Ulrich Kühn, "Medvedev's Proposals for a New European Security order: A Starting Point or the End of the Story?", *Connections*, vol. 9, no. 2 (Spring 2010), pp. 1-16.

<sup>16</sup> Crisis Group interview, Russian official, Moscow, May 2019.

<sup>17</sup> See Hill and Gaddy, *Mr. Putin*, op. cit., pp. 260-261, 363.

<sup>18</sup> See Sergei Karaganov and Dmitry Suslov, "A new world order: a view from Russia", *Russia in Global Affairs*, 4 October 2018.

<sup>19</sup> Crisis Group interviews, Russian experts and officials, Moscow, September 2019. See also interview with Deputy Foreign Minister Sergei Ryabkov, "Мы 47 раз пережили американские санкции", Russian International Affairs Council, 8 September 2017.

<sup>20</sup> EU sanctions are summarised in "EU Restrictive Measures in Response to the Crisis in Ukraine", European Council, n.d. U.S. sanctions are tracked at "Ukraine and Russia Sanctions", U.S. Department of State, n.d.

there and given amnesties to former separatist fighters.<sup>21</sup> As a result, Moscow argues that to condition sanctions removal on Minsk implementation is tantamount to giving Kyiv veto power – and to keeping the penalties in place for the long term in order to strangle Russia’s economy.<sup>22</sup>

Sanctions and continuation of the state of war represent significant burdens for Moscow, yet these are seemingly pale in comparison to the cost of Ukraine joining NATO or the EU. The conflict has led to the death of Russian soldiers and irregulars; Moscow also has paid to support the statelets: estimates of the yearly cost, not including military operations, run over 2 billion euros.<sup>23</sup> The loss of economic ties with Ukraine has also been painful, including for Russia’s defence industry.<sup>24</sup> Yet, however unlikely Ukraine’s membership in either of those Western institutions might seem, Russian hardliners in particular take the threat seriously and regard Ukraine’s putative membership as dangerous, designed to further the goals of a hostile West.<sup>25</sup>

In this context, it is not surprising that Moscow at first reacted cautiously to Zelenskyy’s outreach. Its initial response to his election was far from friendly: Russia announced that it would begin offering passports to residents of Ukraine’s Donbas region and took time finalising the prisoner swap.<sup>26</sup>

Why then did Moscow come to the table in Normandy and go along with the measures that have let Zelenskyy claim at least limited success? One answer is that Russia would prefer peace on its terms to war and believes Zelenskyy offers a better chance of reaching this outcome than did his predecessor. These terms remain recognition of the Russia-supported leadership’s authority in the statelets as well as a special status for those territories. Moreover, Moscow wants some sort of guarantee of Ukrainian neutrality, which many Ukrainians fear special status would provide by granting the regions a foreign policy veto.<sup>27</sup> Even if Zelenskyy is unwilling or unable to deliver anything of the sort, Russia may hope that he or a successor could eventually grow more amenable, and that talks with Zelenskyy can lay the groundwork. In the meantime, keeping lines of communications open costs little and supports Russia’s argument that it is doing all it can.

Ukraine is only one piece of evidence informing Russia’s overall perception that it faces a hostile West. Even if achieved, Ukrainian neutrality, however crucial from

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<sup>21</sup> Kyiv, for its part, argues that lasting ceasefires must happen first, which Russia and its proxies must help deliver. Moreover, as will be discussed below, Ukrainian officials question how elections can take place if Russian forces remain in place.

<sup>22</sup> Crisis Group interviews, Russian officials, policymakers and experts, September and December 2019; January 2020.

<sup>23</sup> Nikolaus von Twickel, “Events in the ‘People’s Republics’ of Eastern Ukraine”, Annual Report 2019, DRA for a European Civil Society, February 2020.

<sup>24</sup> “Cut ties with Ukraine cost Russian defense industry \$940 million”, *Moscow Times*, 22 July 2014; Kristina Khlusova, “Украинозамещение: как российский ВПК обходится без продукции западного соседа” [Ukraine replacement: how Russia’s military industrial complex is getting by without its Western neighbour’s production], *Russia Today*, 27 June 2017.

<sup>25</sup> Crisis Group interview, former Russian official, Moscow, August 2019.

<sup>26</sup> See Neil MacFarquhar, “Outrage grows as Russia grants passports in Ukraine’s breakaway regions”, *The New York Times*, 25 April 2019; Leonid Bershidsky, “A prisoner swap with Russia tests Ukraine’s president”, *Moscow Times*, 1 September 2019.

<sup>27</sup> Sabine Fischer, “The Donbas Conflict: Opposing Interests and Narratives, Difficult Peace Process”, SWP Research Paper 2019/RP 05, April 2019.

Moscow's vantage point, would not solve Russia's European security problem; a local veto held by the now-separatist controlled territories over foreign policy might not even guarantee such neutrality in the long term. Assuming that Ukraine could somehow be turned into a long-term buffer of sorts, Russian fears of Western influence and efforts to undermine Moscow's security likely would persist.

For Moscow, in other words, peace on Ukraine's terms – in which Russian forces exit the statelets, Moscow stops supporting the separatists and Ukraine regains full control, free to pursue integration with the West – would be more than losing a local battle. Capitulation to Kyiv would be tantamount to backing down to Washington, a display of Russian weakness that could leave the door open to future coercion.

### B. *Ukrainian Perspectives*

The Ukrainian people may have voted for peace, but the shape of that peace, and even the process of negotiating it, remain divisive. Between late August and September, two Ukrainian envoys to the Minsk Trilateral Contact Group (TCG) – where Russian, Ukrainian and de facto breakaway representatives discuss implementation of the agreements – quit. Both cited fears that Kyiv was making unilateral concessions.<sup>28</sup> Members of the military command, as well as leading figures associated with Ukraine's far-right militias, characterised the July ceasefire as one-sided. The critics also accused Zelensky's team of endangering the troops by trying to impose stricter limits on return fire and sniper activity, falsely painting the soldiers as trigger-happy.<sup>29</sup>

The announcement that Kyiv had agreed to the Steinmeier Formula – even with Zelensky's significant caveat that Ukraine must control all of Donbas before local elections – prompted waves of protests organised by activist veterans. The demonstrations brought together a range of constituencies including far-right groups and more moderate supporters of the previous president, all of whom expressed fears that Kyiv was preparing to return to Moscow's sphere of influence by reintegrating a region shaped by Russian military and political interference.<sup>30</sup> One of the right-wing groups, National Corps, threatened to block disengagement in Zolote, one of the three spots

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<sup>28</sup> Crisis Group interview, Roman Bezsmertnyi, Kyiv, October 2019; former Ukrainian diplomat, Kyiv, December 2019.

<sup>29</sup> “Кучма: запрет ответного огня должен действовать при провокационных обстрелах оккупантов [Kuchma: ban on return fire should function during provocative shelling by occupiers]”, Вукву, 6 June 2019; “Прошу Зеленского не отдавать незаконных приказов, которые все равно не будут выполняться – Ярош о предложении Кучмы не стрелять в ответ [I ask Zelensky not to issue illegal orders that will not be obeyed anyway – Yarosh on Kuchma's suggestion not to return fire]”, *Sensor.net*, 6 June 2019; “Генштаб не собирается запрещать войскам ‘любое ведения огня’ по оккупантам – Бутусов [The General Staff does not plan to forbid troops ‘to launch any fire’ at occupiers – Butusov]”, *Sensor.net*, 19 July 2019.

<sup>30</sup> Crisis Group observation, protest gathering outside Presidential Administration, Kyiv, 1 October 2019; Crisis Group observation, “No to Capitulation” protest, Kyiv, 15 October 2019. See manifesto of “No to Capitulation” movement at the *Hi Kapitulyacii!* Facebook page. For coverage of participation of public intellectuals and veteran politicians in the protest movement, see “Порошенко приходил на Майдан Незалежности на акцию против формулы Штайнмайера [Poroshenko comes to the Maidan for protest against Steinmeier Formula]”, *Gordon*, 6 October 2019.

along the front line where the sides had agreed to establish demilitarised zones ahead of the December Normandy Summit. The threat likely contributed to its delay.<sup>31</sup>

For the most part, the opposition is driven by fears that, in his search for peace, Zelenskyy will sacrifice Ukrainian sovereignty and independence. Critics argue that Zelenskyy cannot be trusted to steer Ukraine out of Russia's sphere of influence. As evidence, they cite his past statements describing the war as a tragedy in which both sides harmed Ukrainians as well as Zelenskyy's personal history as an unapologetic Russian speaker who has referred to Russians and Ukrainians as "truly fraternal peoples".<sup>32</sup>

The suspicion appears at the very least to be overblown. At the Paris meeting, Zelenskyy reassured critics somewhat. He made clear that he had no intention of agreeing to Moscow's preferred outcome, insisting, among other things, that Ukraine must control its territory before local elections are held. The Ukrainian president and his team also seem no more enamoured of formulas to ensure the country's neutrality than were their predecessors, viewing it as a recipe for perpetual Russian influence over Ukraine at the expense of closer ties to the West.<sup>33</sup>

More broadly, if most Ukrainians reject the so-called neutrality option, they are clear-eyed in acknowledging that their country will not join the EU or NATO anytime soon. Although Ukrainians are far more favourable to eventual membership in either or both institutions than they were prior to the war, the country remains split, and the statelets' eventual reintegration would drive down the numbers supporting any such association.<sup>34</sup> Besides, Ukraine's leadership increasingly realises that they are unlikely to be invited to join either institution in the near term, due to both the organisations' enlargement criteria and the fact that any such invitation would require all member states to consent.<sup>35</sup>

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<sup>31</sup> On 11 October, Putin stated that "nationalists came [to the front line] and are not letting the army withdraw". "Путин: Зеленский не может обеспечить развод сил и техники в Донбассе из-за националистов [Putin: Zelenskyy cannot guarantee the withdrawal of forces and materiel because of nationalists]", TASS, 11 October 2019. His statement jibed with reports from the organisers of the National Corps party's "last checkpoint" in Zolote. One of these men wrote on 9 October, the day disengagement was meant to take place: "The government really wants to begin withdrawing troops. If we sleep through this moment, we'll sleep the whole country away". Khroniki Ridika Telegram post, 9 October 2019. A Zolote resident opposed to disengagement told Crisis Group that without the National Corps protest it already would have proceeded. Crisis Group telephone interview, Zolote resident, 9 October 2019.

<sup>32</sup> Crisis Group interviews, former assistant to Andriy Parubiy, Kyiv, October 2019; former volunteer pro-government fighter, Kyiv, December 2019; Crisis Group observation, "No to Capitulation" protest at Presidential Administration, Kyiv, December 2019; "Выборы президента: Владимир Зеленский о войне и мире [Presidential choices: Vladimir Zelenskyy on war and peace]", OstroV, 18 January 2019.

<sup>33</sup> Crisis Group interview, former diplomat, Kyiv, December 2019; Shaun Walker and Andrew Roth, "Volodymyr Zelenskiy: My White House invitation? I was told it's being prepared", *The Guardian*, 7 March 2020.

<sup>34</sup> See "Прес-реліз за результатами соціологічного дослідження – 'Соціально-політична ситуація в Україні на початку 2020 року'", Center for Social and Marketing Research, February 2020; "Общественно-политические настроения населения (13-17 декабря) [Socio-political attitudes (13-17 December)]", Rating Group, December 2019.

<sup>35</sup> On NATO enlargement, see "Enlargement", North Atlantic Treaty Organization website. On EU enlargement, see "EU Enlargement", European Commission website.

Even short of EU or NATO membership, Ukraine has, over the course of the war, increasingly looked to the West to help ensure its security from Russia. To many Ukrainians, Western rhetoric and willingness to push back against Moscow has been valuable. Partly for this reason, the mirror image of Moscow's narrative of the war as a geostrategic battle between Russia and the West has become prevalent in Kyiv, notably shaping the views of President Poroshenko's administration. As many Ukrainians see it, their country is the front line of that conflict and therefore it is in the West's interest to back Kyiv or face defeat.<sup>36</sup>

### C. *Ukraine's Western Saviours?*

Contrary to Russian narratives, the so-called West is far from monolithic.<sup>37</sup> Where U.S. administrations, for example, have been prone to support Ukraine's NATO membership, many European governments, including those of France and Germany, have historically been wary.<sup>38</sup> When sanctions on Russia were first proposed, they were also deeply controversial in several European capitals, including Athens, Rome, Sofia, Madrid and Vienna.<sup>39</sup> Still, the prevailing view in Washington, Brussels and allied capitals is that Russia's policies in Ukraine as elsewhere are deeply hostile.<sup>40</sup> If Russia sees itself as pushing back against dangerous and coercive Western efforts to expand influence and reach, Western officials tend to see Russia as a revisionist power. In their view, Russia's annexation of Crimea and military involvement in eastern Ukraine challenge the longstanding rules-based international order.<sup>41</sup> That Russia's military aggression is occurring in Europe is of particular concern: if it were to succeed, they fear, it could set a precedent and upend decades of relative peace (the Balkan wars excepted).<sup>42</sup>

All of this is exacerbated by the fact that the war in Ukraine does not exist in a vacuum. It is taking place amid instances of alleged Russian efforts to influence elec-

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<sup>36</sup> Crisis Group interview, Olena Zerkal, then-deputy foreign minister, Kyiv, July 2018; Crisis Group interviews, Joint Forces Operation personnel, April 2019; see "Выступление Порошенко на генассамблее ООН 26.09.18 [Poroshenko's speech at UN General Assembly 26.09.18]", 112 Ukraine YouTube channel, 26 September 2018.

<sup>37</sup> See, for example, "What Next for EU Russia Policy?", European Council on Foreign Relations, n.d.

<sup>38</sup> See Andrew T. Wolff, "NATO's Enlargement Policy to Ukraine and Beyond: Prospects and Options", in Rebecca R. Moore and Damon Coletta (eds.), *NATO's Return to Europe: Engaging Ukraine, Russia and Beyond* (Washington, 2017), pp. 71-95. See also Aaron Mehta, "Ukraine sees two paths for joining NATO: will either work?", *Defense News*, 13 January 2020.

<sup>39</sup> Georgi Gotev, "Russia counts on EU 'friends' to avert further sanctions", Euractiv, 9 July 2014. See also "Ukraine: EU fails to agree on new Russia sanctions", BBC, 17 November 2014.

<sup>40</sup> "What Next for EU Russia Policy?", op. cit.; Crisis Group interviews (some in staff member's previous capacity), Western officials, Washington, Brussels and London, 2015-2020.

<sup>41</sup> The notion of a "liberal international order" is, of course, highly contested, as is the West's consistency in upholding its norms. For descriptions of that order from a Western vantage point, see, eg, Hans Kundani, "What is the Liberal International Order", German Marshall Fund, 3 May 2017; G. John Ikenberry, "The Plot against American Foreign Policy: Can the Liberal Order Survive", *Foreign Affairs* (May-June 2017); Thomas Wright, "The return to great-power rivalry was inevitable", *The Atlantic*, 12 September 2018; Mira-Rapp-Hooper and Rebecca Friedman Lissner, "The Open World: What America Can Achieve after Trump", *Foreign Affairs* (May-June 2019).

<sup>42</sup> See F. Stephen Larrabee, Peter A. Wilson and John Gordon IV, *The Ukrainian Crisis and European Security* (Santa Monica, 2015).

tions in Euro-Atlantic countries; a substantial Russian military modernisation program; Russian military intervention in Syria and, more recently, Libya; bellicose rhetoric; suspected government targeted killings of Russian citizens abroad; and the occasional incident when Western and Russian military vessels and aircraft operate in close proximity.<sup>43</sup>

Taken as a whole, as many Western leaders see it, these activities suggest a growing Russian threat beyond Ukraine. In response, and alongside sanctions, they have sought to strengthen deterrence and reassure the most nervous of their NATO allies. The Western response has involved both military manoeuvres and force deployments, particularly what NATO terms “enhanced forward presence” in the Baltic and Poland.<sup>44</sup>

If Russia is not to be emboldened by its Ukraine experience, it follows that the war there must not be resolved in Russia’s favour. The best-case scenario for Western leaders would be a lasting peace that returns Ukraine’s Donbas territory to Kyiv’s control; optimally, this arrangement would include Crimea as well, although privately, and even as they refuse to recognise Moscow’s annexation, Western officials tend to acknowledge that the peninsula will remain in Russian hands for the foreseeable future.<sup>45</sup> As a corollary, Ukraine ought to be free to make its own choices regarding political and institutional affiliation – with the caveat that the institutions in question would need to accept Ukraine as a member.

That said, the U.S. and its European allies remain cautious about escalation risks. No NATO or EU country has an alliance commitment to defend Ukraine and none seems prepared to risk armed conflict with Russia over this issue. Their efforts to achieve their goals in Ukraine have therefore taken the form of sanctions on Russia coupled with rhetorical, economic and military support for Ukraine.<sup>46</sup> Should Minsk be implemented and Ukraine regain control over its eastern border, European states are unlikely to maintain sanctions on Moscow, save those linked directly to Crimea or non-Ukrainian issues (eg, sanctions placed on Russian officials in response to the attempted murder of Sergei and Yuliya Skripal in the UK).<sup>47</sup> The U.S. is an outlier insofar as a large number of its sanctions are simultaneously tied to Ukrainian and non-Ukrainian issues, including election interference and Russian policy in Syria. The intermingling of reasons for the sanctions, high political costs of lifting them, and the variety of legislative and administrative procedures required to do so make the situation in the U.S. far more complex.

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<sup>43</sup> For Western discussions of these various activities, see James Kirchick, “Russia’s plot against the West”, *Politico*, 17 March 2017; and Mieke Eoyang, Evelyn Farkas, Ben Freeman and Gary Ashcroft, “The Last Straw: Responding to Russia’s Anti-Western Aggression”, *The Third Way*, 14 June 2017.

<sup>44</sup> For details, see “Enhanced Forward Presence/About EFP”, NATO website, n.d.; See also “Decades after the end of the cold war, Russia is showing new aggression”, *The Economist*, 14 March 2019.

<sup>45</sup> Crisis Group staff member’s interviews in a previous capacity, Washington and European capitals, 2016-2019.

<sup>46</sup> Iain King, “Not Contributing Enough? A Summary of European Military and Development Assistance to Ukraine since 2014”, Center for Strategic and International Studies, 26 September 2019.

<sup>47</sup> The Skripals survived the poisoning attempt, but Dawn Sturgess, a UK citizen exposed to the poison, died. Jennifer Rankin, “Skripal poisoning suspects put on EU sanctions list”, *The Guardian*, 21 January 2019.

#### D. *A Prolonged Paralysis*

The current logjam is explained, in part, by tension between Russia's view of the war in Ukraine as one component of a broader conflict with the West, and NATO as well as EU member states' view of Russia's actions in Ukraine as part of a broader assault on their security and stability. In order to break the impasse, some in the West have argued for stronger pressure on Moscow: increased sanctions on Russia, greater military assistance to Kyiv or both.<sup>48</sup>

The effectiveness of such instruments is debatable. Sanctions certainly can inflict economic pain and, in certain circumstances, alter the target's incentive structure. But the ability of sanctions to change state behaviour is more limited. The historical record of sanctions in general, as well as those imposed on Russia to date, indicates that they are unlikely to end this war.<sup>49</sup> Russia's economy, while deeply bruised, proved remarkably resilient over the six years of the crisis, a product of luck (oil prices that mainly rose through 2016-2018) and fiscal policies that kept inflation in check.<sup>50</sup> Russian business practices of cutting salaries rather than firing workers during downturns also helped.<sup>51</sup> Tellingly, a majority of Russians polled shortly before the start of the COVID-19 crisis said they did not personally feel the effects of sanctions even though the country's economy had slowed.<sup>52</sup>

Likewise, there is reason to doubt whether new weapons supplies to Kyiv would force Russia to change its policy. With the conflict at an ugly but slow simmer, Russia is unlikely to feel threatened by foreign weapons shipments to Ukraine. Kyiv can already inflict pain on Russia's proxies and any Russian troops that support them with its existing capabilities. If additional Western aid does not alter the balance of power, it will make no meaningful difference; if it does alter the balance, then Russia's capacity for escalation would in any event be substantially higher than Ukraine's. True, continued Western assistance to Kyiv in the form of both lethal and non-lethal support benefits Ukraine and arguably saves lives, not least by signalling where Western sympathies lie. Absent the deployment of Western forces and the

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<sup>48</sup> U.S. Senate Committee on Foreign Relations, "Senators Introduce Bipartisan Legislation to Hold Russia Accountable", press release, 13 February 2019; U.S. Department of the Treasury, "Office of Foreign Assets Control: List of Specially Designated Individuals", 30 September 2019. See also Liudmyla Grubnyk, "‘Перекрити’ східний кордон: експерт пояснів, навіщо Україні американська ППО [To 'cover' the eastern border: expert explains why Ukraine needs the American Patriot system]", *Segodnya*, 29 August 2018; Diane Francis, "When Javelins aren't enough", Atlantic Council, 3 April 2019.

<sup>49</sup> See Daniel W. Drezner, "Sanctions Sometimes Smart: Targeted Sanctions in Theory and Practice", *International Studies Review*, vol. 13, no. 1 (2011), pp. 96-108. See also Meghan L. O'Sullivan, *Shrewd Sanctions: Statecraft and State Sponsors of Terrorism* (Washington, 2003).

<sup>50</sup> Henry Foy, "Russia: adapting to sanctions leaves economy in robust health", *Financial Times*, 30 January 2020.

<sup>51</sup> Crisis Group interviews (some in analyst's previous capacity), financial specialists and business representatives, Moscow, 2016-2019.

<sup>52</sup> See Elena Mukhametshina, "Большинство россиян не чувствует проблем от западных санкций [Most Russians do not experience problems as a result of Western sanctions]", *Vedomosti*, 16 March 2020.

attendant risk of the war's spread, however, it is unlikely to substantially degrade Moscow's advantage.<sup>53</sup>

Ultimately, a sustainable solution to the conflict is unlikely as long as its geo-strategic underpinnings remain unaddressed. Progress in Ukraine requires progress on broader European security.

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<sup>53</sup> For a variety of perspectives on the debate over the provision of lethal weapons to Ukraine, see Michael Kofman, "Putin's military is playing the long game in Ukraine", *Foreign Policy*, 31 August 2016; Peter J. Marzalic and Aric Toler, "Lethal weapons to Ukraine: a primer", *The Atlantic Council Ukraine Alert*, 26 January 2018; Amy McKinnon and Lara Seligman, "Far from the front lines, Javelin missiles go unused in Ukraine", *Foreign Policy*, 3 October 2019; Mark Episkopos, "What if Ukraine's army finally became strong enough to fight Russia on its own?", *The National Interest*, 24 September 2019; and Corey Dickstein, "Top U.S. commander in Europe endorses more Javelin missiles to Ukraine", *Stars and Stripes*, 3 October 2019.

### III. European Security: Necessary if Not Sufficient for Peace in Ukraine

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Enlarging the discussion to broader security concerns is a controversial proposition. Many Europeans fear it could lead to questioning principles of territorial integrity or the right to choose one's allies; they fear, too, that it could give rise to a "grand bargain" that trades Ukrainian sovereignty for promises of Russian restraint elsewhere. Neither of these outcomes is desirable. Instead, broadening the conversation should mean honestly acknowledging Russia's security concerns and being willing to seek ways to work with Moscow to alleviate them, on the one hand, while mitigating the fears other countries – Ukraine included – have regarding Russian intentions on the other. If such conversations are successful, Ukraine, Russia and all their European neighbours would feel far safer.

In thinking of how to conduct such discussions, several considerations are in order. First, if Russia's concerns are on the table, so, too, must be those of other European countries. For example, conversations regarding limitations on weapons deployments are one way of reassuring Russia. In return, however, Russia would need to accept limits on its own deployments. All sides would need to agree on mechanisms for verification and sanctions for eventual violations.

Secondly, the parties might be well served by beginning with less divisive topics. European countries have sought to promote cooperation with Russia on climate change and counter-terrorism; today, they might also seek common ground in responding to the COVID-19 pandemic. They could also start with more targeted security issues. Discussions could be carried out on a sub-regional rather than continent-wide level, for instance focusing on the Black Sea, the Baltic Sea, and other narrower ground and maritime environments. In itself, European states' willingness to come to the table, acknowledging Russian concerns while also voicing their own, could send an important signal. Once discussions are under way, they may help temper antagonistic rhetoric on all sides.

Some argue that such conversations, occurring even as war continues in Ukraine, would reward Russia.<sup>54</sup> Western governments shut down many existing dialogues and other forms of cooperation in response to Moscow's aggression, signalling they would restart or be reconsidered only once Ukraine regained control of its border.<sup>55</sup> But suspending these talks has not helped move Russia and, besides, progress on broader continental concerns is as important to the rest of Europe as it is to Russia. A more secure Europe is also better for Ukraine, diluting its role as battleground between Russia and the West and making a sustainable peace more realistic.

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<sup>54</sup> See Jamie Dettmer, "Macron's courtship of Putin alarming Russia's near neighbors", *Voice of America*, 11 September 2019; and Janusz Bugajski, "Beware another Russia reset", *CEPA*, 20 February 2020.

<sup>55</sup> Endeavours that have been curtailed include "practical" NATO and member state cooperation with Russia, notably in Afghanistan and on counter-terrorism as well as EU funding for most cooperative projects other than people-to-people exchanges. See "NATO-Russia Relations: The Facts", NATO, 9 August 2019; "The EU's Russia Policy: Five Guiding Principles", European Union Briefing, February 2018.

Even if they occur, regional security discussions will take time to produce visible results. Although they could encourage greater Russian flexibility, Moscow is unlikely to compromise on Ukraine today in exchange for the promise of sub-regional weapons limits at some point in the future. In the longer term, progress in security dialogues almost certainly would make peace in Ukraine more sustainable; by contrast, in the shorter term, the absence of visible results could undermine the prospect of advances in Ukraine.

Thirdly, therefore, there should be more immediate incentives tied to the conflict in Ukraine itself. These should aim at building faith in Moscow that Western states would be more cooperative if Russia were to show greater willingness to compromise on Ukraine. Sanctions arguably are the most promising area in this regard: linking incremental steps by Moscow to incremental relaxation of sanctions is likely to be more effective than today's all-or-nothing approach.<sup>56</sup> Under current circumstances, were Moscow to shift tack and be more constructive (for example, by pressuring separatists to respect ceasefires and provide access to monitors or by seriously reciprocating Zelenskyy's peacemaking efforts), European governments would have few if any effective tools to respond positively; Russia would face the same sanctions as they do today. Such an outcome would reinforce Moscow's narrative that sanctions are detached from Russian behaviour. It might also spur dissent within EU ranks, with some members refusing to extend sanctions when the six-month renewal comes up.

An alternative to the current framework would be for Europe to develop a plan clearly linking the lifting of specific sanctions to specific steps by Russia. The bulk of sanctions would remain tied to the most important components of any peace deal, namely restoration of Ukraine's control over its territory (with the exception of Crimea, whose status is linked to a different set of sanctions). For instance, Russia could be granted access to some capital markets or limited technologies and services in the oil sector in exchange for Moscow's success in pressuring its proxies to provide access to monitors and to honour any ceasefire. In so doing, Europe would be sending a credible signal to Moscow that sanctions can be eased, without sending a message either of weakness or of desperation.

Presented with this suggestion, several European officials raise the concern that any progress by Moscow would be easily reversible.<sup>57</sup> They also fear that any loosening of the sanctions regime could jeopardise the European unity that has prevailed until now.<sup>58</sup> Despite early rumblings of discontent, member states have displayed remarkable consensus on the sanctions regime and any adjustment could weaken it. Were some sanctions eased in response to specific steps from Moscow, officials fear that reaching agreement on reimposing them were Russia to backtrack, which would require consensus from all EU member states, would be near impossible. These concerns are certainly valid.

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<sup>56</sup> Much of the research on the effectiveness of sanctions argues for flexible sanctions strategies when seeking behaviour change rather than containment. See O'Sullivan, *Shrewd Sanctions*, op. cit., especially pp. 284-320.

<sup>57</sup> Crisis Group interviews, EU and member state representatives, Brussels, Moscow and New York, 2019-2020.

<sup>58</sup> Crisis Group interviews, EU and member state representatives, Brussels, Moscow and New York, 2019-2020.

That said, the failure of the current policy to get Russia to reverse course means consensus alone may not be a sufficient reason to maintain the status quo; indeed, to the extent the current approach forecloses providing partial incentives for partial concessions from Moscow, it could be deemed counterproductive. Moreover, it is unclear how long the existing consensus will endure in any case, as frustration with the current policy paralysis could grow, especially if Moscow begins to make some concessions, potentially at least in part with the intent of dividing Europe. All options entail risks, but on balance developing a plan that incentivises meaningful compromise from Moscow and prepares Europe to act in unison in the event that happens seems the better path. Clearly this should be done cautiously and incrementally, ideally making clear that the European Council will reimpose restrictive measures within the framework of the Common Foreign and Security Policy in the event of backsliding and, as best possible, securing support across European capitals for that idea.<sup>59</sup>

Optimally, a revised sanctions approach would include those imposed by the U.S. and reflect coordination between Brussels and Washington. That does not currently seem achievable. U.S. sanctions related to Ukraine would be difficult to lift or alter, as such steps would require legislative action at a time of polarisation and gridlock in Washington when neither Republicans nor Democrats will want to risk appearing weak on Russia. Furthermore, U.S. sanctions would be hard to disentangle: some are clearly linked to Russian policy in Crimea or Donbas; others to a wider range of issues.<sup>60</sup>

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<sup>59</sup> EU sanctions guidelines are clear that the Council can decide not to continue restrictive measures even if the criteria or specific objectives of the measure have not been met, including if there has been a change in the political context. Likewise, the Council always retains the option to reimpose sanctions by adopting a CFSP Decision under Article 29 of the Treaty of the European Union. See paragraphs 34 and 7, respectively.

<sup>60</sup> U.S. sanctions against Russia related to its involvement in the conflict in Ukraine were initially imposed through a series of Executive Orders (13660, 13661, 13662 and 13685) and were enshrined into law by the Countering America's Adversaries Through Sanctions Act (CAATSA). The law also established a Congressional review process for any action the president takes to ease or lift a wider variety of Russia-related sanctions, including those linked to Ukraine. Though some, including President Donald Trump, have questioned CAATSA's constitutionality (Donald J. Trump, "Statement by President Donald J. Trump on the Signing of H.R. 3364", The White House, 2 August 2017), the legislation makes these sanctions at a minimum harder to reverse if only because of the political cost such an action would incur. The scope and scale of Ukraine-related sanctions are wide-ranging. See Kristin Archick and Dianne Rennack, "U.S. Sanctions on Russia", Congressional Research Service, 17 January 2020. For a good explainer on U.S. sanctions on Russia, see Jeffrey Mankoff and Cyrus Newlin and Jeffrey Mankoff, "U.S. Sanctions against Russia: What You Need to Know", Center for Strategic and International Studies, 31 October 2018.

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#### IV. The Local Still Matters: Components of Ukraine's Peace

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New approaches to European security will not, in and of themselves, end the war in Ukraine. The subsequent instalments in this series will unpack the necessary components of any peace package. To an extent, they align with those of the Minsk Agreements, which for all their inadequacies lay out much of what needs to be resolved to enable peace and the territories' reintegration, including ending the fighting, withdrawing weapons and forces, resuming social and economic ties with separatist-controlled territories; holding elections, defining governance structures and relationships, and deciding whom to amnesty as well as how. But Crisis Group will also explore issues not explicitly addressed in the Minsk Agreements:

**Stopping the shooting.** Ceasefires have been often agreed but short-lived, with each new incident of violence further undermining prospects for a peaceful settlement. This briefing will assess progress to date and the challenges that must be overcome to move forward on disengagement, a ceasefire and withdrawal of heavy weapons as well as foreign forces. It will address domestic opposition to disengagement and ceasefire within Ukraine, its implications and the challenges posed by fighting flare-ups. It will also examine potential roles of outside actors, such as existing or additional monitors and peacekeepers.

**Restoring ties across the line of contact.** Rebuilding relationships between communities divided by the war will be critical to livelihoods in the short term and reintegration in the long term. This briefing will describe actions taken to date by the Zelenskyy administration to restore social and economic ties between government-controlled Ukraine and the statelets. It will assess ways to sustainably reverse the line of contact's increasing resemblance to a state border and outline additional potential humanitarian actions, while addressing challenges of outreach to territory Kyiv does not control.

**Holding elections.** Local elections, a critical component of Minsk, pose thorny problems. The thorniest is that Minsk calls for Kyiv to resume control of its eastern border only after elections, even as these are to be held under Ukrainian law. Zelenskyy insists that this provision means Ukraine must first control all or most of the border, which in turn implies that all foreign forces and their weapons will have departed and that fighters will have laid down their arms. This briefing will lay out various options for breaking the impasse.

**Reintegration.** In line with the Minsk Agreements, reintegration of separatist-held areas into Ukraine should go hand in hand with decentralisation and special status for all or part of Donbas. But the parties define these concepts differently. This briefing will outline prospects for resolving disagreements and consider policy steps necessary to effectively govern Donbas as reintegration is under way, including accommodations for returning refugees and internally displaced people (IDPs), economic and social support, and policing.

**Amnesty.** Minsk calls for an amnesty law that precludes prosecution and punishment of those who took part in fighting and other “events”. Determining who will be amnestied and what it entails will pose significant challenges and is likely to prove divisive. This briefing will examine different approaches to amnesty, including eligibility, restrictions and limitations as well as approaches to war crimes committed by both separatist fighters and those who fought as part of or alongside Ukrainian government forces.

## V. Conclusion

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The costs of continued war, even if accompanied by decreased levels of violence, is high for all parties – for Ukraine, Russia and European security. Zelenskyy came into office promising peace and prosperity; should he fail to deliver, his government risks being replaced not by new reformers but by members of the old guard that failed Ukraine for many years prior to 2014. Russia, although it has weathered the sanctions, nonetheless has suffered their effects; absent progress on Ukraine, those will remain in full. Finally, a persistent conflict risks locking Russia and the West into a worsening spiral of tensions at a time of new and unpredictable geopolitical challenges. Resolving the conflict would redound to all sides' benefit.

Although any viable and sustainable solution will need to address Ukraine-specific issues, it almost certainly also will need to take into account the broader European security context in which the conflict began and that has helped fan its flames. Conflict in Ukraine means conflict in Europe, and its implications spread far beyond that country's borders. Today, under Zelenskyy's leadership, Kyiv appears to genuinely be seeking a way to end the war. Its Western partners can help by starting to build a broader framework for peace on the continent as a whole.

**Kyiv/Moscow/Brussels, 28 April 2020**

## Appendix A: About the International Crisis Group

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The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 120 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries or regions at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international, regional and national decision-takers. Crisis Group also publishes *CrisisWatch*, a monthly early-warning bulletin, providing a succinct regular update on the state of play in up to 80 situations of conflict or potential conflict around the world.

Crisis Group's reports are distributed widely by email and made available simultaneously on its website, [www.crisisgroup.org](http://www.crisisgroup.org). Crisis Group works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The Crisis Group Board of Trustees – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring the reports and recommendations to the attention of senior policymakers around the world. Crisis Group is chaired by former UN Deputy Secretary-General and Administrator of the United Nations Development Programme (UNDP), Lord (Mark) Malloch-Brown.

Crisis Group's President & CEO, Robert Malley, took up the post on 1 January 2018. Malley was formerly Crisis Group's Middle East and North Africa Program Director and most recently was a Special Assistant to former U.S. President Barack Obama as well as Senior Adviser to the President for the Counter-ISIL Campaign, and White House Coordinator for the Middle East, North Africa and the Gulf region. Previously, he served as President Bill Clinton's Special Assistant for Israeli-Palestinian Affairs.

Crisis Group's international headquarters is in Brussels, and the organisation has offices in seven other locations: Bogotá, Dakar, Istanbul, Nairobi, London, New York, and Washington, DC. It has presences in the following locations: Abuja, Algiers, Bangkok, Beirut, Caracas, Gaza City, Guatemala City, Hong Kong, Jerusalem, Johannesburg, Juba, Mexico City, New Delhi, Rabat, Tbilisi, Toronto, Tripoli, Tunis, and Yangon.

Crisis Group receives financial support from a wide range of governments, foundations, and private sources. Currently Crisis Group holds relationships with the following governmental departments and agencies: Australian Department of Foreign Affairs and Trade, Austrian Development Agency, Danish Ministry of Foreign Affairs, Dutch Ministry of Foreign Affairs, European Union Emergency Trust Fund for Africa, European Union Instrument contributing to Stability and Peace, French Development Agency, French Ministry of Europe and Foreign Affairs, German Federal Foreign Office, Global Affairs Canada, Irish Aid, Iceland Ministry for Foreign Affairs, Japan International Cooperation Agency, Principality of Liechtenstein, Luxembourg Ministry of Foreign and European Affairs, New Zealand Ministry of Foreign Affairs and Trade, Norwegian Ministry of Foreign Affairs, Qatar Ministry of Foreign Affairs, Swedish Ministry of Foreign Affairs, the Swiss Federal Department of Foreign Affairs, the UK Department for International Development, and the United Arab Emirates Ministry of Foreign Affairs and International Cooperation.

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**April 2020**

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## Appendix B: Reports and Briefings on Europe and Central Asia since 2017

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### Special Reports and Briefings

*Counter-terrorism Pitfalls: What the U.S. Fight against ISIS and al-Qaeda Should Avoid*, Special Report N°3, 22 March 2017.

*Council of Despair? The Fragmentation of UN Diplomacy*, Special Briefing N°1, 30 April 2019.

*Seven Opportunities for the UN in 2019-2020*, Special Briefing N°2, 12 September 2019.

*Seven Priorities for the New EU High Representative*, Special Briefing N°3, 12 December 2019.

*COVID-19 and Conflict: Seven Trends to Watch*, Special Briefing N°4, 24 March 2020 (also available in French and Spanish).

### Russia/North Caucasus

*Patriotic Mobilisation in Russia*, Europe Report N°251, 4 July 2018.

### South Caucasus

*Nagorno-Karabakh's Gathering War Clouds*, Europe Report N°244, 1 June 2017.

*Abkhazia and South Ossetia: Time to Talk Trade*, Europe Report N°249, 24 May 2018 (also available in Russian).

*Digging out of Deadlock in Nagorno-Karabakh*, Europe Report N°255, 20 December 2019 (also available in Russian).

### Ukraine

*Can Peacekeepers Break the Deadlock in Ukraine?*, Europe Report N°246, 15 December 2017.

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