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After talks in Geneva, at NATO and at the OSCE, Ukraine crisis continues. And so too do the talks – this week in Kyiv, Moscow, Berlin and Geneva



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German Foreign Minister Annalena Baerbock and Russian Foreign Minister Sergey Lavrov after their meeting Tuesday in Moscow.

After a week of intensive discussions that began with a working dinner last Sunday and an eight-hour meeting last Monday between U.S. Deputy Secretary of State Wendy R. Sherman and Russian Deputy Foreign Minister Sergey Ryabkov, then a four-hour meeting of the NATO- Russia Council in Brussels last Wednesday, and then a meeting of the Permanent Council of the Organization for Security and Co-operation in Europe (OSCE) in Vienna last Thursday, the crisis created by the buildup of more than 100,000 Russian troops, accompanied by tanks, artillery and other equipment, near the Ukraine border continues. Indeed, as Polish Foreign Minister Zbigniew Rau, the incoming chair of the OSCE, said at Thursday's meeting, "It seems that the risk of war in the OSCE area is now greater than ever before in the last 30 years."

But if the crisis continues, so too do the talks. On Monday, German Foreign Minister Annalena Baerbock met in Kyiv with President Volodymyr Zelenskyy and Foreign Minister Dmytro Kuleba and on Tuesday she met in Moscow with Foreign Minister Sergey Lavrov. Also on Tuesday, NATO Secretary General Jens Stoltenberg met in Berlin with German Chancellor Olaf Scholz and German Defense Minister Christine Lambrecht, and subsequently he announced he would be reconvening the NATO-Russia Council. Yesterday, U.S. Secretary of State Antony J. Blinken met in Kyiv with Zelenskyy and Kuleba and today he met in Berlin with Baerbock, and both of them met as well in the Transatlantic Quad with French Foreign Minister Jean-Yves Le Drian and British Minister of State James Cleverly. And tomorrow, Blinken will meet in Geneva with Lavrov.

On December 7, Presidents Biden and Putin spoke by video conference for two hours, Biden expressing his concern about the buildup of Russian forces near Ukraine, Putin expressing his concern about Ukraine's possible accession to NATO and Russia's need for security guarantees. They agreed to have their officials consult about the issues and a week later Russia proposed a treaty with the U.S. and an agreement with NATO. In the proposed treaty, the U.S. would, among other things, commit itself to undertaking to prevent further eastward expansion of NATO and denying accession to NATO by states of the former USSR, to not establishing military bases in states of the former USSR that are not members of NATO, and to not using the infrastructure of those states for any military activities or developing bilateral military cooperation with them. In the proposed agreement, NATO would, among other things, commit itself to refraining from any further enlargement, including the accession of Ukraine, and from conducting any military activity in Ukraine and in other states in Eastern Europe, the South Caucasus and Central Asia.

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Sherman and Ryabkov met in Geneva under the umbrella of the Strategic Security Dialogue agreed by Biden and Putin at their summit in Geneva last June. In a teleconference briefing after her eight-hour meeting with Ryabkov last Monday, Sherman said, "We were firm...in pushing back on security proposals that are simply non-starters for the U.S. We will not allow anyone to slam closed NATO's 'Open Door' policy, which has always been central to the NATO Alliance. We will not forego bilateral cooperation with sovereign states that wish to work with the U.S. And we will not make decisions about Ukraine without Ukraine, about Europe without Europe, or about NATO without NATO." But, she said, "We have been clear, and we were clear today, that the U.S. would welcome genuine progress through diplomacy. We also reiterated that we believe genuine progress can only take place in a climate of de-escalation, not escalation. If Russia stays at the table and takes concrete steps to de-escalate tensions, we believe we can achieve progress. But if Russia walks away from the diplomatic path, it may well be quite apparent that they were never serious about pursuing diplomacy at all." And, she added, "We've made it clear that if Russia further invades Ukraine, there will be significant costs and consequences well beyond what they faced in 2014."

Ryabkov for his part said in a press conference after the meeting, "The negotiations around R security proposal were very difficult, long, very professional, deep and concrete, without an attempts to gloss over or avoid any difficult points. We were left with the impression that the American side was taking Russia's proposal very seriously." But he also said the Russian demands remained unchanged: "For us, it's absolutely mandatory to make sure that Ukraine never - never ever - becomes a member of NATO...We need ironclad, waterproof, bulletproof, legally binding guarantees - not assurances, not safeguards, guarantees - of never ever becoming a member of NATO, with all the words 'never ever becoming member of NATO'."

On Wednesday, the NATO-Russia Council, consisting of the foreign ministers or their deputies of the 30 member states of NATO and Russian Deputy Foreign Minister Aleksandr V. Grushko and Deputy Defense Minister Aleksandr V. Fomin, met for four hours to discuss Russia's strategic concerns and its proposed agreement. After the meeting, Stoltenberg held a press conference in which he said, "This was not an easy discussion...We had a very serious and direct exchange on the situation in and around Ukraine. And the implications for European security. There are significant differences between NATO Allies and Russia on these issues. Our differences will not be easy to bridge....Today Russia raised the proposals that they published in December, aimed at addressing their security concerns. These include demands to stop admitting any new members to NATO. And to withdraw forces from eastern Allies. Allies on their side reaffirmed NATO's Open Door policy. And the right for each nation to choose its own security arrangements. Allies made clear that they will not renounce their ability to protect and defend each other. Including with presence of troops in the eastern part of the Alliance."

Nevertheless, Stoltenberg said, "NATO Allies are ready to meet again with Russia to have discussions in greater detail, to put concrete proposals on the table, and to seek constructive outcomes. In particular, Allies would like to discuss concrete ways to increase the transparency of military exercises, to prevent dangerous military incidents, and reduce space and cyber threats. Allies have also offered to look at arms control, disarmament and non-proliferation. Including to address reciprocal limitations on missiles, and to address nuclear policies." But, he said, "NATO Allies are clear-eyed about the prospects for progress in these talks. They expressed serious concern about the Russian military buildup in and around Ukraine. And called on Russia to immediately de-escalate the situation. And to respect the sovereignty and territorial integrity of its neighbours. They also called on Russia to refrain from aggressive force posturing and malign activities directed against Allies and abide by all its international obligations and commitments. All this means that our dialogue is difficult, but even more necessary. NATO Allies stressed that they will make every effort to find a political way forward." He reiterated that, "On membership and the NATO's open door all Allies are united on the core principle that each and every nation has the right

to choose his own path. ...And therefore, also Allies totally agree that it is only Ukraine and 30 Allies that can decide when Ukraine is ready to become a NATO member. No one else has anything to say and of course Russia doesn't have a veto on whether Ukraine can become a NATO member." That said, "NATO engages in these talks, the dialogue, in good faith. We are ready to sit down and discuss substance. We are ready to put proposals on the table, concrete proposals. And then, at the same time we have to be prepared ...that Russia once again chooses confrontation. And therefore we also made it very clear that any use of force against Ukraine will be a severe and serious strategic mistake by Russia. And it will have severe consequences and Russia will have to pay a high price."

In a press conference following the meeting, Grushko said, "It was an absolutely necessary conversation that helped us to understand who stands where and the challenge we have to deal with. The conversation was rather sincere, direct, in-depth and busy, but at the same time it revealed a large number of differences on fundamental issues...I believe that we managed to bring to the notice of the alliance's members that the situation was turning intolerable and that at some moment the risks related to the continuation of NATO's present policy might outweigh the advantages that they seek to derive today from the traditional NATO rhetoric that the future security in Europe and the Euro-Atlantic region must be NATO-centered and that eventually European security will consist of the NATO global map, with NATO at the center, a partnership, all playing by the rules elaborated in Brussels. I believe that many have come to realize today that this story will sooner or later come to an end and it may look differently. We favor exiting this situation, using peaceful means, on the basis of a reasonable balance again. We also proceed from the fact that the rational interests of strengthening European security require a clear understanding that the alliance's further expansion is associated with risks that will outweigh any decision on further expansion...We candidly, directly, without equivocating or using any politically correct formulas, stressed that further escalation of the situation can result in very unpredictable and dire consequences for European security."

Regarding the current crisis, Grushko said, "Each country has the right to defend its frontiers and ensure its own security. If you look at the changes in Ukraine's strategy, where Russia has been called the enemy and according to which the entire military machine should be focused on countering the "Russian threat," of course we need to take precautions, and we will do it....We will be taking all the measures, both political and military-technical ones, to eliminate any encroachment on Russia's legitimate defense security interests." But importantly, he also pointed to how the current crisis might be peacefully resolved: "Our position is absolutely understandable: a de-escalation is possible. First of all, the government in Kiev has to be forced to pursue complete and unconditional implementation of the Minsk agreements that are part of international law. If

the Minsk agreements are implemented, there won't be any threat to either Ukraine's security territorial integrity.... This is the only formula that allows us to resolve this internal conflict and create the necessary context for solving more important, more difficult security issues." He made it clear that resolution of the crisis depends on Ukraine fully implementing its obligations under the Minsk agreements; once that's done, he said, "there will be no threat to Ukraine's security and territorial integrity."

In referring to the Minsk agreements, Grushko was, of course, referring to the agreements negotiated in Minsk in September 2014 and February 2015. In the first agreement, Russia, Ukraine, and the self-declared republics created by the pro-Russian separatists that had taken control of substantial portions of the Donetsk and Luhansk regions in eastern Ukraine agreed, among other things, to an immediate ceasefire to be monitored by the OSCE, permanent monitoring of the Russia-Ukraine border by the OSCE, passage of a law granting special status to those regions, and a significant decentralization of power from the national government to those regions. But despite the agreement, the ceasefire was repeatedly violated, the conflict continued, and the numbers of casualties and displaced persons continued to increase. At one point in the winter of 2014-15, some 8,000 Ukrainian troops were encircled in Debaltseve, a critical road and rail junction between Donetsk and Luhansk, and in February 2015, German Chancellor Angela Merkel, with French President François Hollande, took the initiative to convene a meeting in Minsk with Putin and Ukrainian President Petro Poroshenko. The result was another Minsk agreement, widely referred to as Minsk 2. Minsk 2 called for an immediate and full bilateral ceasefire, withdrawal of heavy weapons from the front line, more effective monitoring of the ceasefire, a withdrawal of weapons, restoration of social and economic services, including transfers and pensions, an internal dialogue about the future of the areas held by the separatists, and constitutional reform that would give special status and decentralize power to the portions of the Donetsk and Luhansk regions controlled by the separatists, after which local elections would be held and full control by Ukraine over its border would be restored.

In the seven years since Minsk 2 was agreed, Ukraine has dragged its feet on implementing its provisions - most notably, in regard to the provisions pertaining to the constitutional reforms that would give the regions controlled by the separatists a special status as a result of which they would have substantial political and economic autonomy - and has focused, instead, on strengthening, with U.S. and NATO advice, equipment, and financial assistance, its military capabilities; continuing the "frozen conflict" with the pro-Russian separatists; and eventually regaining control of the territory now held by the separatists. Whether Ukraine believes it can achieve the latter without implementing Minsk 2 is a matter of conjecture. What is not a matter of conjecture, and what Russia made absolutely clear through its buildup of forces near the border last fall, is that it won't

let that happen.

Whether Ukraine's foot-dragging on Minsk 2 is a reflection of the government's principled opposition to the constitutional reforms or a manifestation of its dislike of an agreement negotiated by Zelenskyy's predecessor, 2019 presidential election opponent, and likely opponent in the 2024 election, the fact remains that it has failed to implement many of the key provisions in Minsk 2. And that is why there was some hope that the meeting last Thursday of the Permanent Council of the OSCE, which is itself a party to the Minsk agreements, might, by persuading Ukraine to implement Minsk 2, avert a possible military intervention by Russia. In his address to the ambassadors representing the 57 member states of the OSCE, the incoming chairman, Polish Foreign Minister Rau, said that, in consultation with the participating states, he "will ensure that the OSCE plays a role in addressing the current security challenges in Eastern Europe. We will be open to dialogue and ready to present initiatives aiming at reaching mutual understanding and easing tensions in the OSCE area....The OSCE is well positioned to help to mitigate existing disputes while fully respecting various points of view, providing that all interested parties approach dialogue in good faith. In this vein, we should focus on a peaceful resolution of the conflict in and around Ukraine, in compliance with the Minsk Agreements and in full respect of the sovereignty, territorial integrity and unity of Ukraine within its internationally recognized borders."

In his online press briefing after the meeting, Ambassador Michael Carpenter, the U.S. permanent representative, noted that the OSCE plays a vital role as a signatory to the Minsk agreements and, in addition has a special monitoring mission on the ground in eastern Ukraine. He said "the Ukrainian side has said that it is dedicated to the implementation of the Minsk agreements of 2014 and 2015 as a way to resolving the conflict. They have taken extensive measures towards that end....However, I would point out that the Minsk Agreement of February 2015 lays out a series of points that need to be fulfilled in order for Ukraine to secure its sovereignty and territorial integrity with full control over its international borders. And the first elements of that agreement call for a durable ceasefire, a withdrawal of heavy weapons from agreed zones, and unfettered access for OSCE monitors throughout the Russian-controlled parts of eastern Donbas. And those three conditions have not been fulfilled, so the ball is really in the Russians' court. Once those basic security preconditions are filled, then we can continue to work on implementation of the Minsk Agreement."

Last Friday, in his long press conference covering Russia's foreign policy performance in 2021, Lavrov focused primarily on Russia's desire for security guarantees from the U.S. and NATO and expressed some impatience about their response. He noted that Russia's draft treaty with the U.S. and draft agreement with NATO was "a package proposal aimed at precluding absolutely any further eastward movement of NATO and the deployment of threatening weapons systems near

Russian borders.....We clearly outlined our requirements and provided detailed arguments on the need to focus on stopping the expansion of one block of countries at the expense of the interests of other states on the European continent...I would like to point out that we need legally binding guarantees. Our western partners never honoured the political commitments they made in the 1990s, not to mention their verbal promises. It appears that they are not going to do this now either. We clearly explained why this approach is counterproductive and why a lopsided interpretation of the political promises on NATO's non-expansion and indivisible security is unacceptable. We are waiting for our colleagues to provide their answers in writing, just as we did with our proposals. We will continue working to prepare for any eventuality....We are waiting for a written response. We have reason to believe that our partners have realized the need to do this quickly, with specificity, and in writing. We won't wait forever....We want to see their position on paper, to get a specific comment on each of our points in both documents – which of them are acceptable, which aren't and why. If something needs to be added, they could formulate amendments. ...Our patience has been exhausted.” And he reiterated and underscored Russia's “red lines”: “We are strongly against NATO right on our borders, and all the more so given the policy that is, unfortunately, being pursued by Ukraine (both former and current leaders). Moreover, this is really a red line, and they are aware of it. Even if Ukraine remains outside NATO, bilateral agreements with the Americans, the British, and other Western countries are always possible, and they are creating military facilities there and bases on the Sea of Azov, something we also find unacceptable. Deploying attack weapons that pose a threat to the Russian Federation on our neighbors' territories, in this case Ukraine, is another red line....They must understand that guaranteeing that NATO stop its eastward expansion is key to all this. All the rest will be part of a general deal but this is what the agreement must be like.”

Turning to the situation in Ukraine, Lavrov specifically mentioned the Minsk agreements: “When we discuss the Donbass issue in the Normandy format with our German friends, we explain that it is Kiev that must implement the Minsk agreements (this is what is written in them). Until recently, we were told to leave it alone for the time being. They said: Let's simply implement the agreements. How is it possible to implement them if this requirement is not addressed to the party that must do it?” In regard to the rights that were agreed for the Donetsk and Luhansk republics in the Minsk agreements, Lavrov said “one of the sides is not honouring the documents approved by both sides... the Kiev regime.” Noting that the EU was represented by Germany and France in the Normandy Format, he said, “There has been zero response to our numerous calls to the EU to ensure implementation of the agreements in the adoption of which it has invested efforts, talent and hard work. Regarding the Minsk agreements, they say that Russia must implement the five principles formulated by then High Representative of the EU for Foreign Affairs and Security Policy Federica Mogherini, according to which EU-Russia relations will normalize when Russia fulfils the Minsk

agreements. This is political schizophrenia, because the Minsk agreements are not about Russia, they are about Kiev, Donetsk and Lugansk. Kiev officials regularly say at various levels that they will not speak with the republics. When we point this out to Germany and France, the French say that there is nothing in the Minsk agreements that would oblige Kiev to talk with these people."

Later, when asked what Russia would do if the U.S. and NATO reject the proposals, Lavrov said, "We are waiting for a written response. We have reason to believe that our partners have realized the need to do this quickly, with specificity, and in writing. We won't wait forever. There are plans to drag out this process. Frankly, everyone knows that reaching an agreement depends on the U.S. Whatever they are telling us about the need to consult with their allies and involve all OSCE members in the talks, those are excuses and attempts to drag out the process.... We want to see their position on paper, to get a specific comment on each of our points in both documents - which of them are acceptable, which aren't and why... Now we are awaiting response in writing, after which this issue will move to the fore it becomes clear that it makes sense to resume the talks.... If our proposals are rejected, we will evaluate the situation and report to President Putin... It is important for us to receive a detailed response or counterproposals on the issues raised in our documents... The response of our colleagues will show us how serious they are.... We arrived at these talks with the positions that we formulated in writing a month before the meeting in Geneva. During this month, the Americans failed to study our proposals in order to arrive at a specific position. They limited themselves to questions and verbal explanations. We are past that stage."

It seems clear from the meetings last week, as well as the meetings that have taken place this week, that whether the Ukraine crisis is peacefully resolved will depend on whether Russia can be persuaded that the Minsk agreements will be fully implemented and its security concerns will be addressed. Will there be peace or war? Tomorrow's meeting in Geneva may answer that question.

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