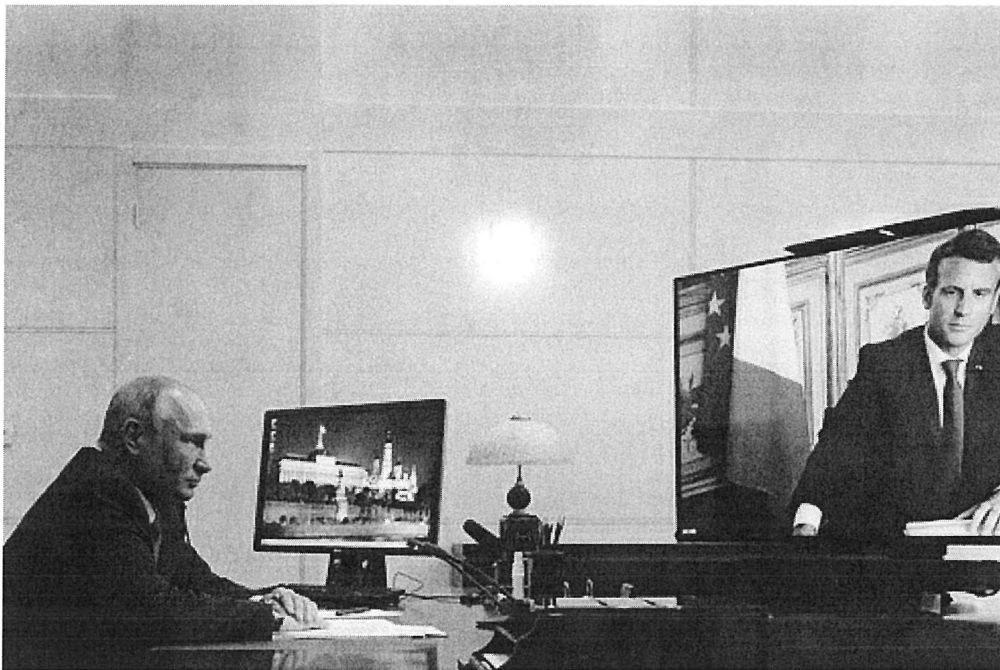


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After U.S. & NATO reject Russia's proposals, outlook for Ukraine is grim. But Normandy format talks still offer a pathway to peaceful resolution of the crisis.

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Russian President Vladimir Putin and French President Emmanuel Macron discussed Ukraine situation in phone calls last Friday and again on Monday.

As Russia continued to send troops, tanks and other equipment toward its border and that of Belarus with Ukraine, and the U.S. and its NATO allies continued to warn Russia of the severe consequences of an invasion, there were two important developments last week, one of which makes it more likely that Russia will invade, the other of which offers a pathway toward a peaceful resolution of the crisis. The former development was the delivery by the U.S. and NATO last Wednesday of their written responses to Russia's demand for security guarantees, including, most notably, its demand that there be no further eastward enlargement of NATO and that Ukraine never become a member. The latter development, less widely noticed but nevertheless important,

was the eight-hour meeting in Paris, also last Wednesday, of representatives of France, Germany, Russia, and Ukraine to prepare for the resumption of talks in the Normandy format that produced the Minsk agreements of September 2014 and February 2015. ('Normandy format' is the name given to the informal contact group created by the leaders of the four states when they met in Normandy on the 70th anniversary of D-Day in 2014 and agreed to work to end the conflict in eastern Ukraine between pro-Russian separatists and Ukrainian troops. For a summary of the agreements, see on this site, "After talks in Geneva, at NATO and at the OSCE....," January 20.)

Last Wednesday, U.S. Secretary of State Antony J. Blinken announced that Ambassador John J. Sullivan had delivered the written response of the U.S. to Russia's proposal of a treaty that would address its security concerns by, among other things, committing the U.S. to working to prevent any further eastward enlargement of NATO and any future accession of Ukraine to NATO. The response, he said, conveyed the concerns of the U.S. and its allies and partners about Russia's recent actions in deploying a large number of troops and military equipment to locations near its border with Ukraine and made it clear there are core principles the U.S. is committed to upholding and defending, including Ukraine's sovereignty, territorial integrity, and the right to choose its own security arrangements. But the response also conveyed, he said, a "principled and pragmatic" evaluation of Russia's concerns and, based on that evaluation, identified a number of areas in which the U.S. and Russia might find common ground, such as reciprocal transparency measures regarding force posture in Ukraine, measures to increase confidence regarding military exercises and maneuvers, arms control related to missiles in Europe, a follow-on agreement to the new START treaty, and ways to increase transparency and stability.

Also last Wednesday, NATO Secretary General Jens Stoltenberg announced that NATO had conveyed its written response to Russia's proposal of an agreement that would, among other things, bar any further eastward enlargement of NATO, including membership for Ukraine. After calling on Russia once again to immediately de-escalate the situation caused by its military buildup in and around Ukraine, including in Belarus, he outlined several areas in which NATO sees room for progress in its relationship with Russia – for example, in re-establishing their offices in Moscow and Brussels, making full use of the existing military-to-military channels of communication, and discussing how to uphold and strengthen the fundamental principles of European security they have agreed to, starting with the Helsinki Final Act which, he noted, includes the right of each nation to choose its own security arrangements. Russia, he said, should refrain from "coercive force posturing, aggressive rhetoric, and malign activities directed against Allies and other nations...[and] should also withdraw its forces from Ukraine, Georgia, and Moldova, where they are deployed without these countries' consent, and all parties should engage constructively in efforts to settle conflicts, including in the Normandy format."

As a first step in addressing those issues, Stoltenberg announced that, as chair of the NATO-Russia Council, he had invited the 30 NATO members and Russia to a series of meetings to discuss a wide range of issues – arms control, reducing the threats from nuclear weapons and from short- and middle-range missiles, cyber space, space-based weapons, and increased transparency in military activities. But he underscored the bottom line in NATO's written response: "What we have made clear is that we will not compromise on some core principles. And one of them is, of course, that every nation has the right to choose its own path....So this is about respecting nations and their right to choose their own path. And that has not changed. And that is actually a principle that also Russia has subscribed to many times, starting with the Helsinki Final Act in 1975, but also the Paris Accord in 1990, and many other documents where this principle has been clearly stated."

Last Thursday, Russian Foreign Minister Sergey V. Lavrov responded to the U.S. and NATO responses to Russia's proposals. He said the responses "offer grounds for serious talks only on matters of secondary importance. There is no positive response to the main issue, which is our clear stand on the continued NATO enlargement towards the east and the deployment of strike weapons that can pose a threat to the territory of the Russian Federation, which we consider unacceptable." He noted that in 1990, when Germany was reunified, "they solemnly promised that NATO would not expand even an inch eastward beyond the Oder River," which of course it did when Poland (along with the Czech Republic and Hungary) became a member in 1999. And he noted that the leaders of all of the member states of the OSCE, including the American presidents at the time, had, in signing the 1999 Istanbul Declaration and 2010 Astana Declaration, committed their states to honoring the principle of indivisible security set out in both, under which states are free to choose their military alliances but are obliged not to strengthen their security at the expense of the security of other states. He said that, during his talks with Blinken in Geneva, "I asked him to explain why they regard the obligations made within the OSCE as a menu from which they are free to choose the dishes that taste good to them, and why they are disregarding or talking round their pledge to honour the interests of other countries. Mr. Blinken did not reply to my question. He only shrugged his shoulders, and that's it. I told him, just as I have told our other colleagues [NATO], that we would shortly send them an official request for an explanation why they choose only one of their commitments and disregard the other commitments on which its implementation depends. It will be an official request sent to all countries whose leaders signed the Istanbul and Astana declarations....Other than that, we are analysing the Americans' response....We have also received NATO's response from Secretary General Jens Stoltenberg. We are analysing these two documents as a package....After an inter-agency coordination of our conclusions, we will submit them to President Vladimir Putin, who will make a decision on our further actions."

Last Friday, in an interview with four radio stations, Lavrov was asked bluntly, "Will there be a war?"

He said, "If it depends on the Russian Federation, there will be no war. We don't want wars, but we won't allow anyone to trample on our interests or ignore them, either. I cannot say that the talks are over. As you are aware, it took the Americans and their NATO allies more than a month to study our extremely straightforward proposals...We received their response only the day before yesterday." Noting again that the U.S. and NATO, in emphasizing the right of a country to choose its military alliances, had ignored the second part of the OSCE commitment – that, in exercising its right to choose its military alliances, a state not threaten the security of another state – Lavrov said, "Today, as I made clear earlier, I am sending official requests to all my colleagues asking them directly to clarify how they are going to fulfill...the obligations that their countries have signed onto at the highest level." Asked what Russia would do "if the West does not listen to reason," he said, "The President of Russia has already said what. If our attempts to come to terms on mutually acceptable principles of ensuring security in Europe fail to produce the desired result, we will take response measures. Asked directly what these measures might be, he said: they could come in all shapes and sizes. He will make decisions based on the proposals submitted by our military. Naturally, other departments will also take part in drafting these proposals. Now the interdepartmental analysis of the responses received from the US and NATO is underway...Our reply will be prepared. The proposals contained in our reply will be reported to the President of Russia and he will make a decision."

Returning to the issue later in the interview, Lavrov summed up the Russian position: "We are studying their response and we have already provided our initial assessments. It is not satisfactory with regard to the main issue: the West fails to honour its obligations in terms of indivisibility of security and ignores our interests, although we laid them out in an extremely straightforward and clear way....We are now focused on getting explanations. We cannot accept evasive answers when it comes to the indivisibility of security. The West is shirking its commitments just as it failed to deliver on its commitment not to expand NATO. But then (as it is now telling us) it was a verbal commitment. Now, written commitments are available....Explain how you fulfill the written commitments signed by your presidents."

On Monday, the U.S. State Department announced it had received "a written follow-up" from Russia to its response last Wednesday to Russia's proposal of a treaty guaranteeing its security. The official didn't elaborate, saying, "It would be unproductive to negotiate in public, so we'll leave it up to Russia if they want to discuss their response. We remain fully committed to dialogue to address these issues and will continue to consult closely with our Allies and partners, including Ukraine." But the follow-up was, of course, the message Lavrov said in his interview last Friday he was sending that day. In the message, entitled "Minister of Foreign Affairs of Russia Mr. Sergey Lavrov's written message on Indivisibility of Security addressed to the Heads of Foreign/External Affairs

Ministers/Secretaries of the US, Canada and several European countries,” Lavrov said, “The U.S. and NATO responses to our proposals...demonstrate serious differences in the understanding of the principle of equal and indivisible security that is fundamental to the entire European security architecture. We believe it is necessary to immediately clarify this issue, as it will determine the prospects for future dialogue. The Charter for European Security signed at the OSCE Summit in Istanbul in November 1999 formulated key rights and obligations of the OSCE participating States with respect to indivisibility of security. It underscored the right of each participating State to be free to choose or change its security arrangements including treaties of alliances, as they evolve, as well as the right of each State to neutrality. The same paragraph of the Charter directly conditions those rights on the obligation of each State not to strengthen its security at the expense of the security of other States....At the OSCE Summit in Astana in December 2010, the leaders of our nations approved a declaration that reaffirmed this comprehensive package of interconnected obligations. However, the Western countries continue to pick up out of it only those elements that suit them, and namely – the right of States to be free to choose alliances for ensuring exclusively their own security. The words ‘as they evolve’ are shamefacedly omitted, because this provision was also an integral part of the understanding of ‘indivisible security.’...The very essence of the agreements on indivisible security is that either there is security for all or there is no security for anyone. ...The very fact that the West now tries to revise to its benefit these diplomatic achievements of the leaders of all OSCE countries raises serious concern. The situation demands a frank clarification of positions. We want to receive a clear answer to the question how our partners understand their obligation not to strengthen their own security at the expense of the security of other States on the basis of the commitment to the principle of indivisible security. How specifically does your Government intend to fulfil this obligation in practical terms in the current circumstances? If you renege on this obligation, we ask you to clearly state that. Without having full clarity on this key issue..., it is impossible to ensure the balance of interests embodied in the instruments of the Istanbul and Astana summits. Your response will help to better understand the extent of the ability of our partners to remain faithful to their commitments, as well as the prospects for common progress toward decreasing tensions and strengthening European security. We look forward to your prompt reply.”

On Monday, Blinken spoke with Lavrov in a half-hour call to follow up on the U.S. written response to Russia's security proposals. The State Department reported that “the Secretary emphasized the U.S. willingness, bilaterally and together with Allies and partners, to continue a substantive exchange with Russia on mutual security concerns...He further reiterated the U.S. commitment to Ukraine's sovereignty and territorial integrity, as well as the right of all countries to determine their own foreign policy and alliances. The Secretary urged immediate Russian de-escalation and the withdrawal of troops and equipment from Ukraine's borders. He emphasized that further invasion

of Ukraine would be met with swift and severe consequences and urged Russia to pursue a diplomatic path.”

In a press conference after his meeting Tuesday with Hungarian Prime Minister Viktor Orbán, Putin said, “Naturally, we discussed the resolution of the Ukrainian conflict and the overall situation in Ukraine, including in the sphere of human rights, the violation of human rights having become systemic there....We also had a detailed exchange of opinions regarding Russian proposals to the United States and NATO on providing Russia with long-term legally binding security guarantees. We would like to note that we are closely analysing the written replies obtained on January 26 from the United States and NATO. But it is already obvious that principled Russian concerns have been ignored and I have informed the Prime Minister about this. We can see that they have failed to adequately address our three key demands concerning the prevention of NATO’s expansion, a refusal to deploy offensive weapon systems near Russian borders and the return of the Bloc’s European military infrastructure to 1997 levels when the NATO-Russia Founding Act was signed. At the same time, while ignoring our concerns, the United States and NATO are referring to the right of states to freely choose specific methods to ensure their security. But this is not only about providing someone with the right to freely choose methods to ensure their security. This is only one part of the well-known indivisible security formula. The second inalienable part implies that it is impossible to strengthen anyone’s security at the expense of other states’ security.”

Russia’s reaction to the U.S. and NATO responses to its demand for security guarantees, and its continued build-up of its forces in Belarus, only a short distance from Kyiv, suggest the outlook for Ukraine is indeed grim. Nevertheless, the resumption of the Normandy format talks in Paris last Wednesday suggests that, despite Russia’s anger at the U.S. and NATO rejection of its demand for security guarantees, it is still possible that the crisis will be resolved peacefully. Last month, while the attention of the world was focused on the talks involving the U.S. and Russia in Geneva, the NATO-Russia Council in Brussels, and the Permanent Council of the Organization for Security and Co-operation in Europe (OSCE) in Vienna, following an agreement between French President Emmanuel Macron and German Chancellor Olaf Scholz to work to resume talks in the Normandy format in an effort to ensure the full implementation of the Minsk agreements that Russia has frequently suggested is the key to resolving the crisis, Jens Plötner, the foreign policy adviser to Scholz, and Emmanuel Bonne, Macron’s diplomatic adviser, met in Moscow with Dmitry Kozak, the deputy chief of staff of Putin’s executive office. Russia was reluctant to commit in advance to a summit meeting of the N4 leaders, given the continuing failure of Ukraine to implement the provisions of the Minsk agreements. But after some discussion, Russia did agree to a resumption of the N4 talks, and a few days later Plötner and Bonne met in Kyiv with Andriy Yermak, the head of

President Volodymyr Zelenskyy's office, after which the four advisers met in Berlin in mid-January and, after further discussion, agreed to meet in Paris last Wednesday.

The four advisors, accompanied by representatives of their foreign ministries, met at the Élysée Palace, the presidential offices and residence, for eight hours, at the end of which they issued a declaration in which they said, "They reaffirm that the Minsk agreements are the basis of the work of the Normandy format and are committed to reduce current disagreements on the way forward. They support unconditional observance of the cease fire and full adherence to the measures to strengthen the cease fire of 22 July 2020 regardless of other issues of the implementation of the Minsk agreements. They discussed the importance of the TCG [Trilateral Contact Group, consisting of representatives of Russia, Ukraine and the OSCE] and its working groups to intensify their work with a view of swift progress in the implementation of the Minsk agreements. They agree to meet again in two weeks in Berlin." According to a spokesperson for the French foreign ministry, the representatives agreed on several points, most notably, that the 2015 Minsk agreement, known as Minsk 2, is still relevant to the outstanding issues in eastern Ukraine and that all parties should respect a ceasefire in eastern Ukraine. The spokesperson said the upcoming meeting in Berlin may open a path toward the de-escalation of the conflict.

After the talks, Yermak, the head of Zelenskyy's office, said, "The very fact that the Normandy format has resumed work is already a very positive signal. A very meaningful and difficult conversation took place today – a kind of audit of the implementation of both the Minsk agreements and the agreements of the leaders of the Normandy format from 2019....Despite all the differences in interpretations, we agreed that regardless of the discrepancies on the Minsk agreements that exist between Ukraine and representatives of certain regions of the Donetsk and Luhansk regions, the truce must be observed unconditionally, and the [ceasefire] agreement that was signed on July 22, 2020, must be implemented....The cease-fire in eastern Ukraine must be maintained by all the parties in line with the accords....Today our discussion was about the war in Donbas, the Minsk agreements and the issues considered in the Normandy format....The work continues, Ukraine, as always, is ready for negotiations, for meetings 24/7, because for us, for President Zelenskyy, for the whole team, the goal is to end the war, return our territories. And today the goal is also a de-escalation around Ukraine's borders."

Zelenskyy's office later released a statement which said the talks were "meaningful and provided an opportunity to outline the possibility of reaching the solutions needed for peace." It said he assessed positively the fact that the meeting took place, its constructive nature, and the intention to continue the talks in Berlin in two weeks. He said, "For our state, the first priority today is to achieve a stable and unconditional silence in Donbas. The ceasefire must be guaranteed, reliable, and on this basis the next steps can be taken." The statement concluded, "We consider the

intensification of the work of the Normandy format at the level of the leaders of the respective countries with the organization of their meeting in the near future to be an obligatory element of the movement towards fair and stable peace for Donbas through the implementation of the Minsk agreements.”

Importantly, in his media interview last week, Lavrov made it clear, as he had on several other occasions recently, that, for Russia, implementation of the Minsk agreements, including the provisions calling for constitutional reform granting autonomy to the Donbas region, is a necessary condition for the peaceful resolution of the current situation: “We have always stressed the need to fully implement the Minsk agreements in good faith and following the sequence it sets forth... including in terms of granting an autonomous status to Donbass.... This is consistent with what the Minsk agreements say. The special status provisions they set forth cannot be subject to any equivocal interpretations. What needs to be done is clear.” The N4 talks are, obviously, still a long distance from reaching an agreement on the full implementation of the Minsk 2 agreements. But last Wednesday’s meeting was an important first step in that direction.

Last Friday, Macron and Putin had a telephone conversation that lasted more than an hour in which, according to the Russian readout, the leaders focused primarily on “the issue of providing Russia with long-term and legally binding security guarantees. ... Putin made it clear that the Russian side would carefully study the written responses to the draft agreements on security guarantees received from the U.S. and NATO on January 26, after which it would decide on further action. At the same time, attention was drawn to the fact that the US and NATO responses did not address Russia’s fundamental concerns such as stopping NATO expansion, not deployment assault weapons near Russia’s borders, or rolling NATO’s military capacity and infrastructure in Europe back to where they were in 1997 when the NATO-Russia Founding Act was signed. The key question on the U.S. and its allies’ plans to follow the principle of the indivisibility of security was ignored. This principle is enshrined in the OSCE and NATO-Russia basic documents and stipulates that no one should strengthen their security at the expense of the security of other countries. When discussing the situation in Ukraine, Vladimir Putin emphasised the importance of Kiev’s strict compliance with the provisions of the Minsk Package of Measures and other agreements, primarily on establishing a direct dialogue with Donetsk and Lugansk and legalizing the special status of Donbass. Based on the outcome of the meeting of political advisers to the leaders of the Normandy four countries held in Paris on January 26, the parties reaffirmed their commitment to continuing working in this format.... The President of Russia and the President of France agreed to stay in close communication.”

On Monday, Macron and Putin spoke again by phone. According to the Russian readout, “The presidents continued exchanging views on the situation around Ukraine and issues related to

providing long-term legally binding security guarantees to Russia. Vladimir Putin once again set forth the principled approaches to those issues. The two leaders agreed to continue contacts by telephone and to promptly consider the possibility of meeting in person." In a statement issued after the call, Macron's office said, "the two presidents welcomed favorably the positive progress in the Normandy format....and both want to continue the dialogue with a view towards implementing the Minsk agreements relating to the situation in Donbass."

War or peace? After the U.S. and NATO rejected Russia's request for security guarantees and Putin weighed in with his views, the outlook for Ukraine is grim. Indeed, President Biden has predicted Russia will invade Ukraine in mid-February and, in recent days, Russia has been testing to see whether the ground is sufficiently frozen to allow its tanks, some of which weigh more than 40 tons, to move forward rapidly from their current positions. By mid-February, it will be. Nevertheless, the Normandy format talks, which provide a pathway to a peaceful resolution of the crisis, have resumed and the N4 will meet again in Berlin next Wednesday. That pathway is still open and there's still time to resolve the crisis. But time is running out.

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