

**Frustrated by refusals to give Russia security guarantees & implement Minsk 2,
Putin recognizes pseudo-states in Donbas and invades Ukraine**



President Putin announcing “special military operation” in Ukraine, February 24, 2022.

Frustrated by the continuing refusal of the U.S. and NATO to provide Russia the security guarantees it requested in December and by the refusal of Ukraine to fully implement the measures agreed by the Russian, Ukrainian, French and German leaders at Minsk in February 2015 to end the conflict between Ukrainian troops and pro-Russian separatists in eastern Ukraine that began in the spring of 2014, Russian President Vladimir Putin went on television at 6 a.m. this morning, local time, and announced a “special military operation” in that region. But it was not, as he said, just a military operation in Donbas; it was in fact a full-fledged, multi-pronged invasion of Ukraine launched from Belarus in the north, where Russian forces had been conducting a joint military exercise with Belarusian forces for the past two weeks, from Crimea and the Black Sea in the south, and from Russian territory adjacent to eastern Ukraine.

In his address to the Russian people, Putin said the purpose of the “operation” was to protect people in Donbas (Donbass in Russian) “who, for eight years now, have been facing humiliation and genocide perpetrated by the Kiev (Kyiv in Ukrainian) regime. To this end, we will seek to demilitarize and denazify Ukraine, as well as bring to trial those who perpetrated numerous bloody crimes against civilians, including against citizens of the Russian Federation.” [Since 2014, Russian citizenship has been granted to more than 700,000 residents in the portions of the Donetsk and Luhansk regions of eastern Ukraine controlled by the pro-Russian separatists.] He went on to say, “It is not our plan to occupy the Ukrainian territory. We do not intend to impose anything on anyone else.” Whether that turns out to be true remains to be seen. But one thing is already clear: Russia’s actions are nothing less than a declaration of war against Ukraine.

The prelude to today's events occurred Monday evening when Putin signed executive orders formally recognizing the independence of the Donetsk and Lugansk People's Republics as well as treaties of "friendship, cooperation and mutual assistance" with both. He subsequently ordered the deployment of additional troops into both pseudo-states to reinforce the troops that were already there. His decisions to recognize the DPR and LPR and then send in troops are, although gross violations of international law, not surprising. After all, he once said in one of his annual State of the Nation addresses, referring to the breakup of the U.S.S.R. and the 20th century, that "the demise of the Union was the greatest political catastrophe of the century," and last July he published a very long article entitled "On the Historical Unity of Russians and Ukrainians," the essential message of which he reiterated in some detail in his address to Russians Monday evening. And he made it very clear in several speeches last fall – most notably, in a speech in mid-November to the Foreign Ministry Board, a month before Russia presented its proposals for a treaty with the U.S. and agreement with NATO that would prohibit any further eastward enlargement of NATO – that Russia would never accept Ukraine becoming a member of NATO. And for those who don't read long ghost-written articles or transcripts of Russian foreign ministry meetings, there was the obvious example of what happened to the territories of Abkhazia and South Ossetia in Georgia after NATO welcomed its (and Ukraine's) aspirations for membership at Bucharest in April 2008; Russia's initiated a short war with Georgia that summer and both territories became republics under Russian control.

Nevertheless, France and Germany, and most if not all of the EU and the U.S., had hoped that what happened this morning wouldn't happen and had conducted an intensive diplomatic effort to ensure that Russian troops wouldn't move into Ukraine. Two weeks ago, as the buildup of Russian military forces in Belarus continued and the 10-day Allied Resolve 2022 joint military exercise got underway, a flurry of high-level diplomatic activity took place aimed at preventing a war in Ukraine. French President Emmanuel Macron met with Putin for five hours in Moscow and met the next day with Ukrainian President Volodymyr Zelenskyy in Kyiv. German Chancellor Olaf Scholz met with President Biden in Washington and then with Macron in Berlin. And the next day, representatives of the leaders of France, Germany, Russia and Ukraine met in Berlin in the Normandy format for more than eight hours to discuss the situation in and around Ukraine.

Some of those meetings were primarily concerned with Russia's proposal that the U.S. and NATO provide it with security guarantees that would prohibit a further eastward enlargement of NATO, including the accession of Ukraine. But most were also concerned with using the Normandy format talks as a means of peacefully resolving the crisis. The talks, named for the ones agreed by the leaders of France, Germany, Russia and Ukraine at Normandy on the 70th anniversary of D-Day in 1945 in order to end the conflict between Ukrainian troops and pro-Russian separatists who had taken control of portions of the Donetsk and Luhansk regions in eastern Ukraine earlier that spring, produced the Minsk agreements of September 2014 and February 2015. Those agreements, especially the second one, negotiated after the ceasefire agreed in September 2014 had collapsed and frequently referred to as Minsk 2, sought to end the conflict by not only establishing a cease-fire and mutual withdrawal of weapons but

also by providing for constitutional reform that would give the predominantly Russian-speaking regions in eastern Ukraine a special status and would devolve power from Kyiv to those regions and give them a substantial degree of autonomy.

More than anything else, it was the refusal of Ukraine to implement the provisions of Minsk 2 – especially the provision that would give the predominantly Russian-speaking regions a special constitutional status – that caused Russia to threaten military action against Ukraine. Time after time in recent weeks, Putin and Russian Foreign Minister Sergei V. Lavrov made it clear in meetings and press conferences that the key to resolving the situation in and around Ukraine was the full implementation of Minsk 2, and many hoped the Normandy format meeting of representatives of the leaders of the four countries in Berlin on Feb. 10, two weeks after they had met in Paris for eight hours, would produce enough progress toward the full implementation of Minsk 2 to ward off the threat of a Russian invasion.

But that didn't happen. Indeed, after meeting for almost nine hours, the representatives of the four leaders were not even able to agree on a joint declaration at the conclusion of the meeting. As Dmitry Kozak, the deputy chief of staff of Putin's executive office and his representative in the talks, put it, "Unfortunately, almost nine hours of negotiations ended without any visible, tangible results expressed in documents. We tried to agree on the final statement of our negotiations, proceeding from the previous meeting in Paris on January 26. We agreed [at Paris] that the Normandy format should overcome all differences regarding the interpretation of the Minsk agreements at any cost since the Normandy format is a control mechanism when it comes to the Minsk negotiation process in the Contact Group. [The Contact Group consists of representatives of Russia, Ukraine, and the Organization for Security and Co-operation in Europe.] But today it wasn't possible to overcome these differences." Among the key stumbling blocks were Kyiv's refusal to negotiate in the Contact Group with the leaders of the Donetsk and Luhansk People's Republics and its strong opposition to enacting a constitutional reform that would grant those regions a substantial degree of autonomy, including possibly the power to veto international agreements, including Ukraine's accession to NATO and the EU.

The failure of the February 10 Normandy format meeting to make any progress caused many to fear that a Russian invasion was imminent – most likely, immediately after the conclusion Sunday of the 10-day joint military exercise with Belarus. One widely-held theory, noting the short distance – roughly 100 kilometers – between the border with Belarus and Kyiv, speculated that, rather than returning eastward to their bases after the exercise concluded, the Russian forces would move southward toward Kyiv. Another widely held theory had Russian troops moving into eastern Ukraine in support of the self-proclaimed republics.

The increased fear that a Russian invasion was imminent prompted another flurry of high-level diplomacy. On February 12, U.S. Secretary of State Antony Blinken spoke with Lavrov, Biden spoke with Putin for more than an hour, Macron spoke for almost two hours with Putin, then with Scholz, and then with Zelenskyy. Interestingly, last Monday, in a televised meeting in which they sat socially-distanced at Putin's famous long table and discussed Russia's views regarding the responses of the U.S. and NATO

to its proposals for security guarantees, Putin asked Lavrov, “Do you think we still have a chance of coming to terms with our partners on the key problems of our concern or is this simply an attempt to drag us into an endless negotiating process with no logical conclusion?” Lavrov said, “We are warning that an endless discussion on the issues that must be resolved today is unacceptable. That said, as the head of the foreign ministry, I must say that there is always a chance. I am referring to your recent meetings with the US and French leaders; the Federal Chancellor of Germany is coming tomorrow; our colleagues are addressing me...I think our opportunities are far from exhausted. Of course, they should not be endless, but I think we should still continue to pursue and build on them at this point.” Putin said, “All right.” Also last Monday, Scholz met with Zelenskyy in Kyiv, and on Tuesday he met with Putin in Moscow. Meanwhile, Biden and Macron spoke by phone for more than an hour.

In the press conference following his meeting with Scholz, Putin highlighted, as he had on several previous occasions, Ukraine’s refusal to implement the Minsk agreements. “Naturally, the issue of European security was also discussed in the context of the situation around a settlement of the conflict in Ukraine. As you know, the Kiev authorities are refusing to abide by the Minsk Agreements and the 2015 arrangements, as well as the agreements reached at later summits in the Normandy format....There is no progress on such important issues as constitutional reform, amnesty, local election or the special legal status of Donbass....Opportunities for restoring the country’s territorial integrity via a direct dialogue with Donetsk and Lugansk continue to be ignored, like before. Ukraine is systematically violating human rights on a large scale and continues to endorse discrimination against Russian speakers at the legislative level.”

Last Thursday, Russia gave the U.S. its written reaction to the U.S. response to its proposal for security guarantees, and Blinken accepted (providing there was no invasion of Ukraine) an invitation to meet with Lavrov this week and, later that day, addressed the UN Security Council prior to going to the Munich Security Conference. Last Friday, Biden spoke by phone with the leaders of Canada, the EU, France, Germany, Italy, NATO, Poland, Romania and the UK, and Vice President Harris met in Munich with Scholz and Zelenskyy. And on Saturday, Blinken met with French Foreign Minister Jean-Yves Le Drian on the sidelines of the Munich conference.

While those meetings and calls were taking place, Putin continued to attribute the tension in and around Ukraine to its failure to implement the Minsk agreements. In a news conference after meeting with Belarusian President Alexander Lukashenko, Putin said, “Kiev is not complying with the Minsk Agreements and, in particular, is strongly opposed to a direct dialogue with Donetsk and Lugansk. Kiev is essentially sabotaging the agreements on amending the Constitution, on the special status of Donbass, on local elections and on amnesty – on all the key items in the Minsk Agreements. Besides, basically, human rights are massively and systematically violated in Ukraine...The President of Belarus and I agreed that the Minsk Agreements are the key to restoring civil peace in Ukraine and relieving tension around that country. All Kiev needs to do is sit down at the negotiating table with representatives of Donbass and agree on political, military, economic and humanitarian measures to end the conflict. The sooner this happens, the better. Unfortunately, right now, we are witnessing the opposite – the situation in Donbass is worsening.”

On Saturday, the Foreign Ministers of the G7 – Canada, France, Germany, Italy, Japan, the UK and the U.S. – and the High Representative of the EU issued a statement in which they said they remained “gravely concerned” about Russia’s military build-up near Ukraine and in Crimea and Belarus and called on Russia to “choose the path of diplomacy, to de-escalate tensions, to substantively withdraw military forces from the proximity of Ukraine’s borders and to fully abide by international commitments including on risk reduction and transparency of military activities.” Taking note of Russia’s latest announcements that it was willing to engage diplomatically, the foreign ministers underscored the G7’s commitment “to pursue dialogue on issues of mutual concern, such as European security, risk reduction, transparency, confidence building and arms control,” and urged Russia to “take up the offer of dialogue through the US-Russia Strategic Stability Dialogue, the NATO-Russia Council and the OSCE, including its Renewed OSCE European Security Dialogue.” But they also issued a stern warning: “Russia should be in no doubt that any further military aggression against Ukraine will have massive consequences, including financial and economic sanctions on a wide array of sectoral and individual targets that would impose severe and unprecedented costs on the Russian economy. We will take coordinated restrictive measures in case of such an event.”

The G7 foreign ministers also highlighted the necessity of fully implementing the Minsk agreements: “We underline our strong appreciation and continued support for Germany’s and France’s efforts through the Normandy Process to secure the full implementation of the Minsk Agreements, which is the only way forward for a lasting political solution to the conflict in eastern Ukraine. We acknowledge public statements by President Zelensky underlining Ukraine’s firm commitment to the Minsk Agreements and his readiness to contribute constructively to the process. Ukrainian overtures merit serious consideration by Russian negotiators and by the Government of the Russian Federation. We call on Russia to seize the opportunity which Ukraine’s proposals represent for the diplomatic path. Russia must de-escalate and fulfil its commitments in implementing the Minsk agreements. The increase in ceasefire violations along the line of contact in recent days is highly concerning.”

On Sunday, Macron and Putin spoke by phone twice. In the first call, which lasted for almost two hours, they had, according to the Russian readout, “an in-depth discussion of the developments around Ukraine as well as developments regarding long-term legal security guarantees for the Russian Federation. Serious concerns were expressed due to the quickly deteriorating situation along the contact line in Donbass.” And they focused yet again on the failure to implement the Minsk agreements: “It was emphasized once again that Kiev is only imitating a negotiating process and continues to refuse to implement the Minsk agreements, as well as the agreements reached as part of the Normandy format. Considering the current state of affairs, the two presidents found it expedient to step up the search for a diplomatic solution between the foreign ministers and political advisors to the leaders of the Normandy format countries. These meetings are to help restore the ceasefire and ensure progress in settling the conflict around Donbass.”

According to the Elysée readout of the call, the leaders agreed to resume the work within the Normandy format on the basis of the discussions with Ukraine and the

proposals it had put forward in recent days, and to work intensively to permit a meeting of the trilateral contact group as soon as possible in order to obtain an agreement on a cease-fire on the contact line between Ukrainian and pro-Russian separatist forces in eastern Ukraine. Importantly, Macron and Putin agreed on the “necessity of privileging a diplomatic solution to the current crisis and doing everything possible to make that happen.” Toward that end, they agreed their foreign ministers, Le Drian and Lavrov, would meet in Paris tomorrow and that, building on recent exchanges among a number of states, the diplomatic work might, at some point, lead to a meeting of the leaders with a view to defining “a new order of peace and security in Europe.” In order proceed with that work, Macron and Putin “committed themselves to take whatever action and do whatever is necessary in order to prevent an escalation, reduce risks and preserve peace.” Immediately after that phone call, Macron called Zelenskyy. Saluting the Ukrainian president’s “sang-froid” and his determination to prevent an escalation, Macron obtained from him a commitment not to respond to the provocations of the pro-Russian separatists in eastern Ukraine and to respect the cease-fire. Macron and Putin then spoke again in another phone call.

There was, however, one worrisome development last week. Last Tuesday, the Duma, the lower chamber of Russia’s legislature, passed a resolution requesting Putin to recognize the Donetsk and Lugansk People’s Republics as independent states, something that, as Blinken pointed out in a statement last Wednesday, would amount to Russia’s “wholesale rejection of its commitments under the Minsk agreements,” which outlined a process for the full political, social and economic reintegration of those regions, would constitute a “gross violation” of international law, and would call into question Russia’s commitment to continuing the diplomatic effort to resolve the crisis peacefully. And there was another worrisome development on Sunday. The Allied Resolve 2022 joint military exercise with Belarus, which began on February 10, had been scheduled to conclude on Sunday. But that morning, the Belarusian defense minister announced the forces would continue their readiness checks and the Russian forces would, as a result, remain in their positions in Belarus. No date for their departure was announced.

On Monday, Putin convened Russia’s 30-member Security Council to discuss the situation in eastern Ukraine. Referring to Minsk 2, he said, “A peace plan was drafted during the negotiating process called the Minsk Package of Measures because, as you recall, we [he and the leaders of France, Germany and Ukraine] met in the city of Minsk. But subsequent developments show that the Kiev authorities are not planning to implement it, and they have publicly said so many times at the top state level and at the level of Foreign Minister and Security Council Secretary. Overall, everyone understands that they are not planning to do anything with regard to this Minsk Package of Measures. Nevertheless, Russia has exerted efforts and still continues to make efforts to resolve all the complicated aspects and tragic developments by peaceful means, but we have what we have.” He then said, “Our goal, the goal of today’s meeting, is to listen to our colleagues and to outline future steps in this direction, considering the appeals by the leaders of the Donetsk People’s Republic and the Lugansk People’s Republic on recognizing their sovereignty, as well as a resolution by the State Duma of the Russian Federation on the same subject. The latter document urges the President to

recognise the independence and sovereignty of the Donetsk People's Republic and the Lugansk People's Republic." He proposed that he would give the floor first to Lavrov to speak about the attempt to obtain security guarantees from the U.S. and NATO and then to Kozak to speak about the talks on the implementation of the Minsk agreements, and then everyone else, after which the Council would decide what to do.

Later that evening, after the Security Council agreed that Russia should recognize the DPR and LPR, Putin informed Macron and Scholz of the outcome and told them he intended to sign a corresponding executive order soon. According to the Russian readout, Macron and Scholz "expressed disappointment over the developments, while also indicating readiness to continue contacts." Macron and Scholz subsequently spoke with Biden and, according to the White House readout, the leaders "strongly condemned President Putin's decision to recognize the so-called DNR and LNR [the Russian initials of the DPR and LPR] regions of Ukraine as 'independent'." Biden subsequently spoke with Zelenskyy to "reaffirm the commitment of the U.S. to Ukraine's sovereignty and territorial integrity" and "strongly condemned...Putin's decision to purportedly recognize the "independence of the so-called DNR and LNR regions of Ukraine."

While that was going on, Putin signed executive orders recognizing the Donetsk and Lugansk People's Republics and signed with the head of each a Treaty of Friendship, Cooperation and Mutual Assistance. On Tuesday, the Duma and the Federation Council, the two chambers of the Russian legislature, approved laws ratifying those treaties, Putin signed them, and submitted a proposal to the Federation Council that, in accordance with the Russian Constitution and the two treaties, it approve a resolution authorizing the use of the Russian armed forces abroad on the basis of the "generally accepted principles and norms of international law." Later that day, the Council unanimously approved the proposal.

Putin's decision to formally recognize the two pseudo-states and his decision to undertake a "special military operation," the purpose of which was to protect Russian citizens in the two pseudo-states in the Donbas, means, of course, that the Minsk agreements no longer apply, that the Normandy format talks that so many thought might provide a pathway toward a peaceful resolution of the current crisis are over, and that we are now witnessing the first deadly battle in a new Cold War.

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