

Mind the Gap: interpreting the Minsk II Agreement

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The importance of the so-called Minsk II agreement¹ has been stated many times by the European Union (EU), its member states, the United States (US), Ukraine and Russia (see Council, 2016; President of Russia, 2016; *Ukrinform*, 2016). On 14 March 2016, the EU's Foreign Affairs Council agreed to five principles that would guide the EU's policy towards Russia. The first principle stressed that the 'implementation of the Minsk agreement' is a precondition 'for any substantial change in the EU's stance towards Russia' (Council, 2016).

Notwithstanding the fact that all actors involved pay lip service to the importance of the agreement and the lack of any viable alternatives, interpretations of Minsk II vary widely. Linas Linkevičius, the Lithuanian Minister of Foreign Affairs, eloquently makes this point: 'some [EU Member States and Russia] are reading Minsk literally and believe it is possible to make decisions on decentralisation [and] on other political issues' *before* any de-escalation of the conflict has been achieved (Gotev, 2015). Indeed, Linkevičius has dismissed Russia's calls for a constitutional amendment in Ukraine and 'special status' for the Luhansk and Donetsk regions until security on the ground is improved. In his view, '[e]lections should take place *after* the situation improves, after the border would be under [Ukrainian] control, after they [the Russians] would stop the support of the separatist groups' (emphasis added) (*Ibid.*). In a similar vein, Victoria Nuland, US Assistant Secretary of State for European and Eurasian Affairs, recently stated that 'the Russian Federation and its proxies should not expect the Ukrainian parliament to amend the country's Constitution before the implementation of [the] security provisions of the Minsk agreements' (*Ukraine Today*, 2016).

The existence of different narratives and interpretations of Minsk II should not be surprising. Numerous actors have different stakes and interests. However, analysing different narratives allows us to better understand possible gaps related to the interpretation of the agreement, and to grasp the difficulties associated with its implementation. The following sections outline some of the main arguments that Russia advances in Europe regarding Ukraine and Minsk II. Subsequently, the Policy Brief then analyses how Ukrainian officials interpret Minsk II and what implications the different narratives have on the implementation of the agreement.

This Policy Brief is the first of a two-part feature that examines Russia's ability to influence French, German and EU narratives on the Minsk II agreement and Ukraine's evolving position in the international system. This first Policy Brief will focus on the competing Russian and Ukrainian narratives surrounding Minsk II. Thus, it will examine Russia's efforts to portray Ukraine as a 'failed state' and a 'semi-sovereign' subject, and to blame the West for provoking a 'civil war' in the country. It also outlines Ukraine's counter-narratives that emphasise its sovereignty and the inter-state nature of its war with Russia.

Civil war or inter-state war?

Russian officials have repeatedly stressed that the West is to blame for the Ukraine crisis. According to their reasoning, the US and the EU aimed to artificially 'pull Ukraine away' and break the 'brotherly' ties that the country has had with Russia. As Putin put it following the annexation of Crimea: 'we understand that these actions were aimed against Ukraine and Russia and against Eurasian integration' (President of Russia, 2014). He went on to argue that 'with Ukraine, our western partners have crossed the line [...] acting irresponsibly and unprofessionally' (*Ibid.*). Russian officials have thus reinforced the characterisation of Ukraine as

an *object* divorced from its independence; a sort of 'semi-sovereign' country, and a 'terrain' of great power competition. While speaking at the 2016 Munich Security Conference, Dmitry Medvedev, Russian Prime Minister, echoed Putin's zero-sum approach towards Ukraine when concluding that 'we have slid back to a new Cold War' (Medvedev, 2016). This 'Cold War' narrative brings back memories of the 'big power' stand-off, which in turn reinforces the image of the Soviet Union and, by extension, the Russian Federation as one of the major global powers to be reckoned with.

Russia's characterisation of Ukraine as an 'object' of and 'terrain' for great power competition also reinforces the narrative of Ukraine as a 'failed state'. This reasoning is illustrated rather eloquently by *Russia Today's* (RT) article that argues that Ukraine simply went from being 'a country with few socio-economic and political problems' to becoming 'a failed state torn by civil war and sectarian violence, with a lack of constitutional order and a destroyed economy' (*Russia Today*, 2014). This is also consistent with the image of Ukraine as an 'artificial' state, something which Putin reportedly argued in private remarks at the 2008 NATO Bucharest Summit (Gil, 2015).

The narrative about Ukraine being a 'failed' and 'artificial' state is instrumental in cementing the notion that Russia enjoys a sort of 'property right' over Kyiv's destiny. As the story goes, Russia and Ukraine are linked by historical and cultural ties, which explains why Russia has a much better understanding of the country and the region than its Western counterparts. As Putin argued in the speech following Crimea's annexation:

'it pains our hearts to see what is happening in Ukraine at the moment, see the people's suffering and their uncertainty about how to get through today and what awaits them tomorrow. Our concerns are understandable because we are not simply close neighbours but, as I have said many times already, we are one people. Kiev is the mother of Russian cities. Ancient Rus is our common source and we cannot live without each other.' (President of Russia, 2014)

This narrative twist allows Russia to both deny Ukraine the status of an independent state and to position itself as a 'natural mediator' in the Ukraine crisis. Russian officials argue that they understand Ukraine's complexity better than anyone, and can therefore help to fix the many 'mistakes' that the West has made by 'meddling in Ukraine'. By arguing that Ukraine is experiencing a 'civil war', Russia positions itself as a peace mediator and it therefore seeks to bring different parties together around a 'peace process'. In turn, the narrative of 'ending the civil war' in Ukraine explains Russia's own interpretation of the Minsk II agreement. The primary aim of the post-civil war peace agreements is to include different parties in the political process, constitutional changes, elections and other internal matters. This story-line allows the Russian government to shift the blame for the outcome of the Minsk II peace process on to Ukraine. Put bluntly, Russia argues that Ukraine is guilty for not implementing the 11th point of the agreement which stipulates '...a new constitution entering into force

by the end of 2015 providing for decentralization as a key element' (*Financial Times*, 2015). The Russian position, as stated by the Deputy Foreign Minister, Grigory Karasin, emphasises that 'Ukrainian control over the corresponding part of the Ukrainian-Russian border may be restored only after the completion of [a] comprehensive settlement of the crisis' (TASS, 2016). In turn, this step entails the necessity 'to coordinate details with representatives of Donetsk and Lugansk in the framework of the Contact Group of measures envisaged by the law "On special order of local government in certain districts of Donetsk and Lugansk regions" ' (*Ibid.*).

By portraying its own role as one of a 'mediator' rather than a 'party to the conflict', Russia can steer the discussion away from its own responsibility for breaking fundamental international norms that govern war and the treatment of prisoners of war (see [Kommersant.ru](http://kommersant.ru), 2016). Having pleaded for the 'immediate release of Nadiya Savchenko', who is treated by Ukraine and the West as a political prisoner, the EU has denounced Russia's actions (EEAS, 2016). Savchenko was reportedly captured by Russian forces in Ukraine and brought to trial in Russia. The EU has insisted that Savchenko's release should be part of 'the "Package of measures for the implementation of the Minsk Agreements" and the commitments therein to release all hostages and illegally detained persons related to the conflict in eastern Ukraine' (*Ibid.*). US Vice President Joe Biden also argued that Savchenko's 'unlawful continuing detention is a clear violation of Russia's commitment under the Minsk agreements' (The White House, 2016). However, Russia quickly rebutted such demands by arguing that Savchenko's case is not related to Minsk. (see *Russia Today*, 2016; UNIAN, 2015). In fact, Maria Zakharova, the Russian Foreign Ministry Spokesperson, explained that 'Russia is not a party to the Minsk Agreements. These agreements only concern two sides that are part of the conflict' (UAWIRE, 2016).

Kyiv's counter-narrative: a war for independence

For Ukraine, the Minsk agreement was concluded out of necessity in order to end an *inter-state* conflict (not a civil war) with Russia. In response to Russia's ongoing claims about the Ukrainian 'civil war', President Poroshenko stated: 'Mr. Putin, this is not a civil war in Ukraine, this is your aggression' (Poroshenko, 2016) According to Kyiv, efforts to pull Ukraine closer to the EU, shared by most political parties, reflected both the need to assert Ukrainian statehood and balance against ongoing political pressures from Russia. In this regard, the annexation of Crimea and the subsequent war in the east have been interpreted as existential threats, i.e. threats to the very existence of the Ukrainian state. Therefore, this has been portrayed in Kyiv as a war of necessity, rather than one of choice.

Admittedly, Kyiv understands the need to put an end to the ongoing inter-state war – and also that any efforts to reach a sustainable peace will require restoring some degree of trust with Russia. Regaining control of the borders, withdrawing its military and equipment, establishing demilitarised zones and

granting access to international monitors are some of the basic elements needed for trust and peace agreements to work. The lack of these steps from the Russian side is perceived in Ukraine with tremendous suspicion. Regular Russian military exercises near the Ukrainian border – planned only a few days before the Normandy meetings were convened to discuss the Minsk process – plant even more seeds of distrust about Russia's intentions (*Novosti Donbassa*, 2016). In a recent *New York Times* interview, Oksana Syroyid, the speaker of the Ukrainian parliament, has reiterated a common argument shared by many other deputies who do not support the agreement, i.e. that 'Russia wants to destabilize Ukraine' and that 'paragraph 11 of the Minsk agreement is an instrument just like the war' (Kramer, 2016). In her view, Minsk is not about the 'resolution of the conflict' but about 'destabilizing Ukraine' (*Ibid.*).

Ukrainian politicians and analysts are quick to recall that while the ceasefire was being agreed upon Ukraine continued to suffer heavy military losses, particularly during the rebels' seizure of Debaltseve. Ukrainian soldiers had to leave Debaltseve just three days after the Minsk II agreement was reached even after 179 soldiers were killed, 110 captured and 81 went missing (Kramer, 2016). Thus, from the outset, Ukraine viewed the Minsk agreement as a temporary preventative measure against further advances by the Russian-backed military. Ukrainian analysts and many deputies still argue that the Minsk II agreement demonstrates changes in Russian tactics rather than an overall strategy. Thus, without signs of a genuine commitment from Russia to rescind its support for armed groups in self-proclaimed Donetsk People's Republic (DNR) and Luhansk People's Republic (LNR), support for granting 'special status' wanes. There is also an often-mentioned realisation that political agreements like the 1994 Budapest Memorandum² are not to be fully trusted.

Such arguments resonate with a large portion of Ukrainian society that is opposed to the implementation of Minsk II. As Tymofiy Mylovanov, president of the Kyiv School of Economics, remarked to the NYT: 'it's a difficult process not because of Syroyid *per se*, but because the Ukrainian public doesn't accept it' (Kramer, 2016). While most Ukrainians do not want the war to continue, many people do not believe that the Minsk process will bring about peace. According to a September 2015 poll conducted by the Kyiv International Institute of Sociology, only 26.9 percent of those polled believed that the implementation of the Minsk agreement can lead to peace in Donbas, against over 60.7 percent who did not ([ZN.UA](#), 2015). The tensions were evident on 31 August when the *Verkhovna Rada* (the Ukrainian parliament) voted in the first reading for the decentralisation package that could allow for the granting of 'special status' for rebel-controlled territories. The vote in favour resulted in violent clashes near the *Verkhovna Rada*, causing fatalities (*BBC*, 2015). While decentralisation itself was not controversial, and was actually supported by politicians and the general public, it was the granting of 'special status' to the DNR and LNR that proved contentious.

Economic hardship and deep disappointment with ongoing corruption contribute to people's distrust of the government. This limits the government's ability to push through unpopular measures. In particular, constitutional changes have been increasingly articulated by different parties in the parliament as 'capitulating' to Russia. With civil rights and liberties and the rule of law continuously being violated in DNR and LNR, this reasoning echoes the feeling that many of those who fought in Maidan died in vain. Both international and local humanitarian organisations are being denied access and expelled. There is no free media, the OSCE is denied full access to the region and there is no security for Ukrainian civil society and politicians to be able to freely partake in local elections. These points are some of the core arguments that are cited when debating the viability of the Minsk process to bring about peace (Syroid, 2016).

The implications for Minsk's implementation

Russia is fixated on the 11th point of the agreement that calls for Ukraine to make constitutional changes. The Russian focus on the *process* of the Minsk agreement rather than the overall *outcome* allows Russia to shield against possible accusations of halting peace. Arguing that different parties can be brought to the table, including the separatist forces, resonates with the Russian argument of implementing agreements that end civil wars. It is also consistent with Russia's vision of its role as a 'big power player' mediating alongside Germany and France. While such tactics allow Russia to have a face-saving way out of the war in Ukraine, they preclude any genuine dialogue on the different approaches to Minsk's implementation. Russia's vision, promoted by its media at home and abroad, sharply differs from Ukraine's interpretation. This point was clearly raised by Ukrainian Foreign Minister Pavlo Klimkin after the recent Normandy talks (*BBC*, 2016). The different approaches to managing the 'Ukraine crisis', best embodied by competing phrases such as 'the civil war in Ukraine' vs the 'war that Ukraine is fighting', also reveal the divergence in views about the nature of Ukrainian statehood.

In Ukraine, the positions of different deputies towards Minsk matter for its full implementation. It requires at least 300 votes out of 450 members of the *Verkhovna Rada* in order to pass the constitutional amendment stipulated in the agreement. However, there are some deputies who initially supported the Minsk process but are now losing faith in it. Others, from both the President's and the Opposition blocs, may still support the agreement in order to secure Western support (especially in maintaining Russian sanctions), to de-escalate military tensions, and to gain additional electorate from these regions. But even these deputies still use the narrative of inter-state war. Additionally, there is also a powerful group in the Parliament that now rejects the Minsk agreement for different reasons and wants to declare 'rebel zones occupied territory, for Russia to finance and feed, without a chance for integration until the Russian Army leaves' (Kramer, 2016).

Conclusions

The interpretation of the Minsk II agreement reveals divergent views about the nature of the conflict in Ukraine. While Russia stresses its role as a 'mediator' in Ukraine's civil war, Ukraine interprets the crisis as an inter-state war, and so Minsk II is perceived as a way to stop Russian aggression. However, while both Russia and Ukraine argue that there is no alternative to Minsk II, the interpretation of the agreement points to a gap in perceptions about its implementation that is closely linked to their respective identities. That gap is much deeper than the Minsk process itself, and has widened after the collapse of the Soviet Union. For Ukraine, its pro-EU foreign policy is an instrument through which to reassert its identity as a sovereign state. Through its own interpretation of identity and history, Moscow sees Ukraine as a mere 'rib' of Russia. While reconciling these different visions is a much more ambitious task than the Minsk process, understanding them is important for the peace process. The second policy brief will analyse how these narratives are interpreted in Germany, France and more broadly across the EU.

Notes

1. The Minsk II agreement was concluded on 12 February 2015 as part of the peace process that builds on the Minsk Protocol of 5 September 2014. Minsk II was concluded at the summit with the leaders of Ukraine, Russia, France and Germany. It includes a Package of Measures for the Implementation of the Minsk Agreements, which is available at: <http://www.osce.org/cio/140156>
2. For the full text, see Council on Foreign Relations, "Primary Sources: Budapest Memorandums on Security Assurances, 1994", 05 December 1994, <http://www.cfr.org/nonproliferation-arms-control-and-disarmament/budapest-memorandums-security-assurances-1994/p32484> (retrieved 31/03/2016)

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