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SWP Comment

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Peace Talks Between Russia and Ukraine: Mission Impossible

Sabine Fischer

President Vladimir Putin escalated Russia's war on Ukraine in September 2022, announcing a partial mobilisation and repeating his threat to use nuclear weapons. But what really ended efforts to bring about peace – which had continued since the 24 February invasion – was the proclaimed annexation of the Ukrainian oblasts of Luhansk, Donetsk, Zaporizhzhia and Cherson. Since his election in 2019, Ukrainian President Volodymyr Zelenskyy has repeatedly called on Putin to agree to a personal meeting, even in the first weeks of this year's Russian invasion. But on 4 October 2022, in response to the actions of the Russian side, he signed a decree rejecting direct talks. Ever since the beginning of the Russian aggression in 2014, and all the more so since 24 February 2022, the course of Ukrainian-Russian negotiations has been highly dependent on the situation in the battlefield and the broader political context.

Russia's war on Ukraine began with the annexation of Crimea and the armed conflict in Ukraine's Donbas region in March and April 2014. Since the beginning it has been accompanied by negotiations. But the prospects of a negotiated solution are today dimmer than ever.

From the Minsk Agreements to the Russian Invasion

A string of mediation initiatives responded to the outbreak of armed conflict in 2014, but none of them was able to stem the escalation. The "Normandy Format" emerged in June 2014 out of the commemorations for the seventieth anniversary of the Allied

Normandy landings. Initially it comprised Ukrainian President Petro Poroshenko, Vladimir Putin, French President François Hollande and German Chancellor Angela Merkel. The Normandy Format met in Minsk in September 2014 and February 2015 to negotiate a cease-fire in Donbas. There were never any talks about Crimea, which Russia ruled out after annexing the peninsula.

The Normandy Format did produce the Minsk Agreements, which set out terms for a cease-fire and outlined steps towards a political resolution. All participants including Russia recognised the occupied regions of Donbas as belonging to the territory of the Ukrainian state. They were to be granted certain autonomy rights and returned to Kyiv's control through a political process



and elections. However, throughout the eight years leading up to the all-out Russian invasion of February 2022, the parties never managed to agree on elementary status questions or the sequence of political and security-related provisions. Implementation of the Agreements thus remained blocked throughout the period. Both sides were certainly guilty of obstruction. But it was Russia whose consistent denial of its own role in the conflict created a fundamental imbalance. Instead, Moscow insisted that this was an internal conflict and sought by all means to force Kyiv into direct talks with the Russian-sponsored de-facto rulers in Donetsk and Luhansk. In 2019 the Kremlin began systematically naturalising citizens in Donbas, in a crass violation of the spirit of the Minsk Agreements. It was this process that laid the groundwork for Moscow's recognition of the "independence" of Donetsk and Luhansk on 21 February 2022. The situation along the line of contact remained volatile throughout, with regular cease-fire violations claiming victims among the civilian population. Of the almost 14,000 deaths caused by Russia's war against Ukraine before 24 February 2022, considerably more than half fell after conclusion of the Minsk Agreements in February 2015.

The Normandy Format continued to seek a political framework for a solution until shortly before the renewed Russian invasion in 2022. The OSCE-coordinated Trilateral Contact Group (TCG), which was responsible for concrete implementation and consultation about the situation in the conflict region, was also active until early 2022. It comprised representatives of Ukraine and Russia, with the de-facto rulers of the occupied regions in Donbas participating regularly in its meetings. The OSCE also maintained a Special Monitoring Mission (SMM) in Ukraine, whose principal task was to observe the conflict in the east.

The tensions escalated dramatically in 2021. Russia massed forces on the Ukrainian border and stepped up its aggressive and imperialist rhetoric. In December 2021, emboldened by the chaotic Western withdrawal from Afghanistan, Moscow switched

levels and addressed its demands directly to the United States and NATO. Russia presented the Western allies with an ultimatum, in the guise of two draft treaties concerning "security guarantees": NATO should agree to admit no new members and to refrain from any form of military activity in Ukraine and other states neighbouring Russia. The alliance was also to restrict its military activities to the states that were already members in May 1997. The United States was to withdraw its nuclear weapons from Europe. Russia was demanding nothing less than the division of Europe into Russian and American spheres of influence, and a "resolution of the Ukraine question" over the heads of the Ukrainians. Hence, the Russian diplomatic offensive was logically directed above all towards Washington and in second place to the European NATO allies. As well as the aforementioned maximal demands, the documents also contained proposals for consultation mechanisms, confidence-building and arms control. Despite intense diplomacy between the Western capitals and Moscow in January and February 2022 Putin was not prepared to negotiate on individual aspects. The United States responded positively to some of the Russian proposals, but Moscow insisted on the whole package and stayed its course to rupture.

From the Russian invasion to the Istanbul Communiqué

Moscow shattered all the existing negotiating formats with its recognition of the "people's republics" of Donetsk and Luhansk on 21 February 2022 and the full invasion three days later. This also eviscerated the basis for the Minsk Agreements and the SMM, both of which depended on fundamental recognition of the territorial integrity of Ukraine by all participants (although the Russians had always excluded Crimea). The staff of the Monitoring Mission had to flee eastern Ukraine when the invasion began, and its mandate expired on 31 March 2022.

During the invasion the Russian side proclaimed that it was still “willing to talk”. But its conditions for ending the war were tantamount to total capitulation and dissolution of the Ukrainian state: Ukraine must lay down its arms, renounce any intention to join NATO, accept a status of permanent neutrality, grant the Russian language official status, recognise Crimea as Russian and the so-called people’s republics of Donetsk and Luhansk as independent, and “de-Nazify” and “demilitarise”. In other words, it was to undergo regime change to Moscow’s liking.

Kyiv turned this down and made talks conditional on a cease-fire. Zelenskyy called on Putin to agree to immediate direct talks. In the end, under immense military pressure, the Ukrainian side agreed to send a delegation to Gomel in Belarus on 28 February. Further meetings were held on 3 and 7 March; subsequently the talks continued online. On 10 March the two foreign ministers, Dmytro Kuleba and Sergey Lavrov, met in Ankara. On 29 March the delegations reconvened under Turkish mediation in Istanbul. There the Ukrainian side presented a ten-point “Istanbul Communiqué” outlining conditions for a cease-fire, permanent Ukrainian neutrality and international security guarantees. It also proposed clarifying the status of Crimea within fifteen years. Remaining points of contention were to be resolved at a meeting of the two presidents. The text did not include the Ukrainian demand for Russian forces to withdraw to behind the line of contact as of 23 February 2022.

The Istanbul Communiqué laid out Ukraine’s position and its response to the original Russian ultimatum. The document offered far-reaching concessions. Participants in the talks emphasised that the Communiqué had been pre-agreed by the parties and could have formed the basis for a negotiated settlement.

From the Istanbul Communiqué to the collapse of cease-fire negotiations

Just a day after the Istanbul meeting the Kremlin categorically rejected talks on Crimea. In a telephone call with Italian Prime Minister Mario Draghi, Putin said that the time was not yet ripe for a cease-fire or a meeting with Zelenskyy. Negotiations on the Ukrainian proposal continued online through the first half of April. Working groups discussed topics including security questions, humanitarian questions and prisoner exchanges. According to participants there was a certain degree of progress. But the two sides remained irreconcilable on two points:

Security guarantees: Ukraine demanded security guarantees as a precondition for neutrality. These were to be as close as possible to the conditions of the North Atlantic Treaty (collective defence under Article 5). In the course of April the Ukrainian side started to demand two documents: a cease-fire agreement with Russia and a security agreement with a group of guarantor states – excluding Russia. In other words, Kyiv was no longer willing to accept Russia as a guarantor. Moscow on the other hand insisted on playing a role in the security guarantees, anchoring them in the United Nations Security Council, and regulating all open questions in a single document. The Russian side also insisted on linking these questions to its own demands of December 2021 for security guarantees from the United States and NATO.

Status of Crimea and Donbas: In the Istanbul Communiqué the Ukrainians offered status talks on Crimea, but refused to legitimise Moscow’s illegal recognition of Donetsk and Luhansk in any form. Russia rejected any discussion about Crimea and insisted on the “independence” of the “people’s republics”. These differences on status questions prevented any agreement. They also extended to the discussion about security. In the Istanbul Communiqué Ukraine had still been willing to exclude Crimea and the occupied regions in Donbas

from security guarantees. By the end of April, Kyiv was demanding that security guarantees include both regions.

The Russian side has repeatedly accused Ukraine of breaking off the talks or deviating from the substance of the Istanbul Communiqué. But the political and military context must be taken into consideration in any assessment. The drastic deterioration of the atmosphere in April is explained by developments on the battlefield. After the failure of its attack on Kyiv, Moscow abandoned the northern front and concentrated its military efforts on Donbas and southern Ukraine. While the Russian political leadership spoke of a “gesture of goodwill”, the crimes against the civilian population discovered in the liberated areas generated outrage in Ukraine and internationally. While Kyiv initially remained at the negotiating table, public support for a compromise with Russia evaporated in light of the images from Bucha, Irpin and elsewhere. The most pressing question now was how to punish Russian war crimes and whether Russia was committing genocide against the Ukrainian population.

The first major Western arms deliveries reached Ukraine during the same period. At the Ramstein Conference on 26 April the Western allies and other states agreed to supply Kyiv with systematic military support. This shift in the Western stance represented a response to the crimes of the Russian forces. It was also rooted in the realisation that Ukraine was able to successfully resist the Russian assault. In Ukraine there was now a growing conviction that the enemy could be repelled militarily.

Another factor driving cease-fire talks towards collapse was the battle for Mariupol. International efforts to establish humanitarian corridors for the civilian population and Ukrainian soldiers and civilians in the besieged Azov steel works repeatedly failed. In mid-April Zelenskyy excluded the possibility of further cease-fire negotiations if civilians or POWs were killed. The Russian forces finally secured full control of the Azov steelworks on 16 May. More than 1,700 Ukrainian soldiers and irregulars fell

into captivity (some of whom have in the meantime been freed in prisoner exchanges). In Russia the harshest consequences were demanded for “Nazi criminals”, including the death penalty. On 17 May first Ukraine and then Russia officially withdrew from the cease-fire talks.

Humanitarian questions and secondary effects of the war

Even after 17 May contacts were not broken off entirely. The parties continued to discuss humanitarian matters, especially the exchange of prisoners and remains of the dead. That channel of communication remains open to this day. Mediation efforts by Turkish President Recep Tayyip Erdoğan and UN Secretary-General Antonio Guterres also developed a dynamic negotiation track on opening blocked Ukrainian Black Sea ports to allow shipping of urgently needed Ukrainian grain. On 22 July 2022 the so-called grain deal enabled the export of Ukrainian grain from the Ukrainian Black Sea ports of Odesa, Chornomorsk and Pivdennyi. However, Russia did not lift its military blockade of the Ukrainian ports, nor was Ukraine willing to demine its coastal waters. What the parties agreed is a highly complex and fragile mechanism: Ukrainian pilots guide commercial freighters through the mined coastal waters. A Joint Coordination Centre in Istanbul with Turkish, United Nations, Ukrainian and Russian personnel ensures that the vessels are not used to deliver arms to Ukraine. A “Marine Cargo and War Facility” was established at Lloyd’s of London to insure the enormous risks involved. Russia also received a commitment from the United Nations “to continue efforts to facilitate the transparent unimpeded access of food and fertilizers ... originating from the Russian Federation to the world markets. The refusal of either party to sign a joint document reflects the fragility of the agreement. Instead each side signed its own agreement with the mediators. Russia suspended its participation on 29 October but re-joined four days later. The incident indi-

cates how difficult its renewal (every 120 days, first due on 19 November) might be.

In the weeks following the successful conclusion of the grain deal, Turkey and the UN sought to harness the positive dynamic to address other secondary effects of the war. The first priority was the nuclear power plant at Zaporizhzhia. An inspection by the International Atomic Energy Agency was initially blocked by Moscow's insistence on the delegation entering via Russian territory. After weeks of arduous negotiations, the delegation eventually arrived via Kyiv at the end of August, thereby observing Ukraine's sovereignty over the occupied territories.

In his speech on 30 September 2022 marking the annexation of the occupied territories in eastern and southern Ukraine, Putin declared that Russia was no longer willing to negotiate their status. In other words, he expanded Russia's red line on Crimea to include the newly annexed territories too. At the same time, he threatened to respond to any further attacks on what was now allegedly "Russian territory" with reprisals up to and including nuclear weapons. With such moves, the Russian side has made any diplomatic resolution extremely unlikely for the foreseeable future.

The positions of the warring parties

Ukraine has been in a war with Russia since the Russian attack of March 2014. From the Ukrainian perspective the annexation of Crimea and the war in Donbas since 2014 were integral components of that war, the end of which will entail the full restoration of the sovereignty and territorial integrity of Ukraine. Kyiv therefore consistently refused to negotiate directly with the Russia-supported de-facto rulers in the "people's republics" of Donetsk and Luhansk. Although Zelenskyy promised to do more for the civilian population in the occupied territories when he was elected in spring 2019, he also insisted that a resolution of the conflict could only be negotiated with

Moscow. In that vein, he repeatedly called on Putin to agree to direct talks. Even before 24 February 2022 a lasting reconciliation with Russia was regarded as unrealistic in Ukraine. Instead Kyiv sought the closest possible political and military ties to the West. The Russian invasion of February 2022 has further cemented that position. Gaining official EU candidate status is an important stepping stone for Ukraine. Kyiv also continues to actively pursue security guarantees and in September 2022 published a proposal for a Kyiv Security Compact between Ukraine and supportive states.

Russia, on the other hand, consistently denied its role as conflict party from 2014 to 2022. The Russian discourse made a careful distinction between Crimea and Donbas. The Donbas war was constructed as an internal conflict, in which the Russian and Russian-speaking population of eastern Ukraine was defending itself against an "illegitimate regime of neo-Nazis and fascists" in Kyiv. Any Russian participation was vehemently denied. Instead Moscow insisted that it was itself at the receiving end of hostile Western policies that sought to suppress Russian influence in Europe and subjugate Russia. As far as the Russian political leadership was concerned, Ukraine was never an independent actor or adversary, but a puppet of the United States and the West. Moscow therefore sought solutions not in the scope of Russian-Ukrainian relations, but with the West. That is the context in which the draft treaties on "security guarantees" of December 2021 must be understood: as an attempt to blackmail the United States into an agreement. Given the extent to which it was framed as an ultimatum, it is dubious whether Putin was genuinely trying to achieve new geopolitical arrangements with the Western powers, or merely seeking a pretext to strike. But both texts clearly aimed to regulate the "Ukraine question" directly with the United States, leaving Kyiv out in the cold. The threat to use nuclear weapons must also be interpreted as an attempt to paralyse Western support for Ukraine and pursue an arrangement between great powers.

Mediation efforts

Russia's February 2022 invasion shattered all existing negotiating formats. Other actors moved quickly to fill the vacuum left by the collapse of the Normandy Format and the Trilateral Contact Group. The first weeks of the war saw initiatives by Israel, Italy and South Africa, among others. By March and April Turkish President Erdoğan had consolidated his position as the leading mediator. Both conflict parties see him as a serious and acceptable interlocutor: Ukraine can rely on Ankara's backing for its sovereignty and territorial integrity, and receives military supplies from Turkey. From the Ukrainian perspective it is also positive that Erdoğan has a direct line to Putin. Putin in turn maintains a transactional relationship with his Turkish opposite number, with a track record of finding compromises over tricky issues in the Russian-Turkish relationship. Ankara has steadily expanded its geopolitical influence in Russia's southern neighbourhood and earned Moscow's respect. Turkey has complex interests at stake in this conflict. It maintains close political and economic relations with both sides. And it is currently profiting economically from the conflict, through channels including cheap energy imports from Russia and mechanisms bypassing Western sanctions. At the same time the war destabilises the geostrategic situation in the Black Sea region, which is crucial for Turkey. Erdoğan has repeatedly called on Moscow to return the occupied regions to Kyiv's control. The Russian annexations proclaimed at the end of September also make his mediation efforts a great deal more difficult.

Western actors have been involved only indirectly (if at all) in mediation efforts since 24 February 2022. Moscow's actions have shattered the negotiating formats and for the moment destroyed the basis for any further engagement by Germany, France or the OSCE. Moreover, the Minsk Agreements are now politically discredited in Ukraine, and among some of the Western partners. Regardless whether and to what extent the

criticisms are justified, Minsk stands, along with Nord Stream 2 and other elements, for the failure of German (and French) Eastern Europe policy. Western states and the Western alliances are now also a great deal more intimately involved than they were between 2014 and 2022. They have imposed unprecedented sanctions against Russia and are supporting Ukraine massively with arms. With his decision to invade Putin has broken off all relations with the West. No Western leader now has access to the Russian ruler, with the possible exception of the American president. Furthermore, the West has affirmed the principle of "nothing about Ukraine without Ukraine" in talks with Russia, as also Joe Biden has repeatedly underlined. For the foreseeable future their possibilities will remain limited to supporting negotiations from the sidelines. It would take a substantially different Russian course of action to change that, in which case Western actors would have numerous instruments and incentives on hand to exert a positive influence. However, there is currently no sign of either.

Outlook and recommendations

Peace negotiations are always shaped by the military situation, the balance of forces between the warring parties. At the beginning of the latest invasion Russia tried to overrun Ukraine and impose a dictated peace on Kyiv. It failed both militarily and politically. Nonetheless, the Ukrainian political leadership was willing to make far-reaching compromises in light of great pressure during the first phase of negotiations. Since April the military balance has shifted continuously to the Ukrainian side. The Russian war crimes destroyed any trust in a negotiated solution, and the Ukrainian position hardened. Kyiv has also acquired enormous international kudos through the war and its military successes. Although Russia is not completely isolated, Putin's decision to continue escalating despite military setbacks also raises questions among his supporters in Beijing and Ankara. With his latest anne-

xations Putin has excluded any possibility of further negotiations. Until Russia has lost all hope of winning the war on the battlefield, there is no prospect of a diplomatic solution that preserves Ukrainian statehood, independence and territorial integrity.

In the meantime, Ukraine's supporters should concentrate principally on the following three areas:

Arms supplies and cease-fire talks: Military support for Ukraine is essential in order to shift the balance of forces and to bring about a "window of opportunity" for real cease-fire negotiations. Only so can it be credibly argued that it is Kyiv's decision when and on what terms talks can resume. It would be desirable to return to the Istanbul Communiqué, but that path is blocked by the Russian annexations in September. Economic sanctions must also be tightened. For example, since Russia's partial mobilisation Western enterprises still operating there have been required to support state recruitment efforts. That must be ended.

Cease-fire talks are more a medium-term perspective. And a lasting peace between Ukraine and Russia — in the sense of more than the cessation of military violence — is only conceivable in the long term, if at all. It will require a fundamental reorientation of Russian politics, in other words profound political change in Russia. That makes negotiations, if they ever begin, all the more tricky and complex. A cease-fire must be internationally secured and monitored. Plans are already being drawn up for the required international mission and other associated measures. That must be worked on and coordinated among the Western allies and Kyiv. Security guarantees for Ukraine are an elementary part of that process.

Grain deal: The grain deal is in danger. Germany and other international actors must do everything in their power to ensure it continues to function despite the latest Russian escalation. That is important not only with respect to the war and Ukraine's economic situation. If the deal

falls apart it will have dramatic effects on the food situation in Africa and other parts of the world. Russian propaganda is already cannily exploiting this to drive a wedge between Ukraine and the West on the one hand and the affected states of the Global South on the other. Here the Western nations must show firm commitment in order to improve their credibility vis-à-vis those states and societies.

International context: The international context of Russia's war against Ukraine is immensely complex, reflecting structural shifts in the global order. It will remain impossible to isolate Russia internationally, as actors like China, India and Turkey will continue to derive benefits from close relations with Moscow. German and European diplomacy should nevertheless seek discussion on every single issue where common interests can be identified. That applies above all to the danger of nuclear escalation, which is likely to worry Beijing and New Delhi too, and to Russia's imperialist attempts to acquire Ukrainian territory, which face Turkey — as the largest Black Sea littoral power — with problems. Talks with Moscow about the danger of nuclear escalation must also continue. But that cannot mean giving in to Russian nuclear blackmail. Instead the West must stick to its guns and deter Russia from a spiral of escalation.

Peace for Ukraine is a long way off. As the talks to date demonstrate, Moscow's belligerence and its dismissive attitude to talks represent the biggest obstacles to a diplomatic solution. But Germany and its partners — in close coordination with Kyiv — can already prepare for the moment when talks do become possible again.

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