Can Peacekeepers Break the Deadlock in Ukraine?

Table of Contents

Principal Findings

What's the issue?   In September 2017, Moscow proposed the deployment of UN peacekeepers along the line dividing Ukrainian from separatist and Russian forces in eastern Ukraine. Such a mission would not help end the conflict. To do that, peacekeepers would need a greater role, including helping secure the Ukraine-Russia border.

Why does it matter?   The Ukraine conflict has killed over 10,000 people and provoked a humanitarian crisis. It undermines Ukrainian sovereignty and is hugely detrimental to relations between Russia and the West. There are good reasons to suspect Russia's intentions, but with implementation of the Minsk peace agreement stalled, its proposal provides a slim opening for diplomacy.

What should be done?   Kyiv and its Western allies should further develop ideas on how peacekeepers might help. Discussions with Russia should continue and a more central role for Europe would make sense. Western powers must, however, better factor in developments on the ground, notably increasing resistance to the Minsk agreement in Ukraine itself.

Executive Summary

In September 2017, Russia circulated a draft UN Security Council resolution proposing a peacekeeping mission in Ukraine's breakaway eastern regions. There are good reasons to suspect its motives for doing so, not least that the narrow mandate and lightly armed force envisaged would do little to resolve the conflict. At most, it could establish just enough security to pressure Kyiv into making concessions to separatist held areas, which would weaken its hand and strengthen that of Russia. Moscow's proposal does, nevertheless, present an opening for dialogue and for Kyiv and its Western allies to explore how peacekeepers might facilitate return of those areas to Ukrainian authority, including by helping both secure the Ukraine-Russia border and unblock implementation of the February 2015 Minsk II agreement. In so doing, however, their diplomacy should factor in developments on the ground, including growing Ukrainian resistance to Minsk, by promoting a more nuanced debate on the agreement and thus helping tackle this animosity. Without that, even a credible peacekeeping mission could provoke a nationalist backlash.

Peacekeepers might offer a way to help settle the conflict, but would almost certainly need to fulfil at least three core tasks: securing the line that divides Ukrainian from separatist and Russian forces after withdrawal of heavy weapons; helping secure the Ukraine-Russia border; and fostering Kyiv's implementation of Minsk, particularly by creating conditions for credible local elections and the reintegration of breakaway areas into Ukraine. Kyiv's and Moscow's consent would be critical: not only to avoid a Russian veto on the Security Council and enable a mission's deployment, but also because peacekeepers could not operate without a reasonable degree of support from both capitals. Even then, they could face considerable local hostility and potentially violent spoilers. A force would need to be relatively large and capable, but with troops from neither NATO nor Russia.

Moscow's proposal contemplates little of that. True, it comes after three years of diplomatic deadlock; implementation of the Minsk Agreement, which foresees reintegration of separatist held areas into Ukraine, has stalled. Kyiv insists it cannot fulfil its Minsk commitments while the east remains insecure and Russia controls the border; Moscow says it cannot cede border control to Ukraine until political conditions for the breakaway regions' self-governance are in place.

But the small, lightly-armed force that, under the Kremlin's proposal, would protect Organization for Security and Cooperation in Europe (OSCE) monitors in the conflict zone does not help bridge this gap. In particular, it denies peacekeepers a role along the Ukraine-Russia border, essential for reestablishing Ukrainian sovereignty and territorial integrity. Moscow's intentions in submitting the proposal are uncertain too. While, in principle, there may be reasons for it to seek a way out of a costly intervention in eastern Ukraine, the small force proposed would more likely freeze the conflict than resolve it. The draft resolution more likely served to highlight Kyiv's failure to implement its side of Minsk, play for time and test Western resolve after U.S., French and German elections.

While Western diplomats regard Moscow's proposal warily, some also view it as an opportunity to engage. U.S. Envoy Kurt Volker has met several times with

Vladislav Surkov, aide to Russian President Vladimir Putin, to discuss peacekeeping options. Europeans for the most part have supported his efforts. Some privately express concern that American diplomacy is insufficiently inclusive, but European leaders themselves have provided few fresh ideas on how to break the deadlock.

In Kyiv, suspicion of Moscow's draft runs deeper still, particularly given the narrow mandate and deployment area envisaged. Many Ukrainians fear Moscow intends to create just enough security to compel Kyiv to implement Minsk while retaining leverage in the east. Peacekeeping talks that fail to address this concern risk escalating violence on the front line, or even in government-controlled areas.

Talks also need to factor in other critical developments in Ukraine: anger at elites; mutual distrust between not only Kyiv and separatists but also Kyiv and other parts of the east; and, especially, mounting resistance to Minsk. Many see that agreement, signed in the wake of two disastrous military defeats, as reaffirming Russia's gains in the conflict rather than guaranteeing a just resolution. Minsk political provisions – notably on special status; local elections; amnesties; and reintegration of separatist held areas – are widely disparaged. Even reformist politicians denounce them, while heated parliamentary debates on related legislation provoke nationalist protests. Anger at Minsk could colour the 2019 election campaign and strain Ukrainian President Petro Poroshenko's ruling coalition, which comprises the only parties – bar pro-Russia ones – that still support the agreement. Absent efforts to reverse it, the deployment of peacekeepers, even were Moscow to concede to their role on the border, could provoke a backlash.

Reaching consensus on peacekeeping for now appears a stretch. But Western allies are right to try; indeed, they should expand efforts. The Volker-Surkov meetings provide a useful direct U.S.-Russia channel. Europe's influence in Kyiv and enormous levels of assistance to Ukrainian development and reform should give it a more central role; appointing a high-level European Union (EU) envoy could complement Volker's diplomacy. The Normandy Format, currently comprising French, German, Russian and Ukrainian leaders, could be expanded to include both the EU and U.S. (at least at ministerial level). For now, neither an EU envoy nor expanded Normandy Format appears likely, but Europe's diminished involvement leaves a gap; genuine progression in negotiations will require it to play a more active role. Too many parallel tracks also risk forum shopping by Moscow or Kyiv.

Continued discussions require Western diplomats to develop incentives for Russia. They could, for example, specifically address the concerns (whether genuine or not) that Moscow raises about the risk of reprisals in separatist areas. The core incentive for Russia's withdrawal must remain the prospect of lifting sanctions only once Minsk agreements are fully implemented or once Russia gives up its military and political interference in Donbas and facilitates the return of the Ukrainian side of the Ukraine-Russia border to Kyiv's control. At the same time, Western diplomats should reassure Kyiv that Ukrainian security concerns lie at the heart of negotiations. They should also promote debate in Ukraine on Minsk by encouraging leaders currently stoking resistance against it to instead clarify measures – whether peacekeeping modalities or forms of Western support – that could make its implementation more palatable.

After several years of deadlock, Moscow's proposal opens a window, however small and potentially disingenuous, for diplomacy. Developing peacekeeping plans would be valuable: were Moscow ever to seek an exit, a neutral, UN-mandated force would likely be required to facilitate its withdrawal and the return of Ukrainian authorities. Kyiv's Western allies should redouble diplomatic efforts, but also better factor in conditions on the ground. For Ukraine, the only scenario worse than continued Russian interference in the east would be nationwide civil unrest over a mismanaged rollout of Minsk political provisions.

Brussels/Kyiv/New York/Vienna/Washington, 15 December 2017

Can Peacekeepers Break the Deadlock in Ukraine?

I. Introduction

The conflict in Donbas is entering its fourth winter and has claimed over 10,000 lives. Implementation of the February 2015 Minsk II agreement, which Ukraine's Western allies and Moscow still insist is the only way to end the crisis, has stalled.[1] In fundamental breach of that agreement, high concentrations of heavy weapons and forces persist along the line of separation, leading to daily exchanges of fire and cutting off the separatist-controlled areas – the self-proclaimed people's republics of Donetsk and Luhansk – from the rest of the country.

Normandy Format meetings, which comprise Ukrainian, Russian, German and French leaders and give a political steer to the Minsk process, have helped hammer out a number of partial ceasefires.[2] OSCE Trilateral Contact Group (TCG) working groups, consisting of representatives from Ukraine, Russia and the OSCE and primarily responsible for implementing Minsk, have met dozens of times and provide a forum for valuable exchanges.[3] But progress – whether withdrawal and cantonment of heavy weapons, agreement on procedures for local elections, hostage exchanges, even the provision of humanitarian assistance – has been minimal.[4] Talks are stalled

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[1] In September 2014, after Ukraine retreated from Ilovaisk six months into the crisis, negotiators from the Trilateral Contact Group (TCG) – Russia, Ukraine and the OSCE – as well as representatives of separatist-held areas, signed a ceasefire agreement in Belarusian capital Minsk. This deal collapsed almost immediately, leading to some of the bloodiest fighting of the war, including the battles of Donetsk airport and Debaltseve in January and February 2015, which saw separatists with significant Russian support deal Kyiv two crippling defeats and seize strategic territory. France and Germany, following talks with Russian President Putin and Ukrainian President Poroshenko, then drew up a new peace plan known as Minsk II, formally the Package of Measures to Implement the Minsk Agreements, signed 12 February 2015 by the same group that signed Minsk I. This second deal, drawing from the first failed one, laid out a roadmap for a sustainable ceasefire and reintegration of the disputed regions back into Ukraine. See appendices for the Minsk agreements. For Crisis Group's previous reporting on Ukraine and these agreements, see Crisis Group Europe & Central Asia Briefings N°79, *Russia and the Separatists in Eastern Ukraine*, 5 February 2016; N°81, *Ukraine: The Line*, 18 July 2016; N°85, *Ukraine: Military Deadlock, Political Crisis*, 19 December 2016.
[2] Since 2014, a complete ceasefire on the entire line of separation, including the last "back to school ceasefire" that entered into force August 2017, has been declared sixteen times, not counting numerous local ceasefires to conduct repair work at infrastructure facilities. Each has only led to a short-term reduction in violence.
[3] There are four working groups: on political, security, humanitarian and economic issues. Ukraine does not recognise the self-proclaimed republics' role in the TCG, but by Minsk II they are identified in text as "representatives of certain areas of Donetsk and Luhansk regions". Russia denies involvement in the conflict and that it is a party to it.
[4] For instance, much discussion has focused on three disengagement zones – identified by a roadmap document from March 2017, designed to implement former German Foreign Minister and current President Frank-Walter Steinmeier's "Steinmeier Formula" – two of which have seen the withdrawal of forces. But all three areas are small and none is in an area with significant security

too: Moscow points to Kyiv's lack of progress on Minsk political provisions; in turn, Kyiv argues it cannot implement those provisions while there is no security in the conflict zone and adjacent segment of the Ukraine-Russia border.

Given this deadlock, Russia's circulation in September 2017 to other members of the Security Council of a draft resolution for peacekeepers in Donbas came as a surprise. The draft went through two iterations. The first called for lightly-armed UN forces along the line of separation to provide security to civilian teams working with the OSCE Special Monitoring Mission (SMM).[5] Kyiv and Western powers on the Security Council rejected this: not only did it not envisage peacekeepers securing the border, a critical step toward reestablishing Ukrainian sovereignty and territorial integrity, but it also fell short of providing security throughout the zone of conflict, where heavy weapons are the greatest risk, including to SMM monitors. In the words of a UN diplomat, the draft was a non-starter because it would "effectively freeze the conflict" and legitimise the de facto entities.[6]

The content of Moscow's second draft has not been widely publicised. It appears, however, to have conceded to UN deployment throughout those areas covered by the SMM mandate (in principle all of Ukraine),[7] without explicitly foreseeing a role for peacekeepers along the border.[8] By suggesting willingness to extend peacekeepers' area of operations – and thus potentially some readiness to compromise – this draft generated more interest among Ukraine's Western allies.

Moscow's proposal was all the less expected because it followed repeated Russian rejections of calls by Kyiv for peacekeepers. President Poroshenko first floated the idea, which Russia at the time opposed, of deploying UN forces to the Ukraine-Russia border in spring 2015. In September 2017, he pressed the issue again at the annual high-level UN General Assembly meeting, though Kyiv, perhaps pre-empted by

challenges. Crisis Group interviews, OSCE officials, Kyiv and Vienna, September and October 2017. A senior Ukrainian interlocutor remarked that TCG participants could often only find common ground on a single goal: preserving and restoring shared critical infrastructure. Crisis Group interview, elder Ukrainian statesman, November 2017.

[5] "Draft UNSC Resolution on UN Mission on Support in Protecting the OSCE SMM in the South-East of Ukraine, Russian Federation Permanent Representative to the United Nations", 5 September 2017.

[6] Crisis Group interviews, UN official, Kyiv, September 2017; and diplomat, New York, October 2017.

[7] For the SMM mandate, see OSCE Decision No. 1117: "The Special Monitoring Mission members will have safe and secure access throughout Ukraine to fulfil their mandate". Ukraine, the U.S., and Canada interpret this as all of Ukraine within internationally-recognised borders, including Crimea; but Russia excludes Crimea and Sevastopol to reflect "political and legal realities existing since 21 March 2014", the date of the SMM mandate. In reality, the SMM does not regularly monitor the border. According to diplomats who work closely with the SMM, Russian monitors simply notify separatists of imminent visits through Russian officers assigned to the multilateral military body also responsible for monitoring the ceasefire – the Joint Centre for Command and Control (JCCC), staffed by Ukrainian and Russian officers; militants then remove or conceal weapons or personnel before SMM monitors arrive.

[8] The content of this second proposal has been mostly gleaned from press accounts of a September 2017 phone call between Putin and German Chancellor Angela Merkel. "Putin tells Merkel UN peacekeepers could be deployed not only on Donbas contact line", Reuters, 11 September 2017. Crisis Group interview, diplomat, New York, October 2017.

Moscow's draft, has yet to submit its own.[9] In November 2017, Ukrainian Foreign Minister Pavlo Klimkin announced a fresh Ukrainian proposal was ready, but the U.S. reportedly discouraged its submission, opting to focus instead on further diplomacy with Moscow.[10] With little progress made on the margins of the General Assembly, negotiations moved from New York to capitals: Moscow, Washington, Berlin, Paris, Vienna and even Minsk and Belgrade, both of which have hosted meetings in which Kurt Volker, former U.S. ambassador to NATO and now special representative for Ukraine negotiations, and close Putin aide Vladislav Surkov have attempted to tease out common ground.

This report examines the extent to which Moscow's proposal represents an opportunity, particularly for Kyiv's Western allies, to explore how peacekeepers might play a role in Donbas. It looks at competing perspectives from Moscow, Washington and European capitals, the gap between negotiations in those capitals and developments in Ukraine, challenges on the ground that peacekeepers would have to overcome and options for the role and composition of such a force. It draws on interviews with Ukrainian civilian and military officials; U.S., UN, OSCE, EU and Russian officials; Donbas residents; and Russian experts.

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[9] A Ukrainian diplomat in New York told Crisis Group Kyiv is working on a draft, but has yet to clarify if they will table it. Crisis Group interview, Ukrainian diplomat, New York, October 2017.
[10] Crisis Group interviews, EU official, Brussels, senior U.S. official, Washington DC, November 2017. "Klimkin: UN resolution for Donbas peacekeepers is ready", *Kyiv Post*, 12 November 2017.

II.   Competing Perspectives in Capitals

Russia's proposal has generated a mixed response in the capitals of Ukraine's Western allies. Distrust between the West and Moscow, the Kremlin's rejection of the idea of peacekeepers in the past and doubts that it genuinely intends to facilitate the return of separatist-held areas to Kyiv mean that many Western officials are sceptical about its intentions now. A wide gulf still separates what Russia has proposed and what Ukraine and Western powers would accept. Absent better alternatives, many Western diplomats have been willing to explore whether Moscow's proposal represents an opening, however small, to break the deadlock.

The U.S. has been particularly active, mainly through Volker's meetings with Surkov. European officials have supported U.S. diplomacy, even as many privately express concerns it has been insufficiently inclusive. Some argue, too, that European security mechanisms should lead efforts to resolve the Ukraine crisis. But while Germany and France provided decisive leadership to contain the conflict through the Minsk I and II agreements, neither they nor the EU have actively proposed ways to unblock the stalled settlement process. The appointment by the EU of a new envoy and the expansion of the Normandy format to include the EU and U.S. might be ways to reinvigorate discussion of peacekeeping options, although both for now appear unlikely.

A.   *Moscow*

Moscow's peacekeeping overture is, on paper, a notable shift in posture, but the intentions behind it are far from clear. The proposal could have been a first step in a genuine attempt to find a way out of an increasingly expensive entanglement in Donbas, a way to test the West's appetite for compromise – particularly with a view to sanctions relief – after U.S., French and German elections, or simply a tactic to divert attention from the question of its withdrawal from Donbas by burying the conflict in negotiations over peacekeeping modalities. Russia's willingness to compromise on a mission's strength, composition and mandate clearly hinges on what kind of role for peacekeepers, and what outcome, it seeks. A Russian diplomat confirmed to Crisis Group that Moscow preferred a limited mandate, along the lines formulated in its draft resolution, with the force protecting, not replacing, the OSCE SMM.[11] This does not indicate much flexibility. Regardless, Moscow's proposal opens up opportunity for discussion of what role peacekeepers in Donbas could perform should that option be seriously considered.

There are reasons why Russia might, at some point, seek a face-saving way out of eastern Ukraine. Its role in Donbas incurs a significant financial toll. Some costs are direct; a leaked September 2017 Russian finance ministry memorandum, which calls for Moscow to move funds away from Donbas into Crimea and Kaliningrad, suggests Moscow funding keeps the self-proclaimed republics afloat.[12] Russia spends over

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[11] Crisis Group interview, Russian official, November 2017.
[12] "Крым вместо ДНР: как в правительстве обсуждают отказ от помощи Донбассу" [Crimea instead of DNR: how in the government they discuss cancelling aid to Donbas"], RBC (Ros-

$1 billion a year on pensions, social benefits and salaries to de facto officials and the separatist forces and even more on the military.[13] These direct costs may be significant but are unlikely decisive. More significant are indirect costs, related to sanctions. While the Russian economy has largely stabilised, thanks to consumer borrowing and higher oil prices, experts suggest Putin is increasingly eager to have sanctions lifted.[14] Russian experts say that Moscow knows Donbas is a liability, not only financially, but also to Russia's reputation on the world stage at a time when it seeks greater recognition as a global power.[15] The intervention in Donbas drives a significant anti-Russia backlash in the rest of Ukraine; in that sense, too, the deadlock incurs costs.

A peacekeeping compromise could serve Russian interests in other ways. A mission could increase pressure on Kyiv to implement the Minsk agreement's political provisions, which until now it has deferred, citing the security situation and Russia's continued influence in Donbas. Such an operation might force Poroshenko to start rolling out those provisions during the run-up to the 2019 Ukrainian parliamentary and presidential polls, potentially jeopardising his and his party's chances to continue leading the government. Donbas elections, required by Minsk, would likely result in local authorities friendly to Moscow winning power in the east; pro-Western politicians are unlikely to fare well even in credible local polls.

Moscow also retains other forms of leverage over Kyiv that could prove more effective and less costly than direct engagement in Donbas: cyber-attacks; manipulation of the oligarchy; strategic business acquisitions; clandestine support to far-right groups; extensive information and influence operations via Russian government-controlled broadcasters RT and Sputnik, or social media bots and troll factories.[16] So in principle, there are reasons to think Russian openness to compromise might not be completely off the table.

That said, Moscow's track record suggests there are also good reasons to regard it warily. For now, it appears more plausible Putin was testing the waters after French and German elections, almost a year into a new U.S. administration initially expected to be friendlier to Moscow, and ahead of Russia's March 2018 presidential election. In this light, the peacekeeping proposal served as a trial balloon. It arguably aimed to give Moscow a clearer reading on how flexible the U.S. and EU might be, prospects for sanctions relief and how united a front they present overall, thus allowing Putin to better assess his options, especially after his widely expected re-election, even as they served as a dilatory manoeuvre.

Whatever Moscow's intentions, its proposal creates a tactical window in a diplomatic process that has been stuck for three years. This is particularly true because,

BusinessConsulting), 15 September 2017. Crisis Group Briefings, *Russia and the Separatists in Eastern Ukraine*; and *Ukraine: Military Deadlock, Political Crisis*, both op. cit.

[13] Crisis Group Briefing, *Russia and the Separatists in Eastern Ukraine*, op. cit. "So the Kremlin finances the Ukrainian rebels", Bild, 16 January 2016.

[14] "Russia's economy is growing with borrowed money", Bloomberg, 14 November 2017, https://www.bloomberg.com/view/articles/2017-11-14/russia-s-economy-is-growing-with-borrowed-money; Crisis Group interview, private sector expert, Kyiv, September 2017.

[15] Crisis Group interviews, Russian experts, October-November 2017.

[16] Crisis Group interview, senior U.S. official, November 2017.

by citing concrete reservations (regardless of how genuine) over Ukrainian and Western red lines for peacekeepers, Russia is presenting Ukraine's Western partners with the opportunity to develop counterproposals that explicitly address them and thus put the ball back in Moscow's court. In response to demands that peacekeepers patrol the border, for example, Moscow expresses fear of reprisals against the population of the breakaways. If Russian and separatist forces withdraw, Moscow claims Ukrainian nationalist forces may exact revenge on those they perceive as separatist collaborators, with peacekeepers unable to protect them. Putin himself suggested such a scenario could lead to another Srebrenica, referring to the failure of UN peacekeepers to prevent atrocities in Bosnia.[17]

Such comparisons are farfetched, but reprisals are a concern, given the presence of Ukrainian nationalist paramilitaries along the line and dehumanising language some use to describe inhabitants of separatist-held areas (see Section III). According to Russian experts, a peacekeeping mission that deploys in phases, securing areas as Russian and separatist forces withdraw, could better guarantee the safety of inhabitants of the self-proclaimed republics.[18] Indeed, one option floated by an expert close to the Kremlin is three-phase deployment: first along the line, consistent with the first Russian draft resolution; then a second phase involving peacekeepers occupying a 50km zone beyond that line in areas currently outside government control; and a third involving deployment up to and including the border, if and when political provisions of Minsk are met.[19] The downside of such an option would be that it delays deployment along the border, and potentially gives Moscow the opportunity to block latter phases after peacekeepers' initial deployment.

In sum, while reasons to regard Russia's proposal cautiously are many, the West should, nonetheless, continue to test Moscow's willingness to compromise and, in turn, develop its own thinking on how peacekeepers could create conditions in the east that encourage Kyiv to advance Minsk political provisions. Russian calculations may also evolve. Some Russia experts, for example, suggest new opportunities could open up after Putin's re-election, especially if downward economic trends compel him to launch long-discussed economic reform.[20] Such reform could require improved cooperation with the West on issues like technology transfer that in turn could create incentives for compromise on Donbas.[21] Again, prospects appear slim but, in a crisis with few openings, are worth pursuing.

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[17] Putin made these comments during his remarks at the October 2017 Valdai discussion club. "'Боимся повторения трагедии в Сребренице'. Путин о ситуации в Донбассе" ["'We fight repetition of the Srebrenica tragedy'. Putin on the situation in Donbas"], RIA Novosti, 19 October 2017.
[18] Crisis Group interview, Russian expert, October 2017.
[19] Crisis Group interview, Russian expert, October 2017.
[20] The election will be on 16 March 2018 to coincide with the fourth anniversary of Crimea's annexation. One senior U.S. official suggested instead that it would actually be harder to capture Putin's attention after his re-election; the status quo would settle in and the opportunity disappear. Crisis Group interview, senior U.S. official, November 2017.
[21] Crisis Group interview, Russian expert, October 2017.

B.   *Washington*

More than any other Ukrainian ally, the U.S. appears willing to test whether a UN-mandated force could help in Donbas. President Trump himself may have inadvertently played into Ukrainian fears that the U.S. and Russia might strike a deal behind Kyiv's back when he reportedly told Poroshenko during their September 2017 meeting that the U.S. wanted peace in Ukraine, suggesting that his administration was particularly vested in capitalising on the current diplomatic opening.[22] Meetings between Volker and Surkov, which take place in parallel to the Normandy Four and TCG, have become the main venue for discussion of potential peacekeeping modalities. Thus far these talks appear to have yielded little, despite positive official statements. Washington reportedly is now deliberating whether to table or ask an ally to table its own draft Security Council resolution.

The renewed energy Volker has brought to U.S. diplomacy on Ukraine stands in stark contrast to the past few years of Minsk deadlock. The political capital invested in his efforts suggests that the U.S., at least initially, found grounds to take Moscow's proposal seriously, or at least viewed it pragmatically as the only opening for discussion with Russia over Ukraine. State and Defense Department officials assert that Russia "needs a way out" of eastern Ukraine, though some admit that remains an assumption.[23] Volker himself portrays the proposal as an opening to explore whether a peacekeeping mission with the right strength and mandate might give Kyiv sufficient confidence to implement Minsk political provisions, even if reaching consensus with Moscow subsequently proves impossible.[24]

Volker and Surkov have met three times, once in Minsk and twice in Belgrade, where they held a "discussion of principles", according to Volker. A joint statement released by the U.S. embassy in Moscow after that November 2017 meeting was reasonably positive.[25] Behind closed doors, however, U.S. diplomats admit it is easier to agree on principles with Russians than concrete measures, and that the last meeting was tense.[26] For his part, Surkov told reporters that Volker presented 29 paragraphs of counterproposals to Russia's second draft resolution, of which the Russians accepted three, illustrating the distance remaining between the sides.[27] Strained U.S.-Russia relations reportedly complicated this latest round of talks.[28]

For Kyiv and Western allies, the red line for any mission is that peacekeepers secure the Ukrainian side of the Ukraine-Russia border, a basic premise of national security for Kyiv that should ultimately lead to hand-over of control to Ukraine, as

[22] Crisis Group interview, U.S. official, Washington DC, October 2017.

[23] Crisis group interviews, U.S. State and Defense Department officials, Washington DC, October 2017.

[24] "U.S. Envoy Kurt Volker on ending the war in eastern Ukraine", Hromadske, 31 October 2017.

[25] It noted that the meeting involved "thorough discussion of the current diplomatic state of play concerning efforts to end the war in Donbas" and that "It is not surprising that the United States and Russia have different concepts for how to make peace, but we will continue to work to get there". See U.S. embassy in Moscow press release, 14 November 2017.

[26] Crisis Group interview, senior U.S. official, Washington DC, November 2017.

[27] "U.S., Russia envoys differ on peace and peacekeepers in eastern Ukraine", Radio Free Europe/Radio Liberty, 14 November 2017.

[28] Crisis Group interview, senior U.S. official, Washington DC, November 2017. He pointed to sanctions, the closure of facilities, and the expulsion of diplomatic personnel by way of illustrating the challenges in the bilateral relationship.

per Minsk. Without control of the border, Moscow could provide political and economic support to the self-proclaimed people's republics, supply weapons and rotate forces in and out without consequence. Peacekeepers deployed without a clear mandate to control the border risk freezing the status quo in the conflict zone.

Volker envisages a robust peacekeeping force, potentially comprising some 20,000 peacekeepers, a number floated not only by him but also Ukrainian diplomats in New York.[29] Such a force would help stabilise Donbas, secure the border, oversee cantonment of weapons and withdrawal of forces from the line and potentially administer elections. Volker's vision is, in other words, almost the polar opposite of the lightly armed force Russia suggested to protect OSCE monitors.

After the November 2017 Belgrade meeting, U.S. officials indicated they or an ally may table a new Security Council resolution in New York.[30] One option would be for Volker to prepare a draft that lays out, in response to Moscow's proposal, a peacekeeping force with the strength and mandate he envisages as necessary to create conditions for Minsk implementation. Moscow may, however, reject it outright. A second option could be to explore a phased approach, though with clear language in the resolution that guarantees subsequent phases will follow initial deployment. This approach might plausibly win Russian consent or at least continued discussion, but could encounter Ukrainian resistance. Either of these options also risk parties getting stuck in debates over peacekeeping minutiae without evidence Russia genuinely seeks a mutually acceptable compromise.

The U.S. reportedly hopes a resolution can be tabled before Ukraine relinquishes its Security Council seat at the end of the year, possibly in December when Japan has the presidency of the council.[31] Whether Volker will remain in the job past March 2018, when his post formally closes, is unclear. U.S. officials report that newly confirmed Assistant Secretary of State for European Affairs Wess Mitchell may assume management of the Ukraine file.[32]

There are important limits on the extent to which the U.S. would be willing and able to offer sanctions relief in return for a Russian compromise. A senior U.S. diplomat noted sanctions should only be lifted once main Minsk provisions were implemented – after credible local elections – rather than partially, in parallel with incremental progress on benchmarks.[33] State and Defense Department officials similarly stress that only full Minsk implementation would enable lifting sanctions, an

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[29] Volker repeated this number before his third bilateral meeting with Surkov. A Ukrainian official in New York also cited 20,000 as the minimum that could realistically secure land and maritime borders between Ukraine and Russia. Volker himself has compared such a force to the UN-mandated NATO force in Kosovo, K-FOR. Crisis Group interview, senior U.S. official, Washington DC, November 2017.

[30] Crisis Group interview, senior U.S. administration official, Washington DC, November 2017.

[31] Crisis Group interview, senior U.S. official, November 2017. In the wake of Volker's October 2017 visit to Kyiv, two Ukrainian parliamentarians claimed on Facebook that he declared a UN Security Council resolution on peacekeeping might even be ready before 2018. "Ukrainian deputies unveil details of discussion with Volker on UN peacekeeping for Donbas", *Kyiv Post*, 28 October 2017.

[32] Crisis Group interviews, Washington, November 2017.

[33] Crisis Group interview, senior U.S. official, Washington, November 2017.

important qualification that could help allay fears in Kyiv that the U.S. and Russia might strike a deal on Donbas behind Ukraine's back.[34]

Moreover, even then, only sanctions related to Russia's actions in eastern Ukraine would be lifted; sanctions related to Russian actions in Crimea, 2016 election interference, or the Magnitsky Act would not be affected.[35] Finally, Congress could complicate any effort to lift sanctions for reasons including recent legislation that requires the president to notify Congress if he intends to proceed with any significant lifting of Russia-related sanctions.

C.   *Europe*

U.S. officials present cooperation with EU and OSCE counterparts as close, and the latter view Volker as a serious, clear-headed negotiator.[36] That said, some European diplomats privately express concern that the U.S. risks monopolising diplomacy on peacekeeping; is insufficiently inclusive of the OSCE, the EU and its member states, which tend to lead efforts to end or manage crises on the continent; and does not have an adequate feel for what an endgame acceptable to Ukrainians looks like.[37] One EU official, who stressed the need for more multilateral cooperation, said that – without more direct channels at the time – EU and German counterparts went to an October informal meeting in Stockholm organised by a European think-tank in order to better understand Volker's vision.[38] For their part, however, Europeans have provided little recent visible leadership on Ukraine, and the OSCE has allowed the settlement process to be bogged down in often inconsequential details without addressing bigger picture challenges.[39]

This is unfortunate. Greater European involvement could bring valuable perspectives and influence to talks on peacekeeping, even if many in Europe doubt this is a

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[34] Crisis Group interview, UN official, Kyiv, September 2017.

[35] President Obama signed the Russia and Moldova Jackson-Vanik Repeal and Sergei Magnitsky Rule of Law Accountability Act on 14 December 2012. It sanctions Russian officials responsible for the 2009 prison death of auditor and civil lawyer Sergei Magnitsky, jailed in November 2008 for investigating fraud involving Russian tax officials. Magnitsky was held for eleven months without trial and developed several diseases left untreated. On 16 November 2009, eight days before authorities would have had to release Magnitsky because they had not brought him to trial within a year of arrest, he died. In response to the Magnitsky Act, Russia banned U.S. international adoptions five days later on 19 December 2012.

[36] Crisis Group interviews, Washington and European capitals, September-December 2017.

[37] Crisis Group interviews, Washington, October 2017. For example, an OSCE diplomat argued the U.S. was forging ahead in negotiations to break the stalemate without an adequate feel for what an endgame acceptable to Ukraine looks like. One EU official involved in Ukraine claimed the U.S. was pursuing its own track on peacekeeping, with Brussels and even Berlin and Paris feeling sidelined; German policy experts have said Volker's autumn visit to Berlin was much welcome. Crisis Group interviews, OSCE diplomat and EU official, October and November 2017. The new U.S. administration has yet to appoint its OSCE ambassador, which other participating states' representatives view as a sign of disengagement.

[38] Crisis Group interview, EU official, November 2017.

[39] Former Swedish prime minister, Carl Bildt, commented in an October 2017 public discussion in Brussels that "the EU is missing in action". "Ukraine: What's Next?", an on-the-record public debate on Ukraine organised by ECFR, Brussels, 11 October 2017.

genuine opening.[40] Many Europeans, especially those from newer EU member states better understand Ukrainian sensitivities and are keenly aware of the obstacles peacekeepers would face on the ground. Some worry that direct U.S.-Russia diplomacy raises the potential for a deal without sufficient Ukrainian and or EU buy-in. A former European leader said the EU is well aware Ukraine could be pushed over the brink if Ukrainians do not believe their security concerns are addressed.[41] However sceptical they are about the prospects for a peacekeeping mission, EU and OSCE officials should express their concerns clearly and directly with the U.S. if they are not yet doing so. Better to do so now, than for discussions on peacekeeping to progress without these concerns being factored in.

The EU Association Agreement with Ukraine, which entails political association and economic integration between the EU and Ukraine, and related cooperation on security and governance reform also should, in principle, give the EU a prominent voice in discussions on peacekeeping. EU officials privately admit the crisis chills nearly every area of reform: principles such as civilian oversight of the security sector, judicial presumption of innocence, press freedom and even anticorruption all fall casualty to real or perceived national security threats. At the same time, the EU's framework for cooperation and vast bilateral support to Ukraine give it leverage and a practical way of nudging Kyiv forward on sensitive issues, if and when it implements Minsk political provisions.

Europeans, like the U.S., must hold the line on sanctions. Only were the Minsk agreements to be completely implemented or Russia to end its military and political interference in Donbas and facilitate the return of the Ukrainian side of the Ukraine-Russia border to Kyiv's control should sanctions aligned to the implementation of Minsk be lifted. In other words, there should be no partial lifting with partial progress. Moreover, even with complete implementation of the Minsk agreements, the EU and European governments should uphold restrictive measures linked to Russia's annexation of Crimea and Sevastopol. It is important for European security to maintain them.

In short, European powers could and should better use their influence to further negotiations. One idea would be for the EU to appoint a special envoy for Ukraine. For now, there is little appetite in Brussels to do so. But an envoy could play a useful role as a European counterpart to Volker and work closely with him to ensure talks benefit from both U.S. influence and authority and the EU's leverage and close ties to Ukrainian institutions.

Optimally, too, Germany and France, together with the EU and U.S., would push for an expanded Normandy Format, adding EU and U.S. participation to that of France, Germany, Russia and Ukraine. This would reinforce Euroatlantic solidarity, centralise diplomatic efforts and signal to Russia Western commitment to resolving the conflict. Although a protocol discrepancy would exist without U.S. presidential participation, Normandy Format meetings between heads of state have only taken place five times, whereas regular meetings at the foreign ministerial and working levels offer another platform to engage. Volker has expressed public opposition to

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[40] Crisis Group interviews, European Commission representatives, Brussels, November 2017.
[41] Crisis Group discussion, former prime minister of an EU member state, October 2017.

U.S. participation.[42] But, together with the EU, the U.S. could bring new gravitas and momentum to those meetings. At a minimum, Washington and Brussels should work more closely with Berlin, Paris and the OSCE to ensure a substantive link between diplomacy and bilateral cooperation, including on reform. By cooperating more closely, Kyiv's allies also could guard against forum shopping by Moscow and Kyiv.

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[42] Zerkalo Nedeli interview with Volker, "Курт Уолкер: 'США могут сказать Путину: если хотите – мы можем помочь, если не хотите – мы можем гарантировать, что вам станет хуже'" ["Kurt Volker: 'USA can tell Putin: if you want, we can help; if not, we can guarantee it will get worse for you'"], 24 September 2017. Volker's opposition to U.S. participation puzzles European diplomats. The official explanation – that the U.S. adds little to technical debates of ceasefires and withdrawals and its value lies in forcing Putin to focus on the bigger picture – is unconvincing, given that European diplomats in Kyiv consider their U.S. peers masters of such detail. Some suggest the U.S. refuses to engage in the TCG and Normandy Four so as not to dignify Russia's claims it is not a party to the conflict. Crisis Group interviews, Western diplomats, Kyiv, September-December 2017.

III. **Ground Realities**

While Russia's proposal provides an opportunity for Western allies to explore what role peacekeepers could play, the discussion risks overlooking important dynamics in Ukraine itself. Ukrainian diplomats mostly express concerns about security in Donbas, which would require peacekeepers controlling the border. Kyiv, they say, could implement Minsk political provisions once Donbas is secure; even if this will be a tough sell at home, they insist Ukraine will stick to its commitments.

Behind these statements, however, lies a complex reality: increasing resistance in Ukraine to Minsk and the presence of potential spoilers on both sides. Even were Russia to consent to peacekeeping at the border, Kyiv might still struggle to implement Minsk political provisions in the face of domestic opposition. Minsk is likely to become even more salient as Ukraine's 2019 elections approach. Bar pro-Russia parties, Poroshenko's ruling coalition is Minsk sole defender; were it to lose the 2019 vote, implementation of Minsk's political provisions could be harder still.

A.   *Kyiv's Sensitivities on Minsk II Political Provisions*

Ukrainian concerns about Russia's proposal are not only motivated by distrust of Moscow. They are also rooted in the domestic unpopularity of the Minsk agreements themselves. Many see Kyiv's obligations under Minsk as concessions that would grant the Kremlin continued political and military leverage in eastern Ukraine even after reintegration of separatist held areas.[43] Kyiv thus far has deferred its fulfilment of these obligations by appealing to insecurity in Donbas, Russia's continued influence and Ukrainian authorities' lack of access to those areas.[44] Ukrainian officials fear that the Kremlin could create enough of a semblance of normalcy in Donbas, through the limited deployment of peacekeepers, to spotlight Kyiv's deferral of its own Minsk commitments.[45]

Much domestic opposition to Minsk stems from the circumstances in which it was devised. The first agreement was signed in the wake of Ukrainian forces' August 2014 defeat in Ilovaisk, when Russian-backed militants encircled 1,400 Ukrainian troops and volunteers, negotiated a ceasefire and then opened fire on them as they withdrew. Minsk II was negotiated after the Donetsk airport and Debaltseve debacles of early 2015, which saw Ukrainian forces lose strategic territory.[46] As a result, many

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[43] "Про що ми проголосували" ["What we voted for"], *Ukrainska Pravda*, 8 October 2017.

[44] "Украина 'уперлась': почему провалилась парижская реанимация 'Минска'?" ["Ukraine 'digs in': why the Paris attempt to revive 'Minsk' failed"], BBC Украина, 5 March 2016.

[45] Crisis Group interviews, prominent Samopomich MP, Ukrainian national security expert, September 2017; civilian-military officials, Avdiivka, October 2017.

[46] As the Ukrainian, Russian, French and German presidents negotiated the second agreement in Belarus, fierce fighting raged in Debaltseve. 6,000 Ukrainian defenders – military and volunteers – ultimately surrendered the strategic rail hub on 18 February 2015, six days after Minsk II was signed on 12 February and three days after it ostensibly took effect on 15 February. The same day they signed Minsk II, German Chancellor Merkel, French President Hollande and Ukrainian President Poroshenko travelled to an EU heads of state summit in Brussels, where they asserted that Russian President Putin sought to delay implementation of the Minsk II ceasefire long enough to enable

Ukrainians feel both agreements' cemented Russia's gains more than they provided for just resolution of the conflict.[47] The low regard with which many Ukrainians hold the agreements' signatories reinforces this animosity. These include, on the Ukrainian side, former President Leonid Kuchma, who faced various corruption scandals while in office,[48] and, on the separatist side, unelected leaders of the self-proclaimed republics, Aleksandr Zakharchenko and Igor Plotnitsky.[49]

Minsk viability in Ukraine is, if anything, lower now than when it was signed. Four years of war, over 10,000 dead and sixteen short-lived ceasefires, whose breakdown Kyiv blames on the separatists (though in reality they are broken by all sides), have hardened resistance to compromise. Some Ukrainian experts openly suggest Kyiv sees Minsk as a framework for managing the situation until Ukraine is in a better position to pursue its own interests.[50] Western allies should be prepared to face a new set of obstacles with Russia should Ukraine suggest crafting a new deal. Even liberal Ukrainians argue the country needs to build up its security capacity and protect itself from Russia, in Donbas and elsewhere, and call for measures such as securing from the West large-scale arms provision.

Minsk is so unpopular that a broad parliamentary coalition forced authors of a recent law on reintegration of the self-proclaimed republics to remove all references to the agreement before they would allow parliament to consider the draft.[51] This would have been Minsk's first appearance in Ukrainian law and they feared legitimising it.[52] Not only nationalist politicians attack Minsk defenders as Russian sympathisers or insufficiently Ukrainian, the sentiment is widespread among political elites. Even a leader of the pro-European and reformist Samopomich party told

Russian and separatist forces to encircle Ukrainian forces in Debaltseve and force their retreat. "Putin tried to delay Ukraine ceasefire deal, EU summit told", *The Guardian*, 13 February 2015.

[47] "Можно ли выполнить 'Минск-2'?" ["Can 'Minsk-2' be implemented?"], *Novaya Gazeta*, 23 March 2016.

[48] Kuchma left office in 2005 after the Orange Revolution amid rumours of electoral fraud and accusations of involvement in the brutal 2000 assassination of renowned Ukrainian journalist Georgiy Gongadze; allegations Kuchma has always strongly denied. A former police chief was convicted in 2013 of killing Gongadze. Prosecutors brought charges against Kuchma in 2011 for exceeding authority leading to the journalist's death; those charges were dropped in December 2011 after a court excluded from evidence socialist leader Oleksandr Moroz's allegedly incriminating audio recordings, ruling that they had been obtained illegally. Kuchma rejected allegations in connection with the killing and said the tapes had been altered. "Ukraine Gongadze case: Court convicts journalist's killer", BBC, 29 January 2013; and "Kiev police chief jailed for Gongadze murder", *Financial Times*, 29 January 2013. See also "Комбат 'Донбасса' возмущен, что переговоры от Украины вел 'отец коррупции' Кучма" ["'Donbas' battalion commander outraged that 'father of corruption' Kuchma led Ukrainian negotiations"], Obozrevatel, 25 June 2014.

[49] Luhansk People's Republic (LNR) state Security Minister Leonid Pasichnyk replaced Igor Plotnitsky in November 2017.

[50] "'Порошенко и наши дипломаты просто обманули Россию с Минскими соглашениями', – Антон Геращенко" ["'Poroshenko and our diplomats lied to Russia with Minsk' – Anton Gerashenko"], Strana, 29 November 2017.

[51] "Законы Порошенко о Донбассе. Главное, что нужно всем знать" ["Poroshenko's Donbas laws: what is important for everyone to know"], RIA Novosti Ukraine, 7 October 2017.

[52] Mustafa Nayem, "Законом о реинтеграции Донбасса мы легализуем Минские соглашения в рамках правового поля Украины" ["With the Donbas reintegration law, we legalise the Minsk Agreements within Ukraine's legal framework"], Gordonua.com, 3 October 2017.

Crisis Group that Minsk is tantamount to treason and implementation could destroy the country.[53] Mainstream politicians appear to be competing to outbid each other in denunciation of the agreement. The only political forces outside the ruling coalition of Bloc Petro Poroshenko and People's Front that do not actively oppose it are pro-Russia parties.[54] It looks likely, therefore, that Minsk will be a key issue ahead of 2019 polls, and ruling coalition support for it could become a campaign albatross. While it is unclear whether opposition parties could actually win power, their politicisation of Minsk could fracture Poroshenko's coalition, as those of its members who went along with it to satisfy the West abandon ship.

There is a risk that Minsk, were it to happen, could provoke a violent backlash. According to a former Ukrainian statesman and several foreign security advisors, a marginalised but vocal and well-resourced minority could take violent action against whatever ruling government is unfortunate enough to be tasked with Minsk implementation.[55] Many UN and other humanitarian staff in the conflict zone privately share this view; one UN official warned that "the slow boil of anger is palpable".[56] That said, a growing sense of fatigue across the wider population, illustrated by the failure of ongoing protests to mobilise large numbers (see Section III.A.1), could dampen risks. The desire among many Ukrainians for a return to normalcy might encourage the majority of political and civic actors to continue working within the rule of law.

In sum, even were Moscow to agree on the deployment of peacekeepers along the Ukraine-Russia border, the implementation of Minsk's political provisions would require a greater degree of national consensus than currently exists and could provoke a backlash, potentially, some fear, a violent one. Particularly contentious are provisions on the special status of what Minsk identifies as "certain areas of the Donetsk and Luhansk regions"; the question of amnesty; local elections; and the reintegration of separatist-controlled areas into Ukraine.[57]

1.   Special status

The special status law, renewed in October 2017, grants separatist controlled areas of Donetsk and Luhansk special rights consistent with Minsk.[58] That law also includes

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[53] Crisis Group interview, Samopomich MP, Kyiv, September 2017. Despite its modern, liberal image and close relationships with Western diplomats, Samopomich is among the hardest line and most vocal in their criticism, possibly inspired by the political calculations of party leader, Lviv mayor and Poroshenko challenger Andriy Sadoviy, ahead of Ukraine's 2019 presidential elections.

[54] These include Opposition Bloc, Vidrodzhennya, Nash Krai and Za Zhittya, which grew from remnants of Viktor Yanukovych's Party of Regions in the wake of Maidan, and comprise mostly former allies of the deposed president. Their support base is south-eastern regions adjacent to separatist-held areas.

[55] Crisis Group interview, November 2017.

[56] Crisis Group interview, senior UN official, Kyiv, September 2017.

[57] See appendices for text of Minsk agreements.

[58] Minsk II's lone footnote lists eight special status measures: 1) amnesty (which is also included as a stand-alone measure (Article 5) in the agreement itself, 2) Russian-language rights, 3) separatist participation in regional government appointments, 4) bilateral negotiations with the central government, 5) central government payment of reconstruction and recovery costs, 6) continued cross-border cooperation with Russia, 7) creation of people's militias and 8) a guarantee that the central government cannot unilaterally terminate local officials' powers. See Appendix D.

a proviso that it enters into force only if and when the separatist controlled areas fully disarm and Russian forces withdraw.

Parliamentary debate on special status, both during recent renewal and earlier, has been heated. An August 2015 session on the issue provoked street fighting between Ukrainian nationalist demonstrators and national guardsmen assigned to cordon off and protect parliament, climaxing with detonation – by a member of the far-right Svoboda party's paramilitary wing Sich – of a grenade in the crowd outside, killing four national guardsmen.[59] According to the health ministry, the fighting left 21 people hospitalised with gunshot wounds. During the clashes, Right Sector, another nationalist militia, occupied streets around parliament and the cabinet of ministers. Police made no visible effort to intervene.[60]

During the October 2017 debate on the special status law's renewal, protesters erected a tent city, self-dubbed "liberation", outside parliament and the cabinet of ministers.[61] After the first week, however, it failed to attract more than a handful of people, suggesting popular fatigue four years after Maidan and thirteen after the Orange Revolution may finally be settling in. Such fatigue could provide a counter-weight to radical, vocal minorities intent on destabilising the country.[62]

The contribution of special status laws in other European conflicts also does not inspire Ukrainians with confidence that such laws further reintegration, for which a complex set of measures are required, as discussed below. Ukrainian political elites cite examples of Serbia's Vojvodina or Kosovo and Bosnia and Herzegovina's Republika Srpska for instance, as well as Moldova's Transnistria, where special status laws did not secure full reintegration.[63] Even EU officials who worked on the former Yugoslavia point out that the special status applications in those conflicts are hard to qualify as reintegration successes.[64]

2. Amnesty

The issue of amnesties is equally divisive. Relevant Minsk II provisions – notably Article 5 providing for "pardon and amnesty by way of enacting a law that forbids persecution and punishment of persons in relation to events that took place in particular districts of Donetsk and Luhansk oblasts of Ukraine" – leave room for interpretation. Some Ukrainians take a minimalist line: only those whom credible courts substantiate beyond a reasonable doubt to have participated in war crimes or

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[59] "Grenade near Rada thrown by Sich battalion fighter on leave", UNIAN, 31 August 2015.

[60] Crisis Group observations (Crisis Group staff was present during both demonstrations).

[61] The protest was financed by donations, according to the handful of protesters still lingering at the end of November. Crisis Group interviews, protesters, November-December 2017. In December, Prosecutor General Yuriy Lutsenko publicised audio recordings he claimed proved disgraced ex-President Yanukovych and exiled oligarch Serhiy Kurchenko paid former Georgian president Saakashvili to stage the liberation protests. "Lutsenko: Saakashvili uses Kurchenko-Yanukovych money to seize power", UNIAN, 5 December 2017. Saakashvili called the recordings fake. "Supporters of Mikheil Saakashvili clash with police in Kyiv after stopping arrest", Deutsche Welle, 5 December 2017.

[62] Crisis Group interview, Ukrainian sociologist, Kyiv, September 2017.

[63] Crisis Group interviews, Kyiv, September-November 2017.

[64] Crisis Group interviews, EUAM officials who served during the Yugoslav wars under various commands, Kyiv, September-November 2017.

crimes against humanity should be prosecuted.[65] Others argue that all who collaborated with unrecognised authorities in the self-proclaimed republics, including even doctors and teachers, should be brought to justice.[66]

Not only is consensus absent, but so are signs of public debate. Yet, open discussion of the issue will be essential to build support for an approach consistent not only with Minsk but also with human rights principles and Ukraine's obligations under international law. Neither blanket incriminations nor blanket amnesties will win international support. Were peacekeepers to deploy and prospects for the return of separatist held areas to Ukrainian sovereignty improve, those responsible for war crimes and crimes against humanity on all sides would have to be held accountable. Some form of vetting also would be necessary. Statements by Kyiv that those areas would not suffer retribution would be a good start; emphasising due process could avert the risk that some inhabitants, including qualified civil servants, leave, fearing for their livelihoods or safety.

3. Local elections

Of all Minsk provisions, Kyiv is perhaps most nervous about local elections, fearing they would legitimise existing structures in the self-proclaimed republics. Overcoming these concerns would require, at a minimum, that pro-Western parties enjoy unimpeded access to campaign in those areas freely.[67] Even then, prospects for such parties to win would be low, given animosity generated by the conflict. Even on the Ukraine-controlled side, support for Kyiv is far from assured; citizens and local authorities both complain about lack of national interest in their regions.[68]

A peacekeeping mission would almost certainly have to help overcome some of these challenges, whether by supporting administration of local elections, even running the polls itself, or providing security on the campaign trail and around the vote (see Section IV). Even successful local polls that represent a step toward peace in Donbas could, however, provoke a nationalist backlash in the rest of the country, particularly if pro-Western parties lacked adequate access and pro-Russia candidates were perceived to have won as a result.

4. Reintegration

Full reintegration of Donbas into Ukraine, the end goal of Minsk, is elaborated in provisions on restoration of social and economic links between separatist areas and the rest of the country.[69] Most experts agree this is unlikely to happen any time soon, if at all.[70] That residents of separatist areas have little faith in the current Ukrainian

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[65] Crisis Group interviews, Ukrainian civil society and politicians, Kyiv, Donbas and Berlin, September-November 2017.
[66] Ibid.
[67] Crisis Group interview, international elections expert, Kyiv, September 2017.
[68] Crisis Group interviews, civil society representatives and local officials, Donbas, October 2016, September-October 2017.
[69] Minsk II Article 8 states: "full resumption of socio-economic ties, including social transfers such as pension payments and other payments (incomes and revenues, timely payments of all utility bills, reinstating taxation within the legal framework of Ukraine)". See Appendix D for full text.
[70] Crisis Group interviews, Kramatorsk, Slavyansk, September 2017; Kyiv, Kramatorsk, October 2017; Kyiv, November 2017.

parliament's ability to draft legislation consistent with its Minsk commitments on reintegration is understandable.[71] Not only nationalists, but even some liberal Ukrainian politicians in Kyiv support the isolation of the self-proclaimed republics. Pro-EU and reformist Samopomich party, for example, led a rogue economic blockade of separatist areas in January 2017, wide public support for which prompted Ukraine's president to capitulate and legitimise it five weeks later as official government policy.[72] Other liberal reformers, like parliamentarian Mustafa Nayem, an instigator of the Maidan protests, publicly warn that Ukraine must not formalise its Minsk obligations under national law.[73] Forces on the ground reject reintegration too: a civil-military official in Kyiv-controlled areas along the line told Crisis Group his unit was ready to fully isolate separatist held areas were Kyiv to issue such an order – though he did argue for continued humanitarian support.[74] Even some young internally displaced people with family members across the line prefer to isolate those areas.[75]

Some parliamentarians and experts in Kyiv suggest that rather than paying for the recovery and reconstruction of separatist controlled areas, Ukraine should spend its limited capital on reforms in the rest of the country, and by doing so also raise the cost of the conflict for Russia.[76] Some cite the prospective price tag of reconstruction in Donbas as another argument against reintegration.[77] That Donbas's defunct and uncompetitive heavy industry provides a weak base for revitalising its economy is widely understood in Kyiv; vast investment will be necessary to build viable alternatives. Others argue that as Ukraine strives to build a modern, Western-style state, it cannot afford to be overly concerned with the wellbeing of what they portray a wilfully primitive population without a shared sense of national identity. This point of view has been prevalent in Ukrainian society since the start of the conflict and largely ignored by Western allies, but may now be experiencing a renaissance.[78] It also serves to reinforce Kremlin propaganda of Kyiv as fascist, alienating both residents of the breakaway republics and Donbas citizens on the Kyiv-held side of the line alike.[79]

While calls for isolating separatist areas are not new, the peacekeeping debate and new legislation on reintegration have reinvigorated them. In October 2017,

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[71] Crisis Group interviews, staff from international humanitarian organisations still operating in areas outside Kyiv's control, Kyiv, Slovyansk, Kramatorsk, Sviatohirsk, September-December 2017.
[72] Hrant Kostanyan and Artem Remizov, "The Donbas Blockade: Another blow to the Minsk peace process", Centre for European Policy Studies, 2 June 2017.
[73] Mustafa Nayem, "Законом о реинтеграции Донбасса мы легализуем Минские соглашения в рамках правового поля Украины" ["With the Donbas reintegration law, we legalise the Minsk Agreements within Ukraine's legal framework"], op. cit.
[74] Crisis Group interview, Ukrainian official, Kramatorsk, August 2017.
[75] Some young people even advocated fostering internecine warfare among rival gangs governing the de factos, and getting the ruling regimes to turn on one another and wipe themselves out. Crisis Group interviews, displaced youth, Kramatorsk, September-October 2017.
[76] Crisis Group interviews, MPs and experts, Kyiv, September-October 2017.
[77] Crisis Group interviews, MP, Kyiv, September 2017.
[78] Alexander J. Motyl, "Kiev should give up on the Donbass", *Foreign Policy*, 2 February 2017.
[79] Crisis Group interview, MP, Kyiv, September 2017; humanitarian volunteer, Slavyansk, September 2017.

parliament passed the first reading of a reintegration bill naming Russia an aggressor, re-emphasising that Ukraine's military operation is self-defence, denying Kyiv's responsibility for human rights violations in the conflict zone and enabling the president to impose martial law far beyond it.[80] The bill has few provisions for actual reintegration: reformist MPs and Western diplomats quip that its more plausible outcome is disintegration.[81] Whether Ukraine as a whole – or even a majority of elites – genuinely want the devastated region back is a question.

Nor do those in Donbas necessarily want to reintegrate. A senior Russian journalist captured opinion in separatist-controlled territories: "The worst scenario" he wrote, "could only be the return of Kyiv".[82] A pro-Russia activist expressed hope for reunification with Russia.[83] Leaders in the self-proclaimed republics fear a peacekeeping mission would be used by Ukraine to get rid of them.[84] It does not help that war trauma and Kremlin misinformation have led to a widely-held view in separatist controlled areas of post-Maidan coalitions as neo-Nazi juntas that encourages ethno-nationalists to beat Russian-speakers and spit on Red Army graves, and forces municipal authorities to rename streets after Holocaust collaborators.[85] Moscow-affiliated media outlets incite fear through their coverage of politicians like parliament speaker Andriy Parubiy, a founder of the Social-National Party of Ukraine, and hawkish national security and defence council secretary Oleksandr Turchynov.[86]

B.   *Potential Spoilers*

Beyond Kyiv's animosity toward Minsk political provisions, another challenge that should factor into peacekeeping discussions is the risk of spoilers on both sides. On the Kyiv-controlled side, units of volunteer paramilitaries reportedly numbering in the

[80] "Проект Закону про особливості державної політики із забезпечення державного суверенітету України над тимчасово окупованими територіями в Донецькій та Луганській областях" ["Draft law on the aspects of state policy of the restoration of Ukraine's state sovereignty over the temporarily occupied territories of Donetsk and Luhansk regions"].

[81] At a Kyiv civil society event in November 2017, this joke was met with long laughter by the audience. Crisis Group observations, Kyiv, November 2017.

[82] Russkiy Reporter editor-in-chief Vitaliy Leybin's Facebook page accessed 3 November 2017.

[83] Konstantin Dolgov's Facebook page, accessed 3 November 2017.

[84] "Pushilin: Poroshenko wants to clean-up DPR and LPR by the UN forces", *Komsomolskaya Pravda in Ukraine*, 21 September 2017.

[85] Lev Golinkin, "You want to name streets after the murderers of Ukraine's Jews?", Forward, 2 August 2016.

[86] "When is the far-right acceptable to the West? When it's in Ukraine", RT, 30 January 2014. In a 2008 webchat hosted by Lviv-based ethnic Ukrainian online outlet VGolos, Parubiy said he "was one of the founders" of the far-right Social-National Party of Ukraine, and that "since that time until now, neither my political orientation, nor ideological foundations have changed". ("Я был одним из основателей СНПУ, с того времени и до сих пор мои политические ориентиры не изменились, как и мои идейные основы".) Also see "Андрей Парубий: Закон о Генпрокуратуре – это был вопрос национальной безопасности" ["Andriy Parubiy: The prosecutor general law was a question of national security"], *Ukrainska Pravda*, 24 May 2016. Ukrainians ironically call Turchynov, a Baptist preacher who served as early-2014 post-Maidan acting president, the "bloody pastor," a nickname that several of his advisors told Crisis Group Turchynov is proud of. "'Bloody pastor' Turchynov awaits a task force invasion of the Russian Armed Forces during exercise 'West-2017'", anna-news.info, 23 August 2017.

low hundreds continue to operate in Donbas, though Kyiv has integrated or disbanded the majority of volunteers since 2015.[87] The government appears to accept that it cannot force the formal integration of those remaining into the military or national guard at this stage, while disarming them might not only prove politically fraught but could provoke outbreaks of violence even far removed from the conflict zone.[88] Such groups seemingly enjoy a degree of impunity; former members assumed senior positions in the interior ministry.[89] The challenges of reintegrating or demobilising paramilitaries are also linked to the security structures' reservations about Minsk, given the paramilitaries' public preference is for a military resolution to the conflict.

Moreover, while hate speech is more prevalent in separatist controlled areas, both civilian and military Ukrainian nationalists along the line of separation routinely describe inhabitants of separatist-controlled areas in dehumanising terms.[90] The UN has documented instances where the Ukrainian secret police, the Security Service of Ukraine (SBU), threaten to hand over families of alleged separatist sympathisers in Kyiv-controlled areas to paramilitary groups to be tortured.[91] Even some ostensibly Western-oriented parliamentarians, like Samopomich MP and former Donbas battalion commander Semen Semenchenko – responsible for the January 2017 Donbas blockade – reportedly make nationalist-tinged threats against the state.[92] Speaking to Crisis Group in late October, one Ukrainian army officer in Avdiivka and Kramatorsk expressed deep resistance to the idea of peacekeepers, hinting strongly that Ukrainian forces would make a push to regain separatist controlled territory in anticipation of any potential UN deployment.[93]

On the separatist side, potential spoilers include leaders of the self-proclaimed republics and local opponents. Donetsk leader Zakharchenko, for example, has stated he would reject any peacekeeping mission with a mandate beyond providing security to the SMM.[94] Influential critics of the authorities in the self-proclaimed republics may pose an even graver threat. Vostok battalion Commander Aleksandr Khodakovsky,

[87] Crisis Group interview, interior ministry advisor, Kyiv, September 2017.

[88] A Right Sector fighter and SBU special operations officer died in a December 2015 machine gun shootout in a Kyiv apartment building during a pre-emptive operation to disarm a Right Sector cell. "The murky story of Oleh Muzhchyl: Russian spy or Ukrainian patriot?", *Kyiv Post*, 17 December 2015.

[89] Examples include national police deputy chief and Deputy Internal Minister Vadym Troyan of the Azov battalion and controversial former police counternarcotics head Ilya Kiva of Right Sector; both organisations are well-known for espousing neo-Nazi ideology. "Disastrous Police Appointment", Kharkiv Human Rights Protection Group, 7 November 2014; and "Ukraine's ultra-right militias are challenging the government to a showdown", *Washington Post*, 15 June 2017.

[90] Crisis Group interviews, Kramatorsk, Severodonetsk, Slavyansk, September 2017; Avdiivka, October 2017. Terms used to describe residents of separatist-held areas and even Kyiv-controlled Donbas included "slaves", "dogs", "trash", and "genetically sick". For prevalence of hate speech in separatist areas, see "Мова з ознаками ворожнечі в друкованих медіа Донбасу та на ТБ" ["Hate speech in the printed media of Donbas"], Donetsk Institute of Information, August 2017.

[91] UN OHCHR Report on the human rights situation in Ukraine 16 May to 15 August 2017.

[92] "Есть угроза военного переворота: комбат из АТО сделал громкое заявление" ["There is a threat of armed coup: ATO veteran makes significant declaration"], Apostrophe, 3 November 2017.

[93] Crisis Group interview, conflict zone, October 2017.

[94] "Захарченко прокомментировал 'условия' Путина по размещению миротворцев на Донбассе" ["Zakharchenko comments on Putin's 'conditions' for deploying peacekeepers to Donbas"], UNIAN, 10 September 2017.

rumoured to be close to both Moscow and Ukraine's richest oligarch Rinat Akhmetov, opposes peacekeeping talks and repeatedly states there can be no peaceful resolution to the conflict.[95] He plans to challenge Zakharchenko in elections scheduled to be held by de-facto Donetsk authorities on an as-yet-unspecified date in 2018.[96] While known candidates like Zakharchenko are likely to follow Kremlin orders, figures like Khodakovsky are less predictable.

The proliferation of weapons, mostly from the conflict zone, further heightens risks.[97] In November 2017, Interior Minister Arsen Avakov told an expert panel in Kyiv that constant instability makes Ukraine vulnerable to attacks from within.[98]

Broad Ukrainian resistance to Minsk, likely difficulty rolling out its political provisions, the presence of spoilers and arms proliferation all pose potential obstacles to a Donbas peacekeeping mission aimed at reinvigorating Minsk's implementation. Unless they are factored into planning, the deployment of peacekeepers could provoke a backlash or even turmoil if and when it eventually was to occur.

Reinvigorated efforts are needed to address such challenges before peacekeepers deploy. Poroshenko's ruling coalition claims Ukraine will implement even Minsk's most divisive measures with or without opposition consent. But recent events – like a mob freeing Mikhail Saakashvili from arresting police by force in December 2017[99] – and tacit government admission it cannot reintegrate all volunteers, cast doubt on this. Parallel to further talks and thinking on peacekeeping, Western allies should insist Kyiv demobilise or reintegrate into formal security structures any remaining volunteers as part of ongoing security sector reform. The West should also encourage Kyiv to initiate a broader discussion on how to implement political provisions of Minsk without undercutting Ukraine's sovereignty and territorial integrity. Kyiv should prepare Ukrainian society to deal with divisive issues like amnesties and lift taboos on public debate about politically charged issues such as special status in the context of a diverse but unitarian state. It should also encourage discussion on whether the Minsk provisions themselves, or rather misinformation and misunderstanding about them, drive resistance.

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[95] "Main trends in the development of the conflict in the East of Ukraine from October 16 to October 31, 2017", Centre for Research of Donbas Social Perspectives, 5 November 2017. Khodakovsky has rejected claims of links to Akhmetov. "A separatist militia in Ukraine with Russian fighters holds the key", *The New York Times*, 4 June 2014.

[96] See Александр Сергеев Facebook posts from October 31, 2017, October 30, 2017, October 28, 2017. As a counterpoint to the view that Khodakovsky could be a spoiler, he is also rumoured to have good relations with Russia's Federal Security Service (FSB), which could make him more likely to obey the Kremlin's orders. See "Скоро повіє північний вітер: три причини повернення Ходаковського в Донецьк" ["The north wind will soon blow: three reasons for Khodakovsky's return to Donetsk"], Apostrof, 20 September 2016.

[97] "Глава Нацполиции Сергей Князев: 'Есть у нас проблемы, но, как говорится, какая страна, такая и милиция'" ["National police head Sergey Knyazev: 'We have problems, but as they say, the police reflect the country'"], Leviy Bereg, 14 February 2017. "В Киеве полиция обнаружила большой арсенал оружия и взрывчатых веществ" ["Police discover large arsenal of arms and explosives in Kyiv"], Unian, 4 June 2017. Anna Nemtsova, "Ukraine's out of control arms bazaar in Europe's backyard", Daily Beast, 9 June 2016.

[98] "Avakov warns of high threat of 'internal attacks' to destabilize situation in Ukraine", *Kyiv Post*, 28 November 2017.

[99] "Saakashvili: Ex-Georgia leader freed from police in Kiev", BBC, 5 December 2017.

IV. **Peacekeeping Options**

Further thinking on how a UN-mandated peacekeeping force in Donbas could help resolve the conflict would be useful. Clarifying the specific roles peacekeepers could fulfil, how to overcome operational and political hurdles they might face and how the red lines of Moscow, Kyiv and Ukrainians more broadly could be met and their fears allayed would help lay the groundwork for any future opportunity. Such planning should factor in not only major powers' stances and Ukrainian leaders' official statements, but also developments on the ground in Kyiv and Donbas.

Given the positions of Kyiv and Moscow, a compromise on peacekeeping would need to be built around three core elements. First, following the withdrawal of heavy weapons, peacekeepers would need to establish control over the line of separation, protect civilians and provide security across the zone of conflict and verify cantonment of weapons and withdrawal of forces. Second, they would monitor the Ukrainian side of the Ukraine-Russia border. Third, a peacekeeping mission would help advance Kyiv's implementation of Minsk political provisions, particularly creating conditions for credible local elections. UN and other peacekeeping operations in the past have fulfilled similar functions, but such a mandate in eastern Ukraine would still be daunting. The potential compromise that would underpin such a mandate and the ability of peacekeepers to operate in Donbas would hinge on the consent and goodwill of both Moscow and Kyiv.

Volker's team has done some planning. But within the UN Secretariat, whose role could become central were prospects for a mission to increase, considerable apprehension exists over deploying peacekeepers.[100] Such scepticism is reinforced by the fact that the UN until now has not been invited to help resolve a conflict hitherto managed mostly by the Normandy Four and TCG. UN officials warn of the risk that member states achieve some limited consensus and deploy peacekeepers in hope of breaking the stalemate, but the UN then either get bogged down "without a real political roadmap", and Moscow or even Kyiv put on the brakes.[101] Wider suspicion of Russia's motives weighs heavily; its veto on the Security Council and influence on the ground would give it enormous power over any mission once deployed. But resistance to Minsk in Ukraine could also prove a complicating factor.

Other dilemmas are more operational. The first is whether the Security Council would deploy a UN mission or mandate a group of states to act with its blessing, with one acting as lead, or framework, nation.[102] The latter, which Volker's team has reportedly explored, is regarded as more agile, allowing peacekeepers to deploy faster

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[100] Crisis Group interviews and informal exchange, UN officials, New York, October 2017.
[101] Ibid.
[102] A "framework nation" model rests on the idea that a larger nation leads, often taking responsibility for coordinating smaller partners' contributions. During the 2003 Operation Artemis in the Democratic Republic of Congo, for example, was an EU operation with a Chapter VII Security Council mandate to secure parts of the north-eastern town of Bunia. France acted as framework nation, providing the majority of forces and logistics support. Kees Homan, "Operation Artemis in the Democratic Republic of Congo", European Commission: Faster and more united? The debate about Europe's crisis response capacity, Netherlands Institute for International Relations 'Clingendael', 2007.

and more flexibly.[103] Were a non-NATO European government to provide such a lead, logistics support would probably require a wider European effort; it is unlikely that a non-NATO military force could manage the supply chain alone.

A framework force would benefit less from UN expertise on specialised aspects of its mandate – weapons cantonment, ceasefire monitoring, election preparation or vetting – although the OSCE might fill some of these gaps. Notwithstanding the UN's slow logistics, particularly around the deployment of a mission, the idea of UN peacekeeping should not be dismissed too quickly: in principle, nothing would prevent capable Western forces operating under UN command; in Lebanon and Mali, such forces are deployed as blue helmets. Another option might be for the Security Council to mandate an initial deployment of a small non-UN coalition. This could then re-hat under UN command, together with forces from other nations, once critical areas were secured, much as peacekeepers entered Timor Leste after the 1999 popular consultation.

A second question is which countries would contribute troops that could pose a credible deterrent. NATO or Russian forces are out of the question.[104] Volker initially appears to have hoped for Sweden to lead as a UN-mandated framework force. Reportedly, however, the Swedes expressed significant misgivings, particularly if the mission entailed monitoring the Ukraine-Russia border.[105] He has also suggested Kazakh forces; Kazakhstan, like Sweden, holds a non-permanent Security Council seat through 2018.[106] Whether Kyiv would accept Kazakhstan's role is unclear, given its membership in several Russia-led multilateral bodies.[107] Even were consensus to emerge on peacekeeping, finding a mix of troop contributors acceptable to both Kyiv and Moscow, and persuading them to commit forces, would likely prove a challenge. Any contributing government would have to factor in the risk of military entanglement with Russia or its non-state allies, particularly if a peacekeeping mandate foresaw military operations against spoilers.

A third question relates to the number of peacekeepers deployed, which would obviously hinge on their mandate. Volker himself has floated the figure of 20,000, also a number cited by some Ukrainians and military experts.[108] Other Ukrainians suggest still higher numbers. Even 20,000 would be at the upper end of existing UN operations, though it is hard to imagine a force with fewer monitoring the border and projecting force across Donbas as elections approach. The UN Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES),

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[103] A Pentagon official told Crisis Group that the U.S. is mulling over the UN peacekeeping option, a framework force, or forces, or a coalition of the willing blessed by the Security Council. Crisis Group interview, U.S. official, Washington, October 2017.

[104] Some Ukrainian interlocutors also pointed out that Collective Security Treaty Organisation (CSTO) member states should also automatically be disqualified because of close links to Russia.

[105] Crisis Group interview, Pentagon official, Washington, October 2017.

[106] Crisis Group interview, high-level policy expert, Vienna, October 2017.

[107] Crisis Group interview, Ukrainian official, October 2017. Other countries reportedly floated as troop contributors in what are thus far only very tentative discussions include non-NATO Western forces like Austria and Finland and others including Mongolia, Serbia and Belarus, though screening out Serbian and Belarusian mercenaries that may have fought for the self-proclaimed republics would be essential. Crisis Group interviews, New York, November 2017.

[108] Crisis Group interview, Ukrainian diplomat, New York, October 2017.

deployed in 1996 to help reintegrate those areas into Croatia after the Yugoslav wars – a mandate with parallels to the potential mandate of any Donbas mission – comprised a 5,000-strong force. But that mission secured an area with a considerably smaller population size and could also rely, in an emergency, on NATO forces stationed nearby.[109] In Kosovo, some 40,000 NATO forces initially deployed, again to a much smaller area. But that force aimed to deter conventional Yugoslav forces, whereas peacekeepers in Donbas could deploy only with Moscow's consent.

A fourth is the extent to which the Security Council would grant peacekeepers explicit enforcement capability, how robust a posture they would adopt in the face of spoilers and the manner in which they would deploy. For now, security in the conflict zone is dire. The deployment of peacekeepers along the line of separation would need to be choreographed with the withdrawal of heavy weapons and forces, including paramilitary and other non-state groups, by both Moscow and Kyiv. No peacekeeping mission would want to force its way in.

A phased deployment, along the lines proposed by some Russian experts – a first phase along the line, a second within a wider radius and a third across Donbas, including the border – could help address fears of reprisals. However, Kyiv would have reason to oppose such a proposal, given its fear that the Kremlin could obstruct latter phases once peacekeepers had deployed. That separatist forces are likely to withdraw – at least initially – only as far as existing depots, which already prove hard for the OSCE SMM to monitor, poses another challenge. That said, a September 2017 memo by an organisation working for the Ukrainian government recommended a variant of phased deployment. Some space for compromise may, therefore, exist.[110] Overall, though, given the potential for Moscow to disrupt latter phases, peacekeepers deploying as fast as possible probably makes most sense.

Even with clear agreements between UN-mandated forces, Russia and Ukraine and a careful deployment, peacekeepers securing Donbas would confront local hostility, potentially protests and perhaps even violent resistance. The Security Council would almost certainly grant any mission a Chapter VII mandate but, in addition, could explicitly foresee military operations against groups attempting to obstruct the mission's work, whether by targeting civilians, attacking peacekeepers, refusing to

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[109] In 1995, Eastern Slavonia had a population of 160,000; 3.2 million people are estimated to still reside in the war-torn territories of eastern Ukraine. UNTAES could rely on backup from NATO forces in Bosnia and Herzegovina, the Implementation (up to December 1996) and Stabilisation Forces. For an overview of UNTAES, see Richard Gowan, United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES), and UN Civilian Police Support Group in Croatia (UNPSG), in Oxford Handbook of UN Peacekeeping Operations, September 2015, Oxford Press.

[110] Rasmussen Global external memo, "Potential UN mission in the Donbas", 13 September 2017. The Rasmussen option also lays out three phases: "1. In the first month, access should be provided within at least a 5km range of the line of contact, on both sides of the line (a variation on the Russian proposal); 2. after 30 days, access into territories not controlled by Kyiv (eg, 35 km) would be deepened and include Donetsk and Luhansk cities and other hotspots. This would curb artillery and rocket attacks and facilitate the withdrawal of Russian and proxy troops and equipment; 3. after 60 days, full access to the entirety of the occupied territories is to be ensured, including presence along the international border in Donetsk and Luhansk regions; and control over the border (including inspections of any cross-border traffic), thereby ensuring an end to further rearmament of the illegal militias".

disarm or impeding elections. The mandates of a number of recent UN missions include stabilisation activities, involving military operations against spoilers; the NATO force in Kosovo played an even more coercive role.[111] Even a robust force with a strong enforcement mandate would struggle, however, against determined local opposition, particularly if it enjoyed Moscow's backing.

A last question relates to whether the Security Council would grant the mission executive powers to oversee implementation of Minsk in separatist areas. UN or OSCE expertise could, for example, prove critical to administering local polls or even the 2019 Ukrainian general elections. This could involve providing security to the campaign and vote, supporting Ukrainian authorities' administration of registration and polling or – given potential friction between those authorities and communities in separatist controlled parts of Donbas – even running the elections directly. Both the UN and OSCE have administered elections in the past with some success.[112] A peacekeeping mission might also assist with or supervise the vetting – and further training – of local officials and police. The latter could potentially complement the disarmament and demobilisation of non-state groups, which peacekeepers might also supervise. Both the UN and EU have significant experience building the capacity of public administrations and training security forces. A mission might also facilitate the safe return of those displaced by the conflict.

The Security Council could even consider a temporary international administration, along the lines of the UN's role in Eastern Slavonia, Kosovo and Timor Leste. This would entail not only peacekeepers providing security, but the UN fulfilling basic state functions before elections and also reintegration of separatist-held areas.[113] Kyiv would likely accept such an intrusive mandate only were there a clear UN-facilitated roadmap laying out the return of Ukrainian authority to Donbas. On the other hand, fears of reprisals in separatist-controlled areas mean that an interim authority, assuming at least some aspects of public administration, would likely be necessary, with Kyiv committing to a gradual and facilitated return to Donbas.

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[111] Recent UN missions in the Democratic Republic of Congo (DRC), Mali and the Central African Republic have all included "stabilisation" responsibilities, permitting robust and, in the DRC, even offensive operations to restore and maintain order by managing or containing aggressors and spoilers in support of the government or local authorities. See, for example, Cedric de Coning, "What does stabilisation mean in a UN context?", 19 January 2015.

[112] International experts in Kyiv often refer to the OSCE's experience in Kosovo, though it also administered elections in Bosnia. The UN has administered elections over the past two decades in Timor Leste and Afghanistan, and earlier in other countries, though has not had an executive mandate for elections administration for some time.

[113] Crisis Group interview, international elections expert, Kyiv, November 2017.

V.   **Conclusion**

There are good reasons to regard with scepticism Moscow's peacekeeping proposal and, more broadly, its willingness to allow the return of Donbas to Ukrainian sovereignty. But the proposal and concrete reservations Moscow expresses about Ukraine's red lines, notably peacekeepers on the Ukraine-Russia border, nonetheless present a small window in otherwise deadlocked negotiations and an opportunity for fresh thinking on what purpose peacekeepers might serve. Were Moscow ever to genuinely want out of its costly Donbas intervention, then overcoming distrust between sides, Ukrainian fears of continued Russian meddling and the danger of reprisals would likely require a neutral, UN-mandated force.

Discussions could continue in different venues. Meetings between Volker and Surkov have reinvigorated diplomacy. They should persist as long as feasible, whether based on reworking Russia's proposal, a fresh proposal from the U.S. or the three points in the last U.S. proposal on which reportedly there is consensus. Peacekeeping modalities that aim to address ostensive Russian fears about reprisals might help prolong such talks. Western powers might also prepare their own draft Security Council resolution – one either drafted together with Ukraine or if not that meets its red lines – as a counterproposal to Russia's drafts.

How far Russian officials will proceed in such discussions is unclear; but it is likely that Western officials will need to put incentives on the table in return for any compromise. Sanctions relief is almost certainly of most interest to Moscow. But Minsk-related sanctions should remain in place until Moscow fully meets its end of the bargain: returning to Kyiv control of Ukraine's border.

In whatever format discussions take place, they should factor in not only substantive differences between Ukrainian and Russian positions, but also Kyiv's fears of Russia and the U.S. striking a deal behind its back. Already some in Kyiv feel sidelined from a process critical to Ukraine's survival as a state. Ukraine itself should continue developing its own vision for a peacekeeping mission, drawing on relevant international expertise.

Any discussion should also account for Minsk's domestic unpopularity and seek to address it head-on. In this context, the West should promote more active debate in Ukraine on Minsk and publicly reassert their confidence in Kyiv's ability to fulfil its part of the deal. Ideally, leaders in Kyiv, instead of stoking opposition to the agreement, would initiate a broad and honest debate on Minsk to convince their electorate of its legitimacy. This would include discussion of measures that could help Ukraine feel comfortable implementing its political provisions, notably in terms of control over the border and Western security guarantees, and how those provisions could be rolled out in a way that averts backlash.

Likewise, Western powers should help Kyiv prepare for the social and political challenges that Minsk implementation would engender: Kyiv may require support dealing with spoilers outside the east and devising reconciliation strategies. Kyiv's allies should also encourage it to develop a strategy to re-integrate Donbas that takes into account the need for nationwide buy-in to the process. The UN could join in offering technical proposals to address these issues.

For its part, Europe should reinvigorate its Ukraine diplomacy. The creation of an EU envoy could provide a European counterpart to Volker and help ensure talks

benefit from both U.S. influence and EU leverage through its close ties to Ukrainian institutions. Ideally, too, Germany and France, together with the EU and U.S., would push for an expanded Normandy Format, including the EU and U.S. This could galvanise further momentum, unify diplomatic initiatives and help avoid both Ukrainian and Russian forum shopping. For now, neither an EU envoy nor expanded Normandy Format appears likely. But the lack of Europe's leadership is a gap, given its leverage in Kyiv and that some Europeans lament exclusion from recent U.S.-Russia diplomacy.

After several years of deadlock, Moscow's peacekeeping proposal opens a window for diplomacy. Kyiv's Western allies should expand their diplomatic efforts to push for a credible peacekeeping force that protects Ukraine's core security interests. They should also better factor in conditions on the ground, particularly growing resistance to the Minsk agreement. Russia's interference in the east is bad enough; nationwide civil unrest over the attempted rollout of Minsk's political provisions could be worse still.

Brussels/Kyiv/New York/Vienna/Washington, 15 December 2017

Appendix A: Map of Ukraine

Appendix B: Map of Donbas Conflict Zone

Appendix C: The Minsk Agreements – 5 September 2014 (Unofficial English translation; OSCE hosts the Russian original on its website.)

The PROTOCOL on the results of consultations of the Trilateral Contact Group with respect to the joint steps aimed at the implementation of the Peace Plan of the President of Ukraine, P. Poroshenko, and the initiatives of the President of Russia, V. Putin

Upon consideration and discussion of the proposals put forward by the participants of the consultations in Minsk on September 1, 2014, the Trilateral Contact Group, consisting of the representatives of Ukraine, the Russian Federation and the Organization for Security and Co-operation in Europe [OSCE], reached an understanding with respect to the need to implement the following steps:

1. To ensure an immediate bilateral ceasefire.

2. To ensure the monitoring and verification of the ceasefire by the OSCE.

3. Decentralisation of power, including through the adoption of the Ukrainian law "On temporary Order of Local Self-Governance in Particular Districts of Donetsk and Luhansk Oblasts".

4. To ensure the permanent monitoring of the Ukrainian-Russian border and verification by the OSCE with the creation of security zones in the border regions of Ukraine and the Russian Federation.

5. Immediate release of all hostages and illegally detained persons.

6. A law preventing the prosecution and punishment of persons in connection with the events that have taken place in some areas of Donetsk and Luhansk Oblasts.

7. To continue the inclusive national dialogue.

8. To take measures to improve the humanitarian situation in Donbass.

9. To ensure early local elections in accordance with the Ukrainian law "On temporary Order of Local Self-Governance in Particular Districts of Donetsk and Luhansk Oblasts".

10. To withdraw illegal armed groups and military equipment as well as fighters and mercenaries from the territory of Ukraine.

11. To adopt a programme of economic recovery and reconstruction for the Donbass region.

12. To provide personal security for participants in the consultations.

Appendix D: Minsk II – 12 February 2015 (Unofficial English translation; OSCE hosts the Russian original on its website.)

The Package of Measures for the Implementation of the Minsk Agreements

1. Immediate and comprehensive ceasefire in certain areas of the Donetsk and Luhansk regions of Ukraine and its strict implementation as of 15 February 2015, 12am local time.

2. Withdrawal of all heavy weapons by both sides by equal distances to create a security zone at least 50km wide from each other for the artillery systems of calibre of 100 and more, a security zone of 70km wide for MLRS and 140km wide for MLRS Tornado-S, Uragan, Smerch and Tactical Missile Systems (Tochka, Tochka U):

    a. for the Ukrainian troops: from the de facto line of contact;

    b. for the armed formations from certain areas of the Donetsk and Luhansk regions of Ukraine: from the line of contact according to the Minsk Memorandum of Sept. 19th, 2014

   Withdrawal of the heavy weapons as specified above is to start on day two of the ceasefire at the latest and be completed within 14 days. The process shall be facilitated by the OSCE and supported by the Trilateral Contact Group.

3. Ensure effective monitoring and verification of the ceasefire regime and the withdrawal of heavy weapons by the OSCE from day 1 of the withdrawal, using all technical equipment necessary, including satellites, drones, radar equipment, etc.

4. Launch dialogue, on day 1 of the withdrawal, on local election modalities in accordance with Ukrainian legislation and the Law of Ukraine "On interim local self-government order in certain areas of the Donetsk and Luhansk regions" as well as on the future regime of these areas based on this law. Adopt promptly, by no later than 30 days after the date of signing of this document a Resolution of the Parliament of Ukraine specifying the area enjoying a special regime, under the Law of Ukraine "On interim self-government order in certain areas of the Donetsk and Luhansk regions", based on the line of the Minsk Memorandum of September 19, 2014.

5. Ensure pardon and amnesty by enacting the law prohibiting the prosecution and punishment of persons in connection with the events that took place in certain areas of the Donetsk and Luhansk regions of Ukraine.

6. Ensure release and exchange of all hostages and unlawfully detained persons, based on the principle "all for all". This process is to be finished on the day 5 after the withdrawal at the latest.

7. Ensure safe access, delivery, storage, and distribution of humanitarian assistance to those in need, on the basis of an international mechanism.

8. Definition of modalities of full resumption of socio-economic ties, including social transfers such as pension payments and other payments (incomes and revenues, timely payments of all utility bills, reinstating taxation within the legal framework of Ukraine). To this end, Ukraine shall reinstate control of the segment of its banking system in the conflict-affected areas and possibly an international mechanism to facilitate such transfers shall be established.

9. Reinstatement of full control of the state border by the government of Ukraine throughout the conflict area, starting on day 1 after the local elections and ending after the comprehensive political settlement (local elections in certain areas of the Donetsk and Luhansk regions on the basis of the Law of Ukraine and constitutional reform) to be fi-

nalized by the end of 2015, provided that paragraph 11 has been implemented in consultation with and upon agreement by representatives of certain areas of the Donetsk and Luhansk regions in the framework of the TCG.

10. OSCE monitored withdrawal of all foreign armed formations, military equipment, and mercenaries from Ukrainian territory. Disarmament of all illegal groups.

11. Carrying out constitutional reform in Ukraine with a new constitution entering into force by the end of 2015 providing for decentralization as a key element (including a reference to the specificities of certain areas in the Donetsk and Luhansk regions, agreed with the representatives of these areas), as well as adopting permanent legislation on the special status of certain areas of the Donetsk and Luhansk regions in line with measures as set out in the footnote until the end of 2015.

12. Based on the Law of Ukraine "On interim local self-government order in certain areas of the Donetsk and Luhansk regions", questions related to local elections will be discussed and agreed upon with representatives of certain areas of the Donetsk and Luhansk regions in the framework of the Trilateral Contact Group. Elections will be held in accordance with relevant OSCE standards and monitored by OSCE/ODIHR.

13. Intensify the work of the Trilateral Contact Group including through the establishment of working groups on the implementation of relevant aspects of the Minsk agreements. They will reflect the composition of the Trilateral Contact Group.

Footnote: Such measures, in accordance with the Law "On special order of local government in individual areas of Donetsk and Luhansk regions," include the following:

1. Exemption from punishment, harassment and discrimination of persons associated with events that took place in individual areas of the Donetsk and Luhansk regions;

2. The right to self-determination with regard to language;

3. Participation of local governments in the appointment of heads of prosecutors' offices and courts in individual areas of the Donetsk and Luhansk regions;

4. The possibility for the central executive authorities to conclude agreements with the relevant local authorities on economic, social and cultural development of individual areas of Donetsk and Luhansk regions;

5. The state shall support socio-economic development of individual areas of Donetsk and Luhansk regions;

6. Assistance from central government to cross-border cooperation between individual areas of the Donetsk and Luhansk regions and regions of the Russian Federation;

7. The creation of people's militia units [police] upon the decision of local councils in order to maintain public order in individual areas of the Donetsk and Luhansk regions;

Powers of local council deputies and other officials elected in snap elections, appointed by Ukraine's Verkhovna Rada according to this law, cannot be terminated.

Appendix E: About the International Crisis Group

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December 2017

Appendix F: Reports and Briefings on Europe and Central Asia since 2014

Special Reports

Exploiting Disorder: al-Qaeda and the Islamic State, Special Report N°1, 14 March 2016 (also available in Arabic and French).

Seizing the Moment: From Early Warning to Early Action, Special Report N°2, 22 June 2016.

Counter-terrorism Pitfalls: What the U.S. Fight against ISIS and al-Qaeda Should Avoid, Special Report N°3, 22 March 2017.

Ukraine

Ukraine: Running out of Time, Europe Report N°231, 14 May 2014.

Eastern Ukraine: A Dangerous Winter, Europe Report N°235, 18 December 2014.

The Ukraine Crisis: Risks of Renewed Military Conflict after Minsk II, Europe Briefing N°73, 1 April 2015.

Russia and the Separatists in Eastern Ukraine, Europe Briefing N°79, 5 February 2016.

Ukraine: The Line, Europe Briefing N°81, 18 July 2016.

Ukraine: Military Deadlock, Political Crisis, Europe Briefing N°85, 19 December 2016.

Central Asia

Water Pressures in Central Asia, Europe and Central Asia Report N°233, 11 September 2014.

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Appendix G: International Crisis Group Board of Trustees