To Continue Using Other Means

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Peace plans for the Ukraine conflict have multiplied to such an extent as to become a separate area of research (Hedberg, 2024). Aside from the dozens of articles offering different visions of a settlement, diplomatic initiatives have been launched by China, Brazil, Hungary, and India—not to mention Turkey, persistently offering itself as a mediator. While this does not presage substantive negotiations anytime soon, there is significance in the fact that almost all involved parties recognize (with varying degrees of sincerity) that the conflict will end with negotiations, even if there is no consensus on their timing, agenda, or terms.

The abundance of plans for the future is overshadowed by the lack of reflection on the past. It was not until April 2024 that Western authors

bothered to figure out what Russia and Ukraine had actually discussed in Belarus and then Istanbul in the spring of 2022 (Charap and Radchenko, 2024). Now moderate Western observers speak of them as a missed opportunity for compromise (Beebe and Lieven, 2024). However, by the start of the Special Military Operation (SMO), negotiations with Ukraine and about Ukraine had been going on for almost eight years, since the Russia-Ukraine-U.S.-EU meeting of foreign ministers in April 2014. September 2014 and February 2015 then saw the signing of, respectively, the Minsk Protocol and Memorandum (Minsk I) and the Package of Measures for the Implementation of the Minsk Agreements (Minsk II, endorsed by UN Security Council Resolution 2202).

Negotiations on the implementation of Minsk II continued for seven years until February 2022. In addition to regular communication in Minsk between official representatives of Russia, the Donetsk and Lugansk People's Republics, Ukraine, and the OSCE, these negotiations included contacts between the heads of state, foreign ministers, and political advisers to the leaders of Russia, Germany, France, and Ukraine. The last summit in this 'Normandy format' took place in December 2019. So there is much more for consideration than just March-April 2022.

For Russia, the talks on the Minsk Agreements' implementation became indicative of the West's bad faith, as the West falsely professed a commitment to the conflict's peaceful resolution while simultaneously preparing Ukraine for war. Blunt statements by former German Chancellor Angela Merkel and former French President Francois Hollande—that they never intended to implement the Minsk Agreements, but only wanted to give Ukraine time to build up its military—were likely motivated by domestic politics, as both faced accusations in the spring of 2022 that they had 'pandered to Russia' in the Normandy format. Yet such statements are still confessions of deceit and of the deliberate violation of a UN Security Council resolution.

Being deceived in negotiations is a diplomatic defeat. Yet, as sometimes happens, this defeat was actually beneficial: the status of the People's Republics ended up being resolved justly and in accordance with their citizens' will. And defeat is a good teacher; what can the Agreements' failure teach us about future negotiations on Ukraine?

THE "FIFTH SCENARIO"

In April 2015, working groups created in accordance with Point 13 of Minsk II convened in Minsk to discuss the implementation of certain security, socio-economic, humanitarian, and political issues. The working groups mirrored the Contact Group, with officials from Ukraine, the DPR and LPR, the OSCE, and Russia. In the working group on political issues Ukraine was represented by Vladimir Gorbulin, a patriarch of the Ukrainian foreign policy community and a close associate of Ukraine's second President Leonid Kuchma; Gorbulin had twice headed the country's National Security and Defense Council in the past.

On 19 June 2015, the influential Ukrainian weekly *Zerkalo Nedeli (Weekly Mirror)* published Gorbulin's article titled "Five Scenarios for Ukrainian-Russian Relations," which read, in part:

> "The fifth scenario ('no war, no peace' or 'limited war and permanent negotiations') entails: a limited war of containment against Russia and collaborators in the east in order to inflict as many demotivating losses on them as possible; a constant process of negotiations, but without formalizing any results in agreements or other formats; building up Ukraine's military (primarily military-technological) potential, gradually moving from blocking the adversary to forcing him out, gradually moving from passive to active defense; intensifying the international sanctions against Russia and its diplomatic isolation; the consistent, cardinal reform of Ukrainian society; alignment with NATO and the European Union, and the creation of defense alliances with some of the post-Soviet and Central European states."

Gorbulin called this scenario the best possible option: "achieving the maximum result with minimal casualties and losses." He argued that granting autonomy to the Donbass and abandoning claims to Crimea would make Ukraine a Russian satellite. He also considered the scenario of a "total war," which he insisted Ukraine had a chance of winning (Gorbulin, 2015).

There are two noteworthy points here.

First, the complete lack of shame. Anything is possible in international affairs, of course, including a situation where one of the parties deliberately messes up the negotiation process. The Minsk

agreements were strongly criticized in Ukraine for 'concessions to Russia', so it is understandable that the Ukrainian authorities might insist that these were not really concessions and that the agreements would not be implemented. Yet the intention to sabotage negotiations is usually discussed behind closed doors, or discussed in public only by talking heads uninvolved in the negotiations. An authorized negotiator's open statement in print, that negotiations will be conducted so as to not agree on anything, is an exclusively Ukrainian invention.

Second, Gorbulin's indisputable talent as a political analyst. Perhaps the only thing he did not foresee is that Russia, fed up with years of the "fifth scenario," would launch a military intervention. The rest of his scenario was executed by Ukrainian diplomats in Minsk and other capitals, and by the Ukrainian military on the front lines in the Donbass. The Ukrainian army continued to shell the Donbass. Ukrainian negotiators diligently avoided fulfilling the Minsk agreements. Over the seven years since the Agreements, Ukraine elected a new president and regularly changed its negotiators, but implemented Gorbulin's strategy unswervingly and even began to view the strategy as a major contribution to the art of diplomacy. When, in December 2021, Russia demanded guarantees that NATO would not expand further, Ukrainian Foreign Minister Dmitry Kuleba published an article in *Foreign Affairs* offering Ukrainian expertise to President Biden: how to imitate negotiations with Russia, while preparing for war (Kuleba, 2021).

True, many of the Agreements' provisions were quite vague, as conflict settlements often are (Wittke, 2019). Coupled with Ukraine's efforts to avoid finally agreeing on anything, this overcomplicated the whole process. Even what was happening at the negotiations soon became unclear. But let us try to clarify things, focusing on the Agreements' political aspects.

The Agreements required Ukraine to enact legislative and constitutional guarantees of the Donbass's special status. Long before the Agreements were concluded, legal and institutional changes had been recognized as necessary to resolve the internal crisis that had escalated into civil war. The Geneva Statement of April 2014 (adopted by Russia, the U.S., the EU, and Ukraine) called for a broad national dialogue and an

"inclusive, transparent and accountable" "constitutional process." Minsk I and II indicated that the Donbass should receive a special status within Ukraine. And the outgoing Verkhovna Rada, in September 2014, did adopt the Law on the Special Order of Local Self-Government in Certain Areas of Donetsk and Lugansk Oblasts (the Minks memorandum of 5 September 2014 also calls it the Law on Special Status).

Ukrainian negotiators persistently avoided the term 'autonomy,' hence 'decentralization,' 'special order,' and other substitutes were used in all settlement-related documents. But the level of autonomy under discussion was actually quite moderate, being not even at the level of the Oblast, but rather at that of the municipality. The special status included linguistic self-determination (the ability to use Russian in public administration and education), the creation of People's Police *(narodnaya militsiya)* in "certain areas," and local authorities' right to participate in appointing chief prosecutors and senior judges, to conclude agreements with Kiev on socio-economic and cultural issues, and to cooperate with neighboring Russian regions across the border. The Donbass's special status would not have granted it a 'controlling interest' in the Ukrainian state, as Ukrainian critics of the Minsk Agreements claimed, or any influence on the country's foreign policy. But Kiev did not grant even this moderate autonomy.

Having adopted the Special Status Law, the Ukrainian government failed to allocate—as the law required—funds for 7 December 2014 elections in the Donbass. The DPR and the LPR thus held elections on their own. Kiev used this as an excuse for disregarding its own law. Minsk II therefore required Kiev to implement the law by the middle of March 2015. Technically, this required Kiev's adoption of a list of the localities covered by the law. Instead, the Verkhovna Rada, at the initiative of President Pyotr Poroshenko, amended the law to make its implementation conditional upon Kiev's assessment of future local elections in the Donbass.

Kiev also refused to enshrine the Donbass's special status in the Constitution. After long disputes, all that could be managed was a reference to the Special Status Law in the Constitution's transitional provisions. However, on 31 August 2015, when the Verkhovna Rada

adopted the constitutional amendments in the first reading, a member of a radical nationalist organization threw a grenade at the policemen guarding the Ukrainian parliament building, killing several and injuring dozens of people. After that, the Ukrainian authorities no longer returned to the constitutional amendments, citing threats from the radicals as an excuse.

The holding of new local elections in the Donbass, which Kiev held to be necessary for enacting the Special Status Law, ran into disagreements over procedure. Kiev demanded that candidates be nominated from the political parties registered in Ukraine. However, these parties had no branches in the Donbass and, even if they did, their leaders in Kiev would have had control over party nominees and none of the Donbass resistance leaders would have been able to run. One Ukrainian negotiator did at one point agree that the election system could be majoritarian (rather than party-list), but at the following round of negotiations, Kiev said that this was just a private opinion. The DPR and the LPR retained their segments of the Ukrainian electoral system, including the electoral roll. However, Kiev demanded that all work be done by the Ukrainian Central Electoral Commission. Its compilation of a new voter roll could have postponed the elections indefinitely, not to mention the possibilities created for voter fraud. The people of the Donbass would have had absolutely no faith in elections conducted by the Central Electoral Commission and contested by candidates from the national Ukrainian political parties.

Minsk I and II offered immunity from prosecution or punishment for participation in the People's Republics or armed resistance to Ukraine. However, Minsk II's addition of the term 'amnesty' was potentially significant, in that *immunity* rules out the initiation of a criminal case, while amnesty is granted during (or after) criminal proceedings. It was immunity that Ukraine granted to the participants in anti-government riots and violence on Maidan Square. Yet when it came to the Donbass, the Ukrainian government forgot about immunity, instead submitting an amnesty bill to the Verkhovna Rada (without coordinating it with the Donbass). And although the Rada passed the bill, it was never signed by the Rada's speaker or by the

president, and Ukraine went on to open hundreds or even thousands of criminal cases against residents of the Donbass, including its Minsk negotiation partners. Yet this did not prevent Ukrainian and American diplomats from citing the impotent bill as an example of Ukraine's compliance with the Minsk Agreements.

The dispute over the Special Status Law's implementation was brought to the attention of the Normandy Four in October 2015. The People's Republics insisted on the law's immediate implementation, per the text of Minsk II. Kiev contended that the law should come into force only after elections in certain areas. At a meeting of the leaders of Russia, Germany, France, and Ukraine, German FM Frank-Walter Steinmeier proposed that the law enter into force temporarily on election day in certain areas of the Donbass, and become permanent after the OSCE Office for Democratic Institutions and Human Rights recognizes the elections as democratic. This 'Steinmeier Formula' was a significant concession for the DPR and the LPR. Instead of being recognized as the de jure authorities of certain areas, they had to wait for local elections, with rules still to be negotiated with Kiev. Additionally, a precedent was created for the alteration of Minsk II's conditions. Nevertheless, the concession was made.

This was Ukrainian diplomacy's moment of triumph. In Minsk, the Ukrainian negotiators made it clear that they had no idea about any 'Steinmeier Formula' that their president had just agreed to in Paris. More than a year later, shortly before a Normandy Four summit in Berlin in November 2016, the Contact Group asked the leaders of Russia, Germany, France, and Ukraine to put the Steinmeier Formula into writing. After this, the Ukrainian negotiators could no longer deny the agreement, and simply began to ignore it, refusing to discuss the procedure for implementing the Special Status Law. After all, if the Ukrainian delegation acknowledged that the Normandy Format leaders had agreed on the Steinmeier Formula, then this would immediately have raised the question of why the Ukrainian authorities had not yet amended the Special Status Law to take temporary and permanent force as had been agreed. In reality, Ukraine did not want to make amendments, as this would have opened the door to a substantive

discussion of conducting the Donbass elections and to further implementation of the Minsk Agreements.

It was not until October 2019, four years after the Paris agreement was reached, that the Ukrainian negotiators in Minsk signed the text of the Steinmeier Formula. They did so because Ukraine's new president, Vladimir Zelensky, needed a Normandy Format summit for domestic political reasons, and Moscow had pointed out that there was no sense in holding a summit so long as the decisions of previous summits were not being implemented. At their meeting in Paris on 9 December 2019, the leaders of Russia, Germany, France, and Ukraine finally agreed that the Steinmeier Formula should be incorporated into Ukrainian legislation. Needless to say, this was not done before 24 February 2022.

Why did Ukraine refuse to grant the Donbass an autonomy that was quite modest by any standards? Why did Germany, France, and the U.S., while verbally reiterating their commitment to the Minsk agreements, do nothing to ensure their implementation? And why did Donetsk, Lugansk, and Moscow continue negotiations, even though Ukraine's unwillingness to comply with the Minsk Agreements was clearly and openly stated as early as 2015, and repeatedly confirmed by (in)action after that?

THE PARTIES' STRATEGIES

As a member of the Russian negotiation team, the author personally observed Ukraine's tricks during the 2015 and 2017-2020 negotiations on the Minsk Agreements. He cannot have the same confidence in hypotheses regarding the overall strategies of Russia, Ukraine, and the West, but will attempt to offer some on the basis of established facts.

The Ukrainian strategy is probably the easiest to understand. Since gaining independence, Kiev's political elite have been deeply uncertain about their own identity and legitimacy. There was no cultural border with Russia—certainly not one that could be clearly drawn on the ground or a map. In fact, there is none even now. How, then, to justify the state's border? Nor are there any historical events or individuals that would reliably separate Ukrainians from Russians. We acted as one people in all the most glorious events of the past. If all those born on the territory

of the former Soviet Ukraine, including Akhmatova and Aivazovsky, are to be recorded as Ukrainians, then what about Bulgakov of Kiev, who was quite critical of Ukraine's short period of independence during the Russian Civil War? And a search for people with absolutely nothing in common with the Russians would inevitably lead to Stepan Bandera, whose veneration could not be reconciled with the living memory of the Great Patriotic War, kept by tens of millions of Ukrainian citizens.

Hence the Ukrainian authorities, no matter who represented them, have been so deeply concerned with their country's separateness and integrity, as manifested in the 'Ukraine is not Russia' mantra, the suppression of any signs of regional autonomy, the increasingly harsh imposition of the Ukrainian language, and the increasingly radical anti-Russian version of official Ukrainian nationalism. But the more decisive the unitarist policy, the narrower its ideological foundation and the weaker its legitimacy. And this is not just a consequence of Kiev's (many) political mistakes, but is also the birth trauma of Ukrainian statehood.

It seemed that the 2014 coup provided a long-sought solution, establishing a political consensus, albeit a superficial one, between liberals and nationalists. This consensus was wrapped in a suitable ideology of 'civic nationalism' and the 'European way', although the 'civic nationalism' actually excluded the Maidan's opponents (Zhuravlev and Ishchenko, 2020) and EU association's economic benefits were questioned even by businesses loyal to the Ukrainian government (RBK-Ukraine, 2018). However, the exit of Crimean and many Donbass voters, and the winnowing of factions in Kiev, brought about a relatively stable status quo (Minchenko, 2020) that would be undermined by any special status for the Donbass and the obstacles that it would place before Kiev's unitarist policy. Nor did Kiev want to let go of the breakaway regions, lest their example be followed by others. In addition, the legitimacy of the Ukrainian state was based on little more than its formal 1991 borders. Thus, the Maidan's gains were themselves on the line at the Minsk negotiations.

Western states' support for the Minsk Agreements (directly, in the case of Germany and France, and by voting in the UN Security Council for a 17 March 2015 resolution supporting the Agreements, in the case

of the U.S. and the UK) was probably not part of a long-term plan. The Agreements were, for the West, probably just a means of diverting the immediate military threat from Ukraine, without changing the West's general course of military and political expansion into the post-Soviet space. The liberal-nationalist consensus in Ukrainian politics was fully in line with this course and won Western support. The West considered the Minsk Agreements through Ukraine's perspective and interests, and refused to pressure it into complying with the accords. The positions of France and Germany, which participated in the Normandy Format, and the U.S., which did not, differed in style but not substance.

Berlin and Paris drifted after Kiev, and by fall 2021 their diplomats were essentially helping Ukraine sabotage the Minsk Agreements, as indicated by the correspondence between Russian FM Sergei Lavrov and his French and German counterparts, published in November 2021 (MID RF, 2021). By then, Germany and the EU had followed Ukraine in calling Russia a party to the conflict in the Donbass. At the same time, France and Germany tried to organize a new Normandy Format meeting at the level of foreign ministers, with a draft final statement lacking any reference to Ukraine's obligations under the Agreements or to its noncompliance with them. That is, Berlin and Paris provided Kiev with the ability to continue fulfilling nothing.

The West had come to see the expansion of its sphere of influence, right up to the Russian border, as a critical element of its status as the 'victor' of the Cold War, and certainly was not about to lose that over a trifle like the Minsk Agreements. The Donbass turned out to be a stone of stumbling for the West, interfering with the post-2014 Ukrainian political consensus and thus preventing the West from fully capitalizing on the political opportunities created by the USSR's collapse. The West clearly underestimated Ukraine's importance for Russia. It viewed Moscow's policy of guarantees for the Donbass as phantom pains of the 'former empire', which sooner or later would pass. It also underestimated (as became clear in 2023-2024) Russia's readiness for lengthy hostilities.

The Minsk Agreements were much-criticized in Russia: they neither guaranteed the Donbass's security nor ensured Kiev's loyalty. Russia's persistence in upholding the Agreements, amidst numerous

and demonstrative violations by Ukraine, created a growing sense of absurdity and humiliation. Recently, President Putin (2024) has expressed a limited agreement with this criticism: "The only thing we can regret is that we did not start acting earlier, since we thought that we were dealing with decent people" (Putin, 2024).

It is future historians who should explain such lengthy patience, as they will likely know more about the economic, military, and political context of the Russian decisions in 2014-2022. Meanwhile, we can ask a different question.

The choice in 2014 and 2015 was actually not only between the Minsk Agreements and the continuation (escalation) of hostilities. It is rarely noted, but the Donbass conflict is the only post-Soviet conflict in which a breakaway territory's status was formalized by a political agreement. No such agreement was reached regarding Abkhazia, South Ossetia, Transnistria, or Nagorno-Karabakh. (In three of those cases, the matter was settled unilaterally.) But the Minsk Agreements defined the Donbass's status within Ukraine and were signed by both sides; further negotiations focused on turning the political agreement into legal guarantees. But hostilities could have been halted first, and status negotiated later. Why rush the political agreement on the Donbass's status within Ukraine, and then spend years seeking its legislative implementation?

The West generally holds that Russia has no political leverage over its neighbors, for which reason it uses force, but this is certainly not true in the case of Ukraine. Pro-Western President Victor Yushchenko was brought to power by a coup and left office after losing the election with a mere 5 percent of the vote—a devastating result for the incumbent president. Victor Yanukovich was persuaded diplomatically not to rush an association agreement with the EU. It was the West, not Russia, that needed a new coup to change Ukraine's foreign policy. Pyotr Poroshenko, who came to power under peace slogans but then gambled on anti-Russian nationalism and militarism, lost the 2019 election to a candidate who campaigned in Russian and promised to restore peace to the Donbass. Given this experience of recent decades, Russia had every reason to believe that Ukraine could at least remain neutral. For this, Kiev had to preserve basic democratic institutions

and recognize Ukraine's multifarious nature; the diversity of its citizens' native languages, historical memory, and foreign policy preferences.

The Minsk agreements did not allow the Donbass to influence Ukraine's foreign policy, but—if fully implemented—they would legally and politically cement the country's multifarious nature. A ceasefire on the line of contact would cool the conflict. Political factors that have worked in the past, but are drowned out by gunfire, would resume operation. Russian-speaking Ukraine would raise its voice more boldly. Kiev would be dissuaded from pushing the situation over the edge. This is not an alternate history, but an attempt to reconstruct Moscow's thinking at that time.

If this reconstruction is correct, then Russia made the following mistakes:

Firstly, Russia underestimated the importance of radical anti-Russian nationalism for the self-legitimization of the Ukrainian political elite, especially after the 2014 coup. We considered it (and seem to still consider it) an isolated deviation imposed by some malevolent external force. Too much hope was pinned on Ukraine's ability to be 'non-Russia' without turning into 'anti-Russia'.

Secondly, politics focused on Ukraine while negotiations focused on the Donbass. There was a big gap between the political agenda and the negotiation agenda. At the negotiations, we sought to ensure compliance with the Minsk agreements, but our political goal was to preserve a neutral or friendly Ukraine. Essentially, 'minor' negotiations on a settlement in the Donbass replaced 'major' negotiations on European security. Broad issues could not be addressed at the negotiations on the Minsk Agreements. Taking advantage of this gap between the agendas, the West pursued the military incorporation of Ukraine: to which negotiations on the special status of the Donbass posed no obstacle.

Thirdly, it was a mistake to rely on Germany and France as partners in the intra-Ukrainian settlement. Their influence on Kiev was minimal, but their subordination to U.S. interests quite strong. Additionally, Berlin and Paris in the negotiations on the Minsk Agreements could easily dodge 'major' issues on which they seemingly disagreed with the Americans, namely NATO expansion. It was also wrong to expect

that their interest in partnership with Russia would outweigh 'Euro-Atlantic solidarity'.

Fourthly, hopes for the effectiveness of democratic institutions in Ukraine were mistaken. Those who voted for peace were deceived over and over again. Opposition politicians and activists were terrorized by the ultra-right, which enjoyed the government's protection. The murder of writer and publicist Oles Buzina on 16 April 2015 became a watershed—his killers were identified but not punished. For a time, the Ukrainian state refrained from direct repression, leaving its dirty work to the radicals. But in early 2021, when Zelensky's party faced declining popularity, the president introduced the practice of National Security and Defense Council sanctions: extrajudicial restrictions on the rights of individuals and legal entities (more often Ukrainian than foreign), imposed by presidential decree. Members of the Opposition Platform—For Life, supported in eastern Ukraine, were the first to be sanctioned. At this point it was clear that political instruments of course-correction were no longer working.

WHAT TO TALK ABOUT AND WITH WHOM?

Leaving aside those who have always wished Russia defeat, there are two views of the SMO's effect on the Ukraine crisis. One holds that by the beginning of 2022, negotiations with both Kiev and the West had proved completely futile, and Russia had to choose between either taking action or resigning itself to the dismissal of its position on the entire range of European security issues. The other view suggests that Russia should have continued negotiations in the hope of gradual changes in Kiev and in Western capitals, and it should have struck only in response to a large-scale attack by Kiev on the Donbass republics, whereas the SMO eliminated any prospect of negotiations. It is true that human and material losses under the SMO have exceeded those sustained during the conflict in 2014-2021. But the SMO brought clarity, the absence of which had thus far prevented any agreements.

First of all, it clarified the nature of the conflict as a clash between Russia and the West. The two sides see the origins of this clash differently, but its existence is undisputable. Before, the West had

denied it, repeating that NATO's expansion was not directed against Russia. It is also clear that the stakes in this confrontation are very high for both Russia and the West. In a May interview with *Time* magazine, U.S. President Joe Biden (2024) spoke about the threat to America's allies if Russia wins in Ukraine: "... if we ever let Ukraine go down, mark my words: you'll see Poland go, and you'll see all those nations along the actual border of Russia, from the Balkans and Belarus, all those, they're going to make their own accommodations." Instead of relying solely on their alliance with the U.S., Eastern European states will start negotiating with Russia. Such prospects (regardless of their likelihood), coupled with Russia's veto on NATO expansion (now confirmed in practice), mark an end to the international order that the West has been building for three decades since the USSR's collapse. As for Russia, defeat in Ukraine will make it a third-rate power that is unable to secure its vital interests even on its border.

The Russo-Western confrontation began, of course, long before 2022. But prior to the SMO, it was draped in a whole array of international institutions formally intended for the parties' cooperation. The confrontation unfolded in secondary areas: post-Soviet conflicts, domestic political struggles in the former Soviet republics, economic alliances, and propaganda. This fight behind the curtain also manifested itself in the Minsk Agreements. Both the West and Russia sought to be mediators in the conflict: the former between Moscow and Kiev, and the latter between Kiev and the Donbass. The OSCE played a key role in organizing and conducting negotiations.

Now the confrontation has burst into the open. The positions of Russia and the West are practically irreconcilable, which is the main argument for the unlikelihood of negotiations in the near future. Yet the problems that need discussion and resolution are now clear. For example, the West has always reduced the question of European security to NATO's expansion, ignoring Russia's concerns. Looking at combat operations in Ukraine, one can no longer assert that NATO mechanisms are alone sufficient to ensure security in Europe.

One result of this clarity is the doubtfulness of any mediation. Could the West really mediate between Ukraine and Russia? The West

is a party to the conflict, and Russia will accept Western 'mediation' only if it suffers a major military defeat, with that mediation being nothing more than a cloak for compliance with the victor's demands. Could states of the World Majority mediate between Ukraine and Russia? This leaves the West, on which Ukraine is so heavily dependent, unaccounted for, and it is unclear how members of the World Majority could influence Kiev's decisions. Could members of the World Majority mediate between Russia and the West itself? The West would reject such mediation as incompatible with its global dominance and management of the international order. Also, the scale of the confrontation is such that there are no impartial mediators. This, of course, does not exclude mediation on individual issues; there has been a good deal of that over the last two and a half years.

The history of negotiations over the past decade—from Geneva in April 2014 to Istanbul in March 2022—has shown that Ukraine's foreign policy status is inseparable from its internal system. There is continuity between the Geneva statement's "broad national dialogue" and "constitutional process," the Minsk Agreements' special status for the Donbass, the SMO's objective of denazification, and the abortive Istanbul agreement's provision for the abolition of some laws discriminating against Ukraine's Russian-speaking population. This history has also shown that reducing the Ukraine crisis to a territorial dispute would mean leaving the crisis unresolved. Moscow must ensure that Ukraine does not participate in military blocs that exclude Russia, that Ukraine's territory is not used for military purposes by third parties (even in the absence of a formal alliance, as has been the case since 2014), that the new state border is recognized by Kiev, and that an anti-Russian ideology does not reemerge in Ukraine as an official or just officially-tolerated ideology.

However, it would be difficult to fit both Ukraine's domestic system, and U.S./NATO security guarantees for Russia, into a single negotiation process. First, Ukraine, which is losing the war, is more likely to agree to negotiations than are the U.S. and its allies, which are not threatened directly. Second, a combination of the two subjects could allow the West to demand Russian concessions regarding Ukraine's internal order in

exchange for the West's security guarantees. Finally, the approach might cause the West to appear as mediating between Russia and Ukraine or as representing Ukraine's interests in negotiations with Russia, which must be avoided.

Will Ukraine accept a settlement requiring it to overhaul its statehood and making discrimination against its Russian and Orthodox Christian citizens impossible? Historically, the triumph of nationalism has often become a catastrophe for the people whom it claimed to represent. Hitler's Germany is but one example. The same has happened to Ukraine, which may generate internal demand for denazification.

In addition, the question of Ukraine's internal organization concerns not only Russia's security. Ukraine has long been interpreting its constitution too freely. The "third round" of elections in 2005, the removal of the president from power in violation of the constitution in 2014, sanctions against its own citizens since 2021, the illegal extension of the president's tenure—all of this questions the legitimacy of the current government and its eligibility to sign international treaties on behalf of Ukraine. Possible future arrangements cannot overlook this problem. The Istanbul draft agreement did not delight the most patriotic part of the Russian political spectrum, but if we overlook specific provisions that might have been concluded more (or less) favorably for Russia, the draft can presumably be considered a prototype for an effective settlement. Specifically, Ukraine's border, foreign policy status, and internal political system are to be determined through bilateral negotiations between Moscow and Kiev; Ukraine receives security guarantees from Russia that become invalid if Kiev violates the agreements; the West is free to recognize or not recognize the agreement, and the door to discussing the broad European security agenda remains open for it.

Ukraine is the West's largest geopolitical asset whose use in war against Russia does not automatically lead to a direct armed (and potentially nuclear) conflict between Russia and NATO. There is no other such asset. Moldova lacks resources comparable to Ukraine's; Poland and the Baltics are U.S. allies. Russia is seeking to deprive the West of this asset. It spent years trying by political means. When that did not work, Russia had to use force. Russia's objectives actually align with the interests

of most Ukrainian citizens, who have suffered misfortune from their country's transformation into a military instrument of the U.S.

The balance of military and diplomatic means may shift. One of the obstacles to the Minsk Agreements' implementation was that Kiev and the West either did not consider the threat from Russia credible, or hoped to win relatively easily if such a threat proved true. What CIA Director William Burns gracefully called "strategic declassification" (Burns, 2024)—a flow of publications on the imminent Russian "invasion" of Ukraine in the winter of 2021-2022—simply meant: "We are not afraid of war, we will not negotiate." Now, after a series of defeats suffered by Ukraine, their expectations are somewhat different. If negotiations take place and yield a result, a credible threat to Kiev must remain constantly present, as the history of Russian-Ukrainian relations knows no other way to force Ukraine to honor its commitments—hence Russia's demand for Ukraine's demilitarization.

The Russian strategy seems to assume that Kiev will either agree to the offered conditions, or Ukraine will shrink in all respects—territorially, demographically, economically, and militarily—until it no longer poses a physical threat. The second option is favored by the most patriotic part of the Russian political spectrum. But the Russian leadership's decisions will be based on military and economic factors whose details are unknown to external observers.

In general, Russia's policy towards the Ukraine crisis has been deeply consistent, although diplomatic instruments gave way to military ones in 2022. Considerations of potential future negotiations should take this consistency into account.

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