



War, diplomacy, and more war: why did the Minsk agreements fail?

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Accepted: 1 November 2024
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Abstract

Despite significant Western involvement, most notably by the leaders of Germany, France, and the Organization for Security and Co-operation in Europe (OSCE), the diplomatic efforts in 2014 and 2015 to forge a functioning and lasting ceasefire in Donbas ended up as a failure. The ceasefire agreements signed in September 2014 and February 2015, commonly known as ‘Minsk I’ and ‘Minsk II’, remained largely unimplemented throughout the following years, much to the frustration of the agreements’ Western backers. On February 24, 2022, Russia launched a full-scale invasion of Ukraine. This article examines the underlying causes that ultimately led to the demise of the Minsk process. Drawing on theoretical insights from the negotiation studies literature, the article seeks to shed light on the diplomatic processes that preceded the signing of the agreements, as well as the practical difficulties that the parties were facing, and created for each other, in the implementation phase.

Keywords Donbas · Russia · Ukraine · War · Negotiations · Minsk agreements

Introduction

The purpose of this article is to explore and explain why Russia and Ukraine, despite significant support and pressure from the international community, failed to settle the Donbas conflict through negotiations and diplomacy. Aiming to get a better understanding of the underlying causes of this failure—and the roots of the current and much larger war—we need to take into consideration not only the origin, nature, and trajectory of the conflict, but also the diplomatic processes that preceded and succeeded the signing of the Minsk agreements. We also need to take a closer look at the contents and terminology of the agreements, and political developments

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in the period between 2015 and 2022 that may have contributed to the agreements' ultimate demise.

Highly relevant in this regard is the interplay between diplomacy and military power—a topic that figures centrally in parts of the International Relations literature (see for instance Barkawi 2015). Insights from the increasingly rich negotiation studies literature (see for instance Schecter 1998; Odell 2013; Hampson and Troitskiy 2017; Zartman 2019a; Hopman 2019; Troitskiy 2019) may also add to our understanding of the diplomatic processes that took place prior to the signing of the Minsk agreements as well as the political and practical difficulties that the parties were facing in the implementation phase.

In the field of International Relations, negotiations may be described as a process in which two or more parties strive to achieve an outcome that protects their interests and simultaneously provides payoffs that are superior to the available no-deal alternatives. In order to successfully serve the purpose of preventing a war, or bringing an ongoing war to an end, a negotiated agreement should ideally be 'efficient, fair, and durable' (Hopman 2019, p. 285). In practice, however, negotiated agreements rarely satisfy all of these criteria.

Much like negotiations in other fields, such as contract negotiations in the field of business, peace negotiations often produce suboptimal results for the parties. Sometimes you are better off *not* taking the deal that is on the table. But, as noted by Steven Miller (2021), the long-term consequences of a failed bargaining interaction in an interstate crisis may be far more severe than the consequences of an unsuccessful buyer–seller interaction in the business field. In the latter case, there is just the absence of a transaction. In the former case, the negotiation failure may lead to (more) war.

Based on empirical evidence derived from a variety of Ukrainian, Russian, and Western sources (agreements and memoranda, statements by political leaders, expert analyses, media reports, interviews, etc.), and drawing on insights from theoretical works dealing with related topics (the interplay between military power and diplomacy, Russian and international negotiation practices, and challenges related to the negotiation and implementation of ceasefire agreements), this article seeks to advance our understanding of why the Minsk process failed to bring peace to the Donbas. Beyond this objective, the study may also inform ongoing debates about the feasibility of a negotiated settlement to end the still ongoing war between Russia and Ukraine, and how to avoid a repetition of the mistakes made in the Minsk process (Pifer 2022; Umland and von Essen 2022; Sebenius and Singh 2023; Charap 2023; Natalukha 2023; Polyakova and Fried 2023; Stent 2023; Umland 2023; Dumoulin 2024).

The article will proceed as follows: Section 2 introduces some basic concepts and ideas derived from the theoretical literature mentioned above. Section 3 takes a closer look at the origin, nature, and trajectory of the Donbas conflict, from its early beginnings 2014 to the start of Russia's full-scale invasion in 2022. Central in this regard is the question of whether the conflict should be labeled as a 'civil war' or a 'foreign invasion'. Section 4 delves into the Minsk negotiations, with a special view to the negotiation format, the preferences of the participants, and negotiation



outcomes. This is followed, in Sect. 5, by a synthesizing discussion of factors that may explain the failure of the Minsk process. The findings are summarized in Section 6.

War, diplomacy, and interstate negotiations

The large and growing negotiation studies literature may be a good starting point for discussions related to the interplay between diplomacy and military power, and the practices and pitfalls of ceasefire negotiations, such as those that have been carried out between Russia and Ukraine over Donbas. Many of the insights and concepts found in this literature are relevant to the topic of this article, that is, the diplomatic efforts to end the war in eastern Ukraine.

As instruments of foreign policy, military force and diplomacy can mutually support each other. A militarily powerful actor may try to capitalize on battlefield gains and use them to force a militarily weaker counterpart to accept a negotiated settlement that favors the former rather than the latter. It should be emphasized, however, that asymmetries in military power are not always static. As an armed conflict progresses and evolves, the battlefield momentum may shift. This may in turn affect the dynamics of ceasefire negotiations and the negotiators' willingness to compromise or make political concessions. The maximum policy concession that a side is willing to make before walking away from the table is often referred to as the 'reservation point' (Broniecki 2020, p. 114; Reiter 2024, p. 16).

In a sophisticated typology of negotiation objectives, published in 1964, the Swiss-born sociologist Fred Charles Iklé described the phenomenon of 'negotiations for side effects', that is, a situation in which governments enter into and carry out negotiations for purposes other than that of achieving an implementable agreement (Iklé 1964, pp. 43–58). While creating a public perception that they are committed to negotiations, the negotiating parties may try to use the process simply to obtain information that they can benefit from, or use as a propaganda tool, for instance to influence third parties, including domestic or foreign audiences. In an interesting article exploring the phenomenon of 'devious' negotiation objectives, Oliver Richmond (1998, p. 707) points out that 'disputants may become involved in a mediation process in order to improve upon their prospects', without necessarily being committed to the objective of reaching a compromise with their adversaries.

Regardless of the political actors' motivations for taking part in them, negotiations typically go through several stages. In the 'diagnostic phase' (Odell 2013, p. 384), the parties conduct separate preparations and approach their counterpart(s) to explore the possibility of formalized discussions. Once at the negotiation table, they embark on the 'substance phase,' during which they jointly search for common ground, with or without the help of external facilitators. The purpose of this stage of a negotiation process is to lay the formula for the 'detail phase' (Odell 2013, p. 384), also known as the 'endgame' or 'closure phase' (Zartman 2019b, p. 3), during which negotiators try to bring the process to a closure in the form of a mutually acceptable written agreement.



If and when agreement is reached and a protocol is signed, the process is by no means over. Then starts the fourth—and often most difficult—stage, which we can call ‘the implementation phase’ (see Randolph 1966, p. 347). Though formally not a part of the negotiation process, the implementation phase is a critical part of the whole exercise. Ultimately, the success or failure of the implementation phase determines the success or failure of the negotiated settlement.

As time goes by and conditions change, previously agreed-upon terms may come to be seen as renegotiable. The provisions of a signed agreement may be applied in a selective manner, or just ignored—partly or fully. A potentially relevant feature of Russian negotiating behavior is, as noted in previous times by U.S. arms control negotiators, the Russian tendency to view the signing of an agreement not as the end result of a negotiation, but rather as a stage in an extended process (Schechter 1998, pp. 108–109).

At any point during an armistice or peace negotiation, the involved parties may find it to be in their interest to opt for a no-deal alternative, particularly if they believe that time is on their side, or that a military victory may be within reach. Warring states may also use the tool of military escalation in an effort to worsen the no-deal option for the adversary (Odell 2013, p. 383). If one or more of the parties believe that they can obtain their objectives more effectively or rapidly by other means, this may lower the perceived costs of a non-settlement (Hampson and Troitskiy 2017, p. 7).

In order for a negotiation to succeed, in the sense of resulting in a mutually acceptable settlement, there must exist a ‘zone of possible agreement’, or ‘ZOPA’ in the negotiation analysis lingo (Zartman 2019b, p. 4). A precise definition of this concept is found in Sebenius and Singh (2012, p. 53): ‘A ZOPA is the range of potential deals that are better in terms of each party’s perceived interests than the best alternative to a negotiated agreement (or ‘no-deal option’) of each party.’ As illustrated in Fig. 1, the ZOPA in a two-party negotiation encompasses outcomes

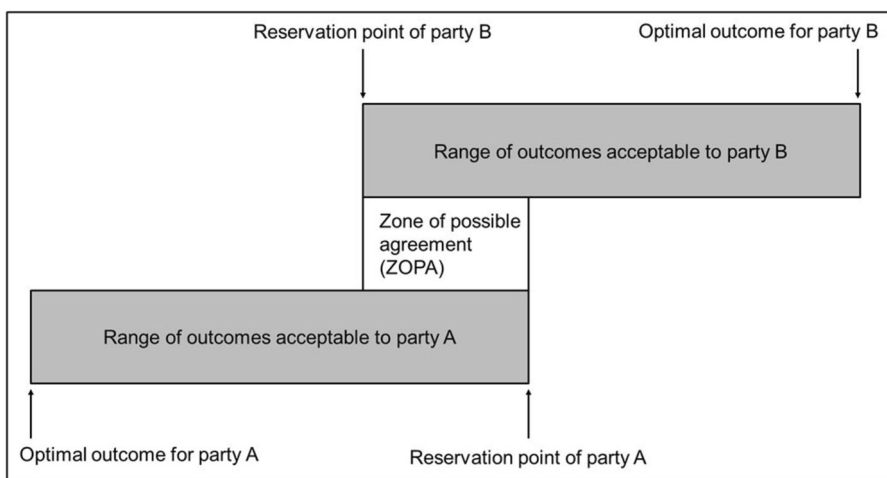


Fig. 1 Zone of possible agreement in a two-party negotiation (illustration prepared by the author)



that are acceptable (though usually far from ideal) for both parties, and simultaneously perceived by both parties as preferable to no-deal alternatives.

Whether or not the negotiating parties are able to identify or generate a ZOPA depends on a number of factors, such as the complexity of the conflict, including the number of actors and issues involved, and the timing of the negotiations. In the early stages of a negotiation, the parties may find themselves so far apart that a ZOPA is unattainable, and even unidentifiable. But as the negotiations proceed, initial ‘red lines’ may be reconsidered, and the parties may be able to identify, create, or widen a ZOPA.

Relevant in this regard is also the concept of theory of ‘ripeness’ (for a detailed discussion, see Zartman 2000, pp. 225–250). Parties that find themselves in a mutually hurting stalemate are more likely to compromise than parties that believe that they can win a decisive military victory, which they often think they can do in the early stages of a conflict. On the other hand, as an armed conflict progresses and the warring parties inflict increasingly painful losses on each other, they may become less willing to compromise, due to the involved political costs. Proponents of ‘early intervention’ negotiations and proponents of ‘ripe moment’ negotiations seem to have at least one thing in common, namely a deep concern for what happens in the period between the outbreak of hostilities and the moment of ‘ripeness’ (Jackson 2000, p. 337).

When the parties are in the endgame phase of a negotiation, they face the difficult task of turning their understanding into a written agreement. All are well aware that the devil is in the details, and this stage of the process often involves intense tugs-of-war over wording and terminology. Calls may be made for the inclusion of *precise formulations*, which leave little room for interpretation. At the same time, the parties know that the process as such may founder if they insist on specific formulations that their counterparts find unacceptable.

In some situations, negotiators may instead choose to opt for *ambiguous formulations*, since this may aid the process toward a consensus. This phenomenon is known in the literature as ‘constructive ambiguity’ (see for instance Troitskiy 2019, p. 241). The problem with the ambiguity approach is, of course, that irreconcilable differences in the interpretation of a signed agreement may delay, prolong, or undermine the agreement’s implementation.

The Donbas conflict and the problem of labeling

Let us now turn to the case of this study—the conflict in the Donbas region of Ukraine. What kind of a conflict was it? Was it a civil war or a foreign invasion? And how has the nature of the conflict evolved over time? Understanding the true nature of a conflict is crucial for anyone trying to manage or resolve it. Deliberate mislabeling of a conflict, by one or more parties, may complicate or even undermine conflict resolution efforts.

The Donbas conflict erupted in April 2014, when Russian-backed armed militants began to seize regional government buildings in a handful of east Ukrainian cities and towns. A key role in the initial efforts to destabilize the region was



played by Igor Girkin, also known as Strelkov. He was a Russian citizen, an army veteran, and a former Federal Security Service (FSB) officer, who had played a central role in Russia's annexation of Crimea. Under Girkin's leadership, an armed commando group in unmarked uniforms captured Ukrainian Security Service (SBU), police, and government buildings in the city of Sloviansk, located 3 h north of the regional capital of Donetsk (Arel and Driscoll 2023, pp. 147–149).

From Sloviansk, the insurgents expanded their operations to other parts of the region and set up checkpoints. In mid-May, another political operative by the name of Alexander Borodai arrived from Moscow, apparently at the initiative of Putin's puppet master, Vladislav Surkov. Borodai declared himself Prime Minister and Defense Minister of the nascent 'Donetsk People's Republic' (Hosaka 2019, p. 753). Shortly after, the newly elected Ukrainian president, Petro Poroshenko, declared an 'anti-terrorist operation' (Luhn and Walker 2014).

In the summer of 2014, the battlefield momentum appeared to be on the side of Ukrainian government forces. But with the support of Russian troops and arms, the Donbas insurgents were able to consolidate and expand their territorial control. In the battle of Ilovaisk (7 August–2 September 2014), Ukrainian forces suffered devastation losses after having been encircled by a significant grouping of regular Russian troops (Hosaka 2019, p. 101). The debacle at Ilovaisk led to a direct phone call between presidents Poroshenko and Putin, which was the first direct contact between the two since Poroshenko's election in May (Arel and Driscoll 2023, p. 174). The first round of negotiations in Minsk followed shortly after.

In the period between April 2014 and the start of the full-scale invasion of Ukraine in February 2022, Russia's position was the conflict in Donbas was an internal conflict between the central authorities in Kyiv and the leaders of the self-proclaimed 'peoples republics' of Donetsk and Luhansk (usually abbreviated as DNR and LNR), which did not recognize the country's post-Maidan leadership. Given such an interpretation, Russia was allegedly not a party to the conflict, and, as argued by Vladimir Putin, it could 'only be resolved through contacts between Kyiv and representatives of DNR and LNR' (*Rossiia* 24, 18 July 2018).

Ukrainian authorities, for their part, had on numerous occasions rejected the Russian attempts to frame the Donbas conflict as an intrastate conflict, claiming that Russia's political and military role in it is both central and undeniable. For instance, at the 2016 Munich Security Conference, President Petro Poroshenko took issue with Moscow's 'civil war' rhetoric. 'Mr. Putin', he said, 'there is no civil war in Ukraine—that is your aggression' (*Newsader*, 14 February 2016).

The internal and external dimensions of the Donbas conflict—and the relationship between them—have also been discussed at length in academic debates (Kudelia 2014; Umland 2014; Matsiyevsky 2014; Brik 2019; Driscoll 2019; Gomza 2019; Hosaka 2019, 2021; Hauter 2021, 2023; Mitrokhin 2021; Arel and Driscoll 2023). Already in 2014, Umland and Matsiyevsky took issue with Kudelia's (2014, p. 1) assertion that the Donbas conflict was 'primarily a homegrown phenomenon'. Umland and Matsiyevsky's argument was, simply put, that Kudelia overestimated the relative importance of conflict's domestic sources and underestimated Russia's role in initiating and fueling it.



Similar arguments were put forth in the exchange between Brik, Driscoll, and Gomza in 2019. While not explicitly denying the presence of Russian forces on Ukrainian territory, Driscoll argued that Western academics and policymakers should start calling the conflict a ‘civil war’. This would in his view make us ‘better positioned to read the letter of the Minsk Accords as a pragmatic script for resolving the conflict peacefully’ and incentivize the government in Kyiv to take a more active role in the political efforts to reintegrate the breakaway regions (Driscoll 2019, p. 7).

Brik (2019, pp. 1–2) disagreed with Driscoll and argued that Ukrainian political elites, as well as a vast majority of Ukrainians, were highly committed to the reintegration of Donbas and that a negotiated compromise solution was seen as the preferred road toward this aim. Rather than framing the conflict as a ‘civil war’, one could in his view classify it as an ‘internationalized’ armed conflict, given Russia’s well documented involvement in it. Along somewhat similar lines, Gomza (2019) suggested categorizing the Donbas conflict as a ‘transnationalized insurgency’.

More recent debates relating to the ‘labeling issue’ have drawn attention to the fact that the character of the conflict, and the extent and nature of Russia’s involvement in it, changed over time. From the very beginning of the conflict, Donbas was heavily penetrated by Russian allies, agents, and operatives, who were either supporting or directly controlling the insurgents. Ukraine’s eastern border became a much used crossing point for Russian arms supplies, Russian paramilitaries, and—eventually—regular Russian troops. As early as in the summer of 2014, ‘the bulk of the fighting was taken over by Russia’s regular armed forces, thus rendering the war interstate according to the COW’s typology’ (Hosaka 2021, p. 107).¹

Mitrokhin (2021) identifies three distinct phases in Russia’s involvement, each characterized by a specific set of actors and methods: In the ‘infiltration’ phase (from early April to mid-May 2014), Russia’s involvement was primarily in the form of FSB and GRU officers and Special Forces (*Spetsnaz*) personnel. In the ‘instruction’ phase (mid-May to early August 2014), Russia sent an increasing number of ‘volunteers’, many of whom were war veterans with combat experience from Afghanistan, Chechnya, and Georgia. They were given training in Russia, equipped with weapons and ammunition, and sent off to Donbas to fight against Ukrainian government forces. The ‘invasion phase’, which began in early August 2014, came at a time when the Russian-backed forces were on the defensive. Moscow started to deploy regular army units to help the insurgents regain the initiative. In February 2015, Ukrainian troops were forced to withdraw from the city of Debaltseve, located northeast of Donetsk, after a concerted Russian/separatist offensive to retake the city. By March 2015, there were at least 10,500–11,000 Russian troops operating in eastern Ukraine (Sutyagin 2015, p. 4).

Thus, based on what we know today, it is fair to say that the interstate dimension of the Donbas conflict was not a secondary issue, but rather one of the conflict’s defining features. Without Russia’s financial, organizational, and military support, it is highly doubtful that the Donbas militants would have been able to sustain the

¹ The abbreviation COW refers to the Correlates of War project. For details, see <https://correlatesofwar.org/>.



insurgency over time and to seize, expand, and retain control over significant parts of Ukraine's easternmost territory. That said, it is evident that the conflict had internal as well as external dimensions. Labeling it *either* as an interstate war *or* as an internal armed conflict may therefore be difficult, though I would argue that the former would be closer to the truth than the latter, particularly if we look at the whole period from 2014 to 2022.

In a creative effort to capture the true nature of the Donbas conflict, Hauter (2021) suggests adding a new category to the typology of armed conflicts, called 'delegated interstate war'. This is a situation in which '[...] one state engages in armed combat on the territory of another state via irregular militias which the foreign state controls to such an extent that they effectively act as a state organ' (Hauter 2021, p. 153). Such a characterization may arguably have some merit with regard to the earliest stages of the conflict in Donbas (phases one and two in Mitrokhin's periodization), but it would in my opinion be a mischaracterization of the conflict's nature in and beyond the 'invasion' phase (i.e., since August 2014). After this point, it was, for all practical purposes, a regular interstate war, fought mainly by regular forces.

The negotiation process: participants, preference constellations, and outcomes

Following the outbreak of armed hostilities between Russian/separatist forces and Ukrainian government forces in the east Ukrainian oblasts of Donetsk and Luhansk in the spring of 2014, numerous efforts were made to establish a viable ceasefire and a process toward political normalization. The intensity of the diplomatic efforts to end the war varied over time, much like the intensity of the fighting itself. A timeline of the negotiation process can be found in Fig. 2.

At the start of the Minsk negotiations, Ukraine and Russia held widely diverging views of the conflict's nature and causes, and of who should or should not be present at the negotiation table as parties. This remained the case throughout most, if not all, of the negotiation process. As noted above, the Ukrainian government saw the conflict as an interstate conflict between Russia and Ukraine, whereas Russia consistently tried to frame it as an internal conflict between Kyiv and the leaders of the 'peoples republics'. Russia was not willing to acknowledge any responsibility for



Fig. 2 Overview of the diplomatic efforts to end the Donbas war, 2014–2022



the conflict, let alone admit to the presence of Russian troops and arms on Ukrainian soil. Finding a common language under these circumstances proved to be a tremendously difficult task.

At a meeting in Geneva on 17 April 2014, the foreign ministers of Russia, Ukraine, and the U.S., as well as the EU High Representative for Foreign Affairs and Security Policy, had agreed on a joint statement outlining a series of ‘initial steps to de-escalate tensions and restore security for all citizens’ of Donbas. The document called on ‘all sides’ to ‘refrain from any violence, intimidation or provocative actions’ and highlighted the need for disarmament of ‘all illegal armed groups’. The document also stated that amnesty would be granted to surrendering protesters and building occupants, ‘with the exception of those found guilty of capital crimes’. Furthermore, the Geneva declaration provided a special role for the OSCE, whose special monitoring mission (SMM) was deployed to Ukraine shortly after (on March 21), with the purpose of observing and reporting on the situation, and ‘assisting Ukrainian authorities and local communities in the immediate [implementation] of these de-escalation measures wherever they are needed most, beginning in the coming days’ (U.S. Mission 2014).

Throughout the spring of 2014, the German and French involvement in the Donbas peace talks became more pronounced, partly at the expense of that of the United States. The ‘Normandy’ format (Russia, Ukraine, Germany, and France) became the key forum, in addition to the ‘Trilateral Contact Group’ (Ukraine, Russia, and the OSCE), which was established at the initiative of the Swiss OSCE chairmanship in early June. On June 20, the newly elected Ukrainian president, Petro Poroshenko, proposed a number of concrete measures to de-escalate the situation in Donbas. In addition to the de-occupation of public buildings, release of hostages, and disarmament of and amnesty guarantees for militants, the newly elected president proposed the establishment of a 10-km ‘buffer zone’ along the Russian-Ukrainian border, and a ‘safe corridor’ through which the insurgents could leave the area of conflict. His plan also included measures to decentralize power and provide for the early conduct of local and parliamentary elections in the region (Tsyganok 2017, pp. 475–476).

The Poroshenko plan did not gain much traction in Moscow, or among the DNR/LNR leadership. Poroshenko still refused to enter into direct dialog with the Donbas insurgents, and the Kremlin quickly made clear that their leaders could not be presented with a Ukrainian ‘ultimatum.’ In Putin’s view, a ceasefire would not be ‘viable and realistic’ unless Kyiv started direct talks with the insurgents (Kelly and Balmforth 2014). Ukraine’s diplomatic push in the subsequent weeks to ‘sell’ the Poroshenko plan to Western leaders did little to change Moscow’s uncompromising view on this issue. Meanwhile, the fighting in Donbas continued and intensified, with heavy military and civilian casualties on both sides of the line of contact. This was, in short, the backdrop for the first round of Minsk negotiations.

With regard to the issue of ‘preference constellations’ (Driedger and Krotz 2024), it seems clear that there were three easily identifiable stakeholders in the Minsk negotiations—Russia, Ukraine, and the Donbas insurgents, the latter represented by the leaders of the self-proclaimed ‘people’s republics’. Kyiv’s preferred outcome (return to the pre-April 2014 situation and restoration of Ukrainian territorial integrity and border control) was clearly unacceptable for Moscow and DNR/LNR.



Similarly, Russia's preferred outcome (federalization of Ukraine) was clearly unacceptable for Kyiv.

When it comes to the DNR and LNR leadership, it is relevant to discuss whether they should be seen as autonomous actors in the own right, or merely as Russian marionettes whose existence was contingent upon Moscow's goodwill and material support. There is much evidence to suggest that the latter was the case. To the extent that DNR/LNR leaders held independent views about the specific terms and terminology of the Minsk accords, these appear to have been quickly realigned with Moscow's views.

The Minsk talks in early September 2014 marked the beginning of a new chapter in the negotiation process, in the sense that the self-proclaimed leaders of DNR and LNR, Alexander Zakharchenko and Igor Plotnitskiy, were allowed to participate in the talks, together with the members of the Trilateral Contact Group. The contents of the Minsk Protocol, which later came to be known as 'Minsk I', did to some extent resemble Poroshenko's peace plan, albeit with terms that were considerably more favorable to Russia and the Donbas insurgents. Being present at the negotiation table in Minsk, Zakharchenko and Plotnitskiy were primarily interested in maximizing the political autonomy of the territories they controlled.

One of the many contentious issues discussed in Minsk was the terms under which elections would be held in the areas controlled by Russian/separatist forces. On this point, the side of the Ukrainian government prevailed. Article four of Minsk I made clear that elections in these areas were to be held 'in accordance with Ukrainian legislation'. This was a hard-to-swallow concession for the DNR and LNR representatives, who long refused to sign the final version of the document (International Crisis Group 2015, pp. 3–4).

The signed version of the Minsk I agreement (Trilateral Contact Group 2014) consisted of 12 articles, which fell into four main categories—security measures, political measures, humanitarian measures, and economic measures. The Protocol was supplemented by a memorandum detailing the provisions for the ceasefire establishment and the withdrawal of heavy weapons from the line of contact. Weapons with a caliber greater than 100 mm were to be withdrawn from both sides of the contact line to a distance of minimum 15 km, in order to create a 30-km safety zone between the belligerents. In the subsequent months, some progress was made on the withdrawal issue, but the presence of heavy weapons in the safety zone remained a recurring issue in the reports of the OSCE's Special Monitoring Mission (SMM). Ceasefire violations were also frequent.

In an effort to legitimize the political regimes that had been put in place in Donetsk and Luhansk in the summer of 2014, 'general elections' were held in DNR and LNR on 2 November 2014. These pseudo-elections were a clear violation of the terms of the Minsk I agreement, which stipulated in article 9 that local elections were to be held in accordance with Ukrainian law (Trilateral Contact Group 2014). It undoubtedly complicated the further implementation of the political part of the Minsk Protocol.

Following the intensification of hostilities and upswing in ceasefire violations in January 2015, a new round of negotiations was held in Minsk, resulting in the signing of the Minsk II agreement on 12 February 2015 (Trilateral Contact Group



2015). This document encompassed 13 articles, many of which were carryovers from the first Minsk agreement (ceasefire, heavy weapons withdrawal, OSCE monitoring, release and exchange of hostages and illegally detained persons, pardon and amnesty for militants, disarmament and pullout of illegal/foreign armed groups, and measures to improve the humanitarian and economic situation in non-government-controlled² areas).

But the Minsk II agreement provided more detail on the ‘decentralization of power’ issue, as well as the modalities for, and timing of, local elections and the restoration of Ukrainian border control (the latter was made contingent on the former, as per the document’s article 9). In addition, it provided specific timeframes for the implementation of many of the agreed-upon measures. For instance, it stated that the Ukrainian Parliament ‘within 30 days’ should adopt a resolution specifying the geographic parameters of the special legislation regime mentioned in the Minsk Memorandum. The restoration of Ukrainian border control was to start ‘on the first day after the local elections’ and end ‘by the end of 2015’, on the condition of fulfillment of the agreement’s article 11 regarding Ukrainian constitutional reform and decentralization (Trilateral Contact Group 2015).

By the fall of 2015, it had become clear that the deadlines set in the second Minsk agreement could not be met. Ceasefire violations were still frequent, and the security environment did not allow for the holding of local elections under Ukrainian law. In an effort to bring new momentum to the Minsk II implementation process, German Foreign Minister and OSCE Chairperson-in-Office, Frank-Walter Steinmeier, launched an initiative in the fall of 2015, which came to be known as the ‘Steinmeier formula’. The essence of his proposal was, simply put, to provide for (1) the swift holding of local elections in the non-government-controlled areas, observed and validated by the OSCE’s Office for Democratic Institutions and Human Rights (ODIHR); (2) the subsequent entry into force of a new Ukrainian law on ‘special status’ for said areas; and (3) the restoration of Ukrainian government control of the border with Russia.

The Steinmeier formula, which can be seen as a ‘a slimmer, simplified version of the Minsk agreements’ (Miller 2019), was discussed at various Trilateral Contact Group meetings in Minsk as well as at the ‘Normandy four’ meeting in Berlin in October 2016. President Poroshenko was skeptical about the formula, and discussions about it gradually subsided. But they were reinvigorated 3 years later, after the Ukrainian presidential elections and the coming to power of Volodymyr Zelensky. Zelensky’s election campaign had been based, in part, on a promise to end the war in Donbas. Shortly after his inauguration, he made his first moves toward this aim.

² There are different practices with regard to what one should call the government-uncontrolled/Russian-occupied parts of the Ukrainian oblasts of Donetsk and Luhansk. In this article, I have consistently used the term “non-government-controlled areas”. In official documents and research publications, one will also find the Ukrainian acronym ‘ORDLO’ (short for *Okremi raiony Donetskoï ta Luhanskoï oblastei*), which first appeared in Ukrainian legislation in October 2014, shortly after the signing of the first Minsk agreement. It was later replaced by the term ‘temporarily occupied territories.’ The term used in the Minsk agreements was ‘certain areas of Donetsk and Luhansk regions,’ occasionally abbreviated ‘CADLR.’



In a telephone conversation with Putin in July 2019, he discussed measures to de-escalate the situation in Donbas, including prisoner exchange, and the feasibility of a new summit in the Normandy format.

When Zelensky in October 2019 announced that he had taken the controversial step of officially signing up Ukraine to the Steinmeier formula, this implied that the final obstacle to a Putin–Zelensky–Merkel–Macron summit had been removed (Miller 2019). The much-anticipated Normandy summit took place in Paris on December 9, 2019, and resulted in the signing of a two-page declaration in which the parties essentially reconfirmed their commitment to the Minsk agreements and the Steinmeier formula. After the Paris meeting, some progress was made on troop disengagement, prisoner exchange, and demining, but there was little or no movement on the difficult political issues that had constituted the core of the conflict ever since the beginning of the negotiations (local elections, ‘special status’, and border control).

The 13 measures listed in the Minsk II agreement remained largely unimplemented in the 7-year period between February 2015 and February 2022. By this time, only a few of the agreement’s articles had been partially implemented, whereas most of them remained wholly unimplemented. And as of today, the Minsk agreements are essentially null and void, having been overtaken by events such as Russia’s full-scale invasion of Ukraine.

Why did the Minsk process fail?

When it comes to the underlying causes of the parties’ failure to implement the Minsk agreements, the available sources allow for different interpretations. Some (including Max Bader, Ian Bond, and Hrant Kostanyan, all cited in Dempsey 2017) tend to see the non-implementation of the Minsk agreements primarily as a result of the agreements’ design. Others, such as Mikhail Troitskiy (2019, p. 247), rejects the notion that the Minsk II agreement was ‘pre-destined’ to fail, and argues that ‘considerable chances existed for the agreement to be clarified and implemented’. A similar argument is found in a recent article by Nadezhda Arbatova, who concludes that the agreements fell victim to ‘short-sighted policies and ambitions’ (Arbatova 2022, p. 117).

Following the latter line of reasoning, impediments to the implementation process may be found not only in the text of the agreements, but also in political, legal, and military measures that were taken in the period between 2014 and 2022, in Kyiv as well as in Moscow. Let us take a closer look at these factors, starting with the agreement-specific ones.

Vague and ambiguous language

At the negotiating table in Minsk, the parties had been struggling to locate ‘islands of agreement’ (Wittke 2019, p. 285) in an ocean of disagreement. If the parties had chosen to insist on precise and unambiguous formulations compatible with their



respective views of the conflict, it is possible that the negotiations could have failed to produce a mutually acceptable agreement. Instead, the parties decided to opt for loose formulations that allowed for more than one interpretation.

The Ukrainians would for example say that the agreed-upon withdrawal of ‘all foreign armed formations, military equipment, as well as mercenaries’ (article 10 of Minsk II) can and should be interpreted as a reference to Russian regular troops and paramilitaries on Ukrainian soil. The Russians, for their part, would take this as a reference to Ukrainian government forces and volunteers. Similarly, the parties seem to have had quite different understandings of what a Ukrainian ‘constitutional reform’ (article 11) should entail. Needless to say, the vagueness and ambiguity of the language included in the Minsk agreements did not make the implementation easy.

The ‘sequencing trap’

Another major obstacle to the Minsk agreements’ successful implementation has been the problem of how to sequence the various measures listed in them, particularly the military and political measures. As noted by Boulègue (2016, pp. 4–5), Russia’s preferred roadmap to peace in the Donbas would start with political measures such as the enactment of a general amnesty law in DNR/LNR, the holding on local elections on DNR/LNR terms, validated by Kyiv, and the adoption of a ‘special status’ law, enshrined in the Ukrainian Constitution. Without full implementation of these measures, the military provisions of the agreement may, in Russia’s view, not be implemented.

Conversely, the Ukrainian side would ideally have liked to see a full implementation of the agreements’ military provisions (ceasefire, withdrawal of illegal forces, exchange of prisoners, and restoration of Ukrainian border control) before implementation of the political measures (including local elections and ‘special status’ legislation). Kyiv’s argument has been that it is near impossible to conduct OSCE-observable local elections in the separatist-held regions without a functioning ceasefire and in a situation where Ukraine’s eastern border is controlled by Russian/separatist forces.

This issue has also figured centrally in recent Russian-Ukrainian discussions about the Steinmeier formula, which outlined a sequence of events in which local elections and the granting of ‘special status’ for the non-government-controlled areas preceded the restoration of Ukrainian border control. Thus, the Steinmeier formula has much in common with Russia’s preferred model.

The legal status of the agreements

A third issue relates to the Minsk agreements’ legal status and authority, or lack thereof (Zadyraka 2016). Minsk I and II were not signed by the heads of state of Russia and Ukraine, or even the heads of international agencies. Nor were they signed at the level of foreign ministers. The agreements were signed by a former Ukrainian president, acting as a diplomat with the rank of ambassador,



by Russia's ambassador to Ukraine, and by the unelected leaders of the two self-proclaimed 'republics'. The fifth signatory was the OSCE's Special Representative on Ukraine, Heidi Tagliavini. Ambassadors Kuchma, Zurabov, and Tagliavini were all members of the Trilateral Contact Group, whereas Zakharchenko and Plotnitskiy were not. No titles were added to the signatures of the two latter.

The process leading up to the signing of the Minsk agreements did not follow the procedures laid out in the Ukrainian Constitution or the Law on International Treaties, and as such, they are political arrangements rather than international treaties. This does not necessarily mean that they are 'illegal' or 'non-binding'. As pointed out by Wittke (2019, p. 265), the creation of hybrid political-legal documents like these is actually a quite common international practice, as are semi-formalized groups and ad hoc frameworks for conflict resolution. This is particularly the case in conflicts where a formalized peace settlement is beyond reach.

Compared to Minsk I, the Minsk II agreement enjoyed a somewhat higher degree of authority and status, stemming, in part, from the fact that it was endorsed in the form of a UN Security Council resolution, adopted shortly after its signing in February 2015.

Beyond these agreement-specific issues, the causes of the Minsk agreements' non-implementation may also be found in political, legal, and military developments that took place in the period between 2014/2015 and 2022. Three developments stand out as particularly relevant: Ukraine's 'de-occupation' law, adopted in January 2018, Russia's 'passportization' initiative, launched in April 2019, and Russia's formal recognition of the 'peoples republics', announced shortly before the full-scale invasion in February 2022.

Ukraine's 'de-occupation' law

In January 2018, the Ukrainian Parliament made a move to 'rebrand' the conflict in Donbas (Miller 2018). In a new piece of Ukrainian legislation, popularly known as 'the Donbas de-occupation law', the lawmakers made clear that Russia exercised 'general effective control' in the territories outside Kyiv's control. The term 'temporarily occupied' became a part of the standard vocabulary, and Russia was designated as 'the aggressor state.' The Ukrainian 'anti-terrorist operation' (ATO), which until then had been led by the Ukrainian Security Service (SBU), came to an end on April 30, 2018, and responsibility for the new 'Joint Forces Operation' was transferred to the Armed Forces of Ukraine.

Interestingly, the new law contained no explicit references to the Minsk accords. Such references occurred in earlier drafts but were removed ahead of the second reading of the law, after heated debates in the Ukrainian parliament. Some of the lawmakers saw this move as a 'proof of Ukraine's withdrawal from the Minsk accords' (Wesolowsky and Polyanska 2018). Others were not inclined to go so far and argued that Ukraine still stood by its Minsk commitments.



Russia's 'passport expansionism'

An additional obstacle to the implementation of the Minsk agreements arose in the spring of 2019, when Vladimir Putin introduced a simplified procedure for the granting of Russian citizenship to residents of DNR and LNR. As noted by former Ukrainian Prime Minister Yevhen Marchuk, this initiative was clearly aimed at undermining the Minsk accords' (*Den'*, 8 May 2019). Also the European guarantors of the Minsk II agreement, Germany and France, saw Putin's decree as going 'against the spirit and aims' of the Minsk process (Gutterman 2019).

Russia's 'passport expansionism' in Ukraine has many similarities with the way in which this instrument has been used elsewhere in the post-Soviet space, most notably in Abkhazia, South Ossetia, and Transnistria. In the case of the Donbas, the move is likely to aggravate the already strained relations between Kyiv and Moscow, and further complicate the process toward peace in the region. In addition, it may give Russia a reason to maintain, and even increase, its military presence in Donetsk and Luhansk, for the purpose of 'defend[ing] Russia's citizens' (Socor 2019).

Russia's formal recognition of the 'people's republics'

In 2021–2022, the Russia-Ukraine relationship went from bad to worse. Russia started massing troops and military equipment near the Ukrainian border, and deployed forces to neighboring Belarus, allegedly for the purpose of 'military exercises.' It became increasingly clear that Russia was in the process of preparing for a new incursion into Ukraine, potentially more large-scale than the one in 2014. From the territory of the 'people's republics' of Donetsk and Luhansk, ceasefire violations became more frequent and more severe.

In mid-February 2022, the Russian Duma urged President Putin to recognize DNR and LNR as 'self-sustained, sovereign and independent states' (Zoria 2022). The recognition followed shortly after. On 21 February 2022, Russia formally recognized the self-proclaimed 'people's republics' of Donetsk and Luhansk as 'independent states'. Almost simultaneously, Russia started to conclude 'bilateral agreements' with the new quasi-states and began to openly deploy military forces to their territory, allegedly to protect their citizens against 'Ukrainian aggression'.

The Minsk agreements were now officially dead, and Russia put the blame squarely on Ukraine. The Russian Ministry of Foreign Affairs issued a statement in which it accused the Ukrainian side of having 'sought to solve the conflict in Donbas by force' (Ministry of Foreign Affairs of Russia 2022). Three days later, Russia started its full-scale invasion of Ukraine. Thus, as pointed out by Allison (2024, p. 272), '[t]he legal case Russia presented for recognition of the Luhansk and Donetsk republics as separate states in February 2022 was used as the political channel and trigger for the full-scale attack on Ukraine that followed'.



Concluding remarks

In the period between April 2014 and February 2022, the conflict in Donbas claimed more than 14,000 lives, of which more than half were lost *after* the signing of the ‘Minsk II’ agreement (Fischer 2022, p. 2). After February 2015, the intensity of fighting decreased and the conflict became more static, but ceasefire violations were frequent, and casualty numbers continued to accumulate in the subsequent 7-year period. Prior to Russia’s full-scale invasion in February 2022, the Donbas war was largely limited to the territory of the self-proclaimed ‘people’s republics’ in eastern Ukraine, comprising some 2.5 percent of Ukraine’s internationally recognized land territory. Today, Ukrainians face a much bigger and more existential war, in which Ukraine’s survival as a sovereign and independent state is at stake.

In hindsight, it is pertinent to reflect on whether the Minsk agreements were a ‘missed opportunity’ (Arbatova 2022, p. 115), or whether they were ‘doomed from the start’ (Umland and Essen 2022, p. 1). I would argue that the latter is the case. This does not necessarily mean that the current war was unavoidable, or that it was a direct result of the Minsk process. As noted by D’Anieri (2023, p. 258), it is possible, at least in theory, to imagine scenarios in which the parties could have abandoned the Minsk process for a different process or, for that matter, preserved the post-February 2015 status quo.

The demise of the Minsk process is to be understood in the context of the agreements’ design as well as developments taking place in the period between their signing and the start of Russia’s full-scale invasion of Ukraine. The ‘agreement-unrelated’ developments discussed in the previous section (Ukraine’s de-occupation law, Russia’s passport expansionism, and Russia’s recognition of the ‘people’s republics’ as independent states) may well have served as spoilers for the peace process, but the root causes of the failure are, in my view, to be found in the form and content of the agreements.

As this study has shown, the Minsk agreements were neither ‘efficient,’ nor ‘fair,’ nor ‘durable.’ They were imposed on Ukraine at the barrel of a gun, in situations where Russian/separatist forces were making territorial gains and pushing Ukrainian forces on the defensive. The fierce battles of Ilovaik (7 August–2 September 2014) and Debaltseve (14 January–20 February 2015) were the backdrop against which the Minsk I and Minsk II agreements were negotiated, respectively, in September 2014 and February 2015. Russia was using the tool of military escalation instrumentally to force Kyiv to make political concessions at the negotiation table.

Ukraine was also under significant pressure from the Western backers of the Minsk process, most notably Germany and France, to accept a ‘compromise solution’ to the conflict. Throughout the negotiation process, from the signing of the Geneva declaration in April 2014 to President Zelensky’s reluctant acceptance of the Steinmeier formula in October 2019, the terms of the negotiated agreements became increasingly favorable to Russia’s interests, and increasingly unfavorable to Ukraine’s. This was particularly the case with the transition from Minsk I to Minsk II in February 2015. And rather than improving Ukraine’s position, the Steinmeier formula, launched in October 2015, cemented the terms agreed upon in Minsk.



Given the generally pro-Russian terms of the Minsk agreements, it is tempting to ask how Kyiv could agree to them in the first place. The answer to this question seems to be that Ukraine had no good alternatives to a negotiated settlement. In September 2014 and February 2015, Ukraine's most realistic alternative to a negotiated settlement would have been a large-scale war with what appeared to be a militarily superior counterpart. Since then, the Ukrainian military has risen to the challenge and undertaken a comprehensive defense modernization, with the support of Western partners. This may in turn have had an impact on the perceived attractiveness of no-deal alternatives in the period between 2014/2015 and February 2022.

The vagueness and ambiguity of the language used in the Minsk agreements became an obstacle to the agreements' implementation, as the parties held contradicting and irreconcilable views of what they had agreed to at the negotiation table. Thus, the use of ambiguous formulations may have served the short-term goal of reaching a ceasefire agreement in September 2014 and February 2015. But it may simultaneously have set the parties up for failure in the implementation phase, when the incompatibility of their interpretations became increasingly evident, and when Russia and Ukraine started to blame each other for the lack of progress.

As noted above, the non-implementation of the Minsk agreements can also be attributed to Russian-Ukrainian disagreements over the timing and sequencing of agreed-upon measures, such as constitutional reform, the holding of local elections, and the restoration of Ukrainian government control over the country's eastern border. These disagreements were largely a result of the agreements' flawed design and the lack of attention paid to the principles of sovereignty and territorial integrity, enshrined in the UN Charter.

The failure of the Minsk process was also indicative of a deeper 'commitment problem' (D'Anieri 2023). The parties did not trust each other, and none of them was willing to make the first move toward implementation, fearing that the other party would take advantage of it and put them in a tenuous position. Ukraine had no guarantee that the granting of political autonomy to the non-government-controlled areas would lead to the restoration of Ukrainian border control. Similarly, Russia had no guarantee that the restoration of Ukrainian border control would lead to increased autonomy for the non-government-controlled areas.

Disputes over territory have traditionally been, and still are, among the most contentious issues in international politics. This is an issue area where negotiated compromise solutions are hard to find, particularly in situations where relations between the disputants are marked by a mutual lack of trust and a deep-seated bitterness. Russia's atrocities and war crimes in the currently and formerly occupied parts of Ukraine have, for understandable reasons, led to a hardening of Ukraine's stance on the issue of peace talks with Russia.

In the present situation, there does not seem to be a 'zone of possible agreement' between Ukraine and Russia. In the short to medium term, it is also difficult to see how the two parties, or third-party mediators, can create one. The possibility of a 'Minsk III' solution to the conflict can for all practical purposes be ruled out, as President Zelensky also made clear at the G-20 summit in Bali in November 2022 (President of Ukraine 2022).



This is not to say that Ukraine's current political leadership rejects the idea of direct negotiations with Russia on how to end the war. But it is clear about the terms under which such negotiations may take place, and that the primary purpose of the negotiations must be to restore Ukraine's territorial integrity. The preconditions that Putin has set for pausing or ending his 'special military operation' in Ukraine are clearly unacceptable for Zelensky. Ukraine is essentially being asked to accept not only the Russian demands that it rejected during the Istanbul talks in spring of 2022 (neutrality, non-alignment, demilitarization, restrictions on foreign arms deliveries, etc.), but also the territorial gains that Russia has made since (and before) the start of the full-scale invasion in February 2022.

As in 2014–2015, the future of the negotiation process will depend heavily on the battlefield dynamics. As long as both of the warring parties believe that time is on their side and that a military victory may be within reach, they are less likely to engage in compromise-seeking negotiations than they would have been if the opposite were the case. Should Ukraine, with the help of Western partners, succeed in its efforts to regain the military initiative and change the facts on the ground, it would also gain leverage on Russia in future negotiations.

Declarations

Conflict of interest The author has no conflicts of interests to declare.

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