
The Guns of Ukrainian August

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On August 21, 2014, the editorial board of the Washington Post opined in an article entitled, “On Ukraine, Any Bargain Is a Bad Bargain” that:

“With so many innocent civilians caught up in lethal combat, it is tempting to look for a cease-fire or some kind of time out that would lead to a period of diplomatic negotiation. But what would a pause and diplomacy accomplish? Any negotiations that leave this blight festering in Ukraine must be avoided. The only acceptable solution is for Mr. Putin’s aggression to be reversed.”

This line of thinking was prompted by what appeared to be a successful offensive launched by Kiev in the beginning of August, aimed at dislodging Russia-backed rebels from Donetsk and Luhansk. Ukrainian generals were reporting a near victory by August 24, Ukraine’s Independence Day.

However, what seemed to be a masterful military operation soon turned into a bitter fiasco. A series of tactical blunders allowed the pro-Russian rebels to initiate pincer attacks against Ukrainian National Guard battalions and units of the regular army locked in small towns of Illovaisk, Starobeshevo, and

Amvrosievka. Several thousand Ukrainian soldiers were surrounded in “cauldrons,” decimated, and forced to surrender. The rebels, reportedly augmented by Russian units, have now encircled Mariupol, the third largest city in the area and a critically important seaport.

From a conflict resolution perspective, the question—admittedly very difficult now that the violence has escalated and several thousand civilians, soldiers, and rebels have been killed in Eastern Ukraine—is: can the West go beyond isolating Russia and act together to contain the escalating violence and transform the conflict into constructive dialogue? To answer this question I will use some negotiation concepts and tools such as analysis of alternatives and interests, partisan perceptions, escalation mechanics, and scenarios.

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To translate these dramatic developments into negotiation language, the Ukrainian side deemed its alternative—the continuation of the Anti-Terrorist Operation (ATO) —to be better than what Ukraine could get at the negotiation table. They were also confident that a military victory would further weaken the alternative of the Russian-backed rebels, which is to continue the military resistance. Kiev attempted to militarily impose on Russia and its proxy rebels its preferred package of options, as spelled out in President Poroshenko’s 15-point plan. This plan, endorsed by Washington and Brussels, called for an unconditional surrender of rebels, evacuation of mercenaries to Russia, followed by a dialogue on decentralization with representatives of Donbass, who are loyal to Kiev.

The earlier military strategy of subjecting the relatively smaller urban areas like Slovyansk and Kramatorsk to shelling, cutting off supply lines, and damaging infrastructure was marked by success and further emboldened the top military brass and nationalists. The ATO dragged on for months; a costly and intensive war, despite the electoral campaign promise of Poroshenko to end the operation in hours. However, despite the first serious military setbacks in which three Ukrainian brigades were sandwiched between rebel forces and the border that they were tasked to take under control, Ukrainian public opinion polls still showed significant support for this policy. The disaster at the Izvarino border crossing in July was hushed up by the Ukrainian electronic media despite significant losses. The Ukrainian offensive in August served only to produce an even more painful setback.

Underestimating alternatives of the other side, combined with a complacent overconfidence in one's own alternative, is a common trap in zero-sum political conflicts. Instead of improving its own position, Kiev now has several worsening alternatives to a negotiated settlement and faces a more intransigent group of rebel leaders and separatists.

In this case, the adverse consequences will not only have implications for tripartite negotiations (the triangle Kiev – Moscow – leaders of the breakaway regions), they also have serious impacts for U.S.- Russian relations. In the immediate aftermath of the recent military setbacks Ukrainian Minister of Defense Valeriy Heletei explained the debacle of the Russian invasion and declared that Russia had lost the “hybrid war” against Ukraine, but Ukrainians still needed to build a strong defense against Russia.

Ukrainian Prime Minister Yatsenyuk proposed that Verkhovna Rada revoke Ukraine's non-aligned status which could pave way to NATO membership. Brussels and Washington are ready to ratchet up sanctions against Russia. U.S. senators called on President Obama to provide Ukraine with heavy weapons. These are all moves behind and away from the negotiation table aimed at

boosting alternatives of the Ukrainian side and weakening alternatives of the rebels and the Russian side. As such these actions, if implemented all or in part, will only further strain U.S.- Russian relations and deepen the escalation of this crisis where Russia views the government in Kiev as the United States' proxy while the rebels act as Russian proxies.

The crisis has developed according to the principles of what we in the negotiation profession call nonrational escalation of commitments. Research on the nonrational escalation of commitment reveals that parties have a psychological need to justify their prior decisions. It is often difficult for the parties to a conflict to admit that their initial strategy was ill conceived or that they may have made a mistake; to avoid acknowledging these facts, they will escalate their commitment even when it is extremely costly and perhaps has disastrous results.

The tragic irony of this particular escalation is in that instead of looking for ways out of the crisis, the parties are choosing moves away from the table that can damage each other and in doing so all parties lose. Not only have sanctions failed to change Russian behavior, they have in fact confirmed Russian decision makers' beliefs about the worst intentions of the West. The Ukrainian decision to start the Anti-Terrorist Operation, essentially a war, was a blunder of overconfidence. The Russian support of the rebels enhanced the self-fulfilling prophecy of Ukraine turning into a hostile country. Examples of bad decisions from the very beginning of this crisis with devastating unintended consequences abound and they have brought the parties either to the brink of a full-blown war or to a negotiation process in which they each have much worse positions than they did in March, at which time options to satisfy interests, assuage concerns, and mitigate fears of all parties was possible.

A carefully crafted multilateral negotiation process with the right sequencing of moves could help find the path out of the crisis. Designing and implementing such a process would require an exercise of global leadership to change the

game from a zero-sum contest, which includes deadly moves away from the table that have high cost in civilian lives and strife, to an interest-based negotiation. A game changer in this crisis can be found only in addressing Russia's security concerns about NATO's expansion. Only untangling this antagonistic web will allow the parties to seek negotiated solutions to stabilize Ukraine.

At the root of this conflict is the Russian perception that political developments in Ukraine are part of an entrapment strategy by the West. They see the Revolution of Dignity as a coup staged by the West, with the purpose of dragging Ukraine into its sphere of influence and control. In this geopolitical tug of war, Crimea and Eastern Ukraine are where Russia drew their existential red lines. And they are ready to go as far as may be necessary to prevail. President Putin's job approval rating is not just a product of propaganda. Nor is the data from a recent Levada Center survey, which suggests that 38 percent of Russians were worried about international isolation, down from 42 percent in April and 56 percent in March. The Russian mobilization culture historically has been known for defiance of and strong resistance to injustice and especially external threats.

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Despite Western assurances, NATO expansion has been seen as both unjust and threatening to Russia. In a 1997 New York Times op-ed, the late patriarch of U.S. diplomacy George Kennan suggested that expanding NATO would be “the most fateful error” of American foreign policy in the post-Cold War era, which could be expected to “inflame the nationalistic, anti-Western and militaristic tendencies in Russian opinion; to have an adverse effect on the development of Russian democracy . . . and to impel Russian foreign policy in directions

decidedly not to our liking.”

And as John J. Mearsheimer keenly observed in his recent piece in *Foreign Affairs*, “Russia’s recent power play shows that granting Ukraine NATO membership could put Russia and the West on a collision course.”

Despite Ukrainian expectations that the recent NATO Summit in Wales could result in commitments to either put Ukraine on a fast track to NATO membership or, at the very least, provide it with lethal weapons, the Summit Declaration and the Joint Statement of the NATO- Ukraine Commission, while strongly condemning Russian aggression, only promised to launch “additional efforts to support the reform and transformation of the security and defense sectors and promote greater interoperability between Ukraine’s and NATO forces.”

On the heels of the NATO Summit and after a phone conversation between Presidents Putin and Poroshenko, the parties of the Contact Group, representatives of the OSCE, Ukraine, Russia, and breakaway regions convened in Minsk and managed to negotiate a 12-point agreement on a cease-fire and exchange of prisoners. The agreement is based on elements of both Poroshenko’s plan and Putin’s 7-point initiative.

While there is a temptation to attribute this initial success to the Western sanctions, which have degrading potential for the Russian alternative long-term, it was the much worsened Ukrainian alternative that made this deal possible. Given the bleak military alternative of Ukraine after defeats in “cauldrons,” tense domestic political turf wars in advance of the parliamentary elections in October, a deteriorating economy, and a harsh winter looming, the resumption of a war effort may have a collapsing impact on Ukraine. Russia, too, should not be interested in any further escalation, not so much because of the threats of deepening sanctions but because this agreement is not very different from what they had put on the table in Geneva on April 17 and reiterated in the June

23 cease-fire agreement, and in the declaration issued by Germany, France, Russia, and Ukraine on August 1.

However, the current cease-fire remains volatile as numerous spoilers on both sides have compared this agreement to that of the Khasavyurt Accord between Russia and Chechnya in 1996, implying that the cease-fire regime is a temporary arrangement, a breathing space, which will allow the sides to regroup and resupply before a “final” showdown.

Based on the above analysis, there are three scenarios of how this crisis may evolve. In broad-brush:

1) Further escalation: This scenario is possible if spoilers on either side decide that they have a military advantage to achieve their goals of territorial control by resuming hostilities. This scenario may entail the breakup of Ukraine as Russia is unlikely to afford the defeat of its proxy separatists, even under the threat of deeper sanctions from the West. All parties, interested in avoiding a return to square one with more damaging outcomes, should spare no effort to escape this scenario.

2) A sluggish impasse: If Russia and the West don't find negotiated solutions for a new security architecture, and instead choose to continue the confrontation, Moscow is highly likely to use the gains made in the east as a leverage to push through a center-periphery arrangement in Ukraine that will either essentially freeze this conflict or grant Donbass more power to yield influence on decision making in Kiev to thwart any prospect that Ukraine could join NATO. With a dire economic situation in Ukraine this Russian strategy may be deadly. Continued sanctions from Brussels and Washington may generate negative impacts on the Russian economy in the mid- to long-term. But as Senator Dianne Feinstein put it, “I think if Russians follow [President Putin], and up to date they are following him, the Russians are very brave and very long-suffering and they will tough out any economic difficulty.” Moreover, sanctions against Russia won't help Ukraine,

as it needs stabilization immediately to avert a socioeconomic disaster and potential new political turbulence.

3) Stabilization: NATO, Russia, and Ukraine negotiate an option on security that will allow for other trade-offs in the interests of all parties. Such a scenario would include the de-escalation of violence, economic recovery, and, most critically, resolution of the questions of decentralization and center-periphery issues in Ukraine.

While all three scenarios are possible, the second scenario is the most probable one at this point. This will be particularly unfortunate given that, as the abovementioned Washington Post op-ed recognized, albeit in a stark zero-sum language of win-lose, “[I]f conflict in the east is prolonged, even in a low-key fashion, it could poison Ukraine’s future and once again threaten its fragile stability. That would be a win for Mr. Putin and a loss for everyone else.” The only path for avoiding the first and second scenarios is normalization of U.S.-Russia relations.

It is in the interests of the United States not only to show strength but at the same time to provide a face-saving “golden bridge” for President Putin to step back across from his extreme positions. Even as Russia and the West disagree on many issues, we have critical shared interests; whether it is limiting the Iranian nuclear program, ending the wars in Afghanistan and Syria, or preventing the spread of the IS terrorism. There are no good alternatives to negotiations with Russia and finding de-escalating options to end this crisis is imperative for the futures of Ukraine, Russia, and the United States.





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