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As this study has shown, the causes of the current stalemate are to be found in the complex nature of the conflict, and the discrepancy between the realities on the ground and the politico-legal framework that was designed for its resolution in 2014 and 2015. The five documents discussed in this article—the Geneva declaration, Poroshenko’s peace plan, the two Minsk agreements, and the Steinmeier formula—constitute important milestones in the process toward a conflict resolution framework. The endpoints so far (Minsk II and the Steinmeier formula) are considerably more accommodating to the interests of the Donbas separatists and their Russian backers than the starting point (the Geneva declaration). This, as well as the transition from Minsk I to Minsk II, may be seen as a reflection of the “battlefield dynamics” in the periods prior to the documents’ signing, specifically the military offensives of the Russian/separatist forces in August–September 2014 and January–February 2015.

Given the generally pro-Russian terms of the second Minsk agreement, it is tempting to raise the question of how Kyiv could agree to it. The answer to this question seems to be that Ukraine in February 2015 had no good alternatives to a negotiated settlement. The most realistic alternative to a negotiated agreement, or “RATNA,” 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 modernization, with the support of Western partners. This may in turn have had an impact on the perceived attractiveness of no-deal (or less-than-wholehearted implementation) alternatives.

On a more general level, the study has shown that there is a thin line between “constructive ambiguity” and “pseudo-agreement.” One of the most striking—and academically interesting—features of the Minsk process is the apparent tension between the short-term goal of stopping the fighting and the longer-term goal of reaching a lasting political settlement, acceptable to all of the involved parties. The use of ambiguous language may have served the first purpose, but it may simultaneously have undermined the second by allowing the parties to believe that they are owed things that are, objectively speaking, incompatible.

Whether the Minsk process can be revitalized in the future, for instance in the form of a “Minsk III,” is still an open question. Given the still unimplemented status of Minsk I and II, a follow-up agreement based on the same formula is likely to suffer the same fate as its predecessors. In the past five years, the diplomatic and political endeavors surrounding the Donbas conflict, including the Steinmeier formula and the Normandy talks, have mainly dealt with the issue of how to implement the Minsk agreements. In light of the efforts’ enduring lack of success, it may be time to consider other approaches, including the exploration of alternative formats and formulas.

## Notes

1. Lillian Randolph’s four-stage model includes a pre-negotiation phase, a negotiation phase, an agreement phase, and an implementation phase (Randolph 1966, 347).
2. “ORDLO” is a Ukrainian acronym denoting the government-uncontrolled parts of the oblasts of Donetsk and Luhansk. The term first appeared in Ukrainian legislation in October 2014, shortly after the signing of the first Minsk agreement.
3. The “Steinmeier formula” had been discussed at different junctures by the Trilateral Contact Group (Russia, Ukraine, and the OSCE). As late as at the group’s meeting on 18 September 2019, Ukraine’s representative, Leonid Kuchma, expressed his unwillingness to endorse the document (Kaftan 2019). Two weeks later, he signed a Ukrainian letter of approval addressed to the OSCE’s Special Representative in Ukraine, Martin Sajdik. Similar letters were

submitted by Russia's Contact Group representative, Boris Gryzlov, and by "DNR" representative Natalia Nikonorova and "LNR" representative Vladislav Deynogo.

4. The crucial and most difficult point is the order of implementation of articles 9 and 11 of the Minsk II agreement. Moscow insists on a "11–9" sequence (constitutional reform and "special status" before restoration of Ukrainian border control), whereas Kyiv insists on a "9–11" sequence (border control before constitutional reform and "special status").

## Acknowledgements

The author would like to thank Paul D'Anieri, Mathieu Boulègue, and members of the Humanities and Social Sciences Writing Group at the University of California, Berkeley, for taking the time to comment on earlier versions of the manuscript. Thanks also are due to the journal's anonymous reviewers for helpful suggestions, and to Olexander Samarskiy for input on the Steinmeier formula.

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