

Unconditional surrender by Russia at the end of the Ukraine War it started seems an entirely fanciful notion. But as Edward Lucas wrote in The Times of London) on 5th December 2022, "Dealing with a defeated Russia will be tricky and western failure so far to prepare for this eventuality is lamentable."

This aide memoire lays out various starting points for such considerations

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1. WHAT IS THE EU'S POLICY?

On 14 March 2016, EU foreign ministers and HR/VP Federica Mogherini agreed that EU-Russia relations should be based on the five following principles:

a. insisting on full implementation of the Minsk Agreements as an essential condition for any substantial change in EU-Russia relations; non-recognition of Russia's annexation of Crimea;

b. strengthening relations with the former Soviet republics in the EU's eastern neighbourhood (including Ukraine) and central Asia;

c. becoming more resilient to Russian threats such as energy security, hybrid threats, and disinformation;

d. despite tensions, engaging selectively with Russia on a range of foreign-policy issues, among them cooperation on the Middle East, counter-terrorism and climate change;

e. supporting Russian civil society and promoting people-to-people contacts

A Joint Communication from the European Parliament and the European Council on 'EU-Russia relations - Push back, constrain and engage', was published on 16 June 2021. The Joint Communication did not advocate any changes to the EU's approach.

Instead, it mapped in detail the main challenges posed by Russia and steps taken by the EU in response. It noted the incompatibility between Russia's zero-sum geopolitical vision of the world and the rules-based international order. It accused Russia of attempting to weaken and destabilise EU Member States and their neighbours. It confirmed that full implementation by Russia of its commitments under the Minsk Agreements was still the condition for lifting sanctions.

It rejected the idea of a post-Soviet Russian sphere of influence, and noted EU support for its eastern neighbours in their efforts to build resilience. The EU would continue to develop its own resilience, by strengthening energy security and countering Russian hybrid threats such as cyber-attacks and disinformation. Climate change, trade, the Middle East and the Arctic are among the areas of engagement (for instance, Russia is currently suspended from the multi national Arctic Council)

Finally, it summarised EU measures in support of people-to-people contacts between the two sides, in the fields of research cooperation, educational exchanges (Erasmus+) and support for civil society

In October 2022 the European Parliament confirmed that "the five principles are still the foundation of the EU's Russia policy" despite very little activity over the previous 6 years, especially to strengthen resilience.

However, returning to the status quo ante is neither possible nor desirable - Germany's President Steinmeier has said "There is no place for old dreams." So do the Five Principles have any relevance any more?

President Macron of France says the West must be prepared "to give guarantees to Russia the day it returns to the negotiating table." Others will argue that conceding part of the Lavrov doctrine rewards Kremlin aggression, and so encourages it as an instrument of policy.

The Minsk principles are arguably greatly undermined by events on the ground, the passage of time, Russia's abrogation and the inherent conundrum of whether or not Ukraine is sovereign or subordinate to Russia. Ukrainian dead and (so far) victories on the battlefield would argue for sovereignty.

2. RUSSIA'S POSITION.

On December 17, 2021, the Russian Foreign Minister Lavrov published drafts of a treaty with the United States on security guarantees - see text in English at https://mid.ru/ru/foreign_policy/rso/nato/1790818/?lang=en

It also published a draft of an agreement on measures of ensuring the security of Russia and the NATO member-states. The text is at https://mid.ru/ru/foreign_policy/rso/nato/1790803/?lang=en&clear_cache=Y

At the heart of Russia's new proposals on security guarantees were three fundamental premises:

a. That NATO will not expand any further eastward, including accepting Ukraine as a Member State. This of course has been overtaken by the decision of Sweden and Finland to apply for NATO membership after decades of internal discussion (now strongly supported by public opinion)

b. That US/ NATO will cease bilateral military cooperation, including the basing of military infrastructure, in countries of the former Soviet Union that were not already members of NATO as of 27th May 1997.

c. All parties will not deploy military forces or conduct exercises in areas where such deployments could be perceived as a threat to the other parties' national security. From the perspective of Russia, this includes the eastern European member states of NATO, and would give them a veto because of the "perception" provision.

It should be noted that these proposals by-pass the EU completely

Biden has not spoken directly with Putin since Russia invaded Ukraine on 24 February 2022. In March, Biden branded Putin a "butcher" who "cannot stay in power".

Russian President Vladimir Putin is "open to negotiations" on Ukraine but the West must accept Moscow's demands, the Kremlin said on Friday 2 December 2022, a day after US President Joe Biden said he was willing to talk if Putin were looking for a way to end the war.

Biden and French President Emmanuel Macron said after talks at that time that they would hold Russia to account for its actions in Ukraine but the US president also appeared to hold out an olive branch to Moscow while stressing he saw no sign of any change in Putin's stance.

It's a two-way street said Edward Lucas in The Times of London on 5th December 2022 : "If the Kremlin dumps its neocolonial thinking and treats its neighbours decently, relations will improve."

3. UKRAINE's 10 POINT PEACE PLAN

On 17th November 2022 Ukraine's President Zelensky laid out to a G-20 meeting a new 10-step roadmap for peace with the invading Russian military, including the withdrawal of all Russian forces and the restoration of Ukraine's territorial integrity. "If Russia wants to end this war, let it prove it with actions," he said

1. Radiation and nuclear safety

Russia must immediately withdraw all its militants from the territory of the Zaporizhzhia Nuclear Power Plant. The station must be immediately transferred to the control of the International Atomic Energy Agency and Ukrainian personnel. The normal connection of the station to the power grid must be restored immediately so that nothing threatens the stability of the reactors.

The same goes for the crazy threats of nuclear weapons that Russian officials resort to. There are and cannot be any excuses for nuclear blackmail.

2. Food security

We have already launched the initiative, Grain From Ukraine... Ukraine can export 45 million tonnes of food this year. And let a significant part of it be directed to those who suffer the most.

Each country can join with a specific contribution and become a co-creator of the victory over hunger and the food crisis.

3. Energy security

About 40 per cent of our energy infrastructure were destroyed by the strikes of Russian missiles and Iranian drones used by the occupiers. [Ed note : at that time. More strikes since]

A related goal of this terror is to prevent the export of our electricity to neighbouring countries, which could significantly help them stabilise the energy situation and reduce prices for consumers.

Price restrictions on Russian energy resources should be introduced. If Russia is trying to deprive Ukraine, Europe and all energy consumers in the world of predictability and price stability, the answer to this should be a forced limitation of export prices for Russia.

4. Prisoners and deportees

Thousands of our people – military and civilians – are in the Russian captivity. They are subjected to brutal torture.

In addition, we know by name 11,000 children who were forcibly deported to Russia. They are separated from their parents in full knowledge that they have families.

Add to that hundreds of thousands of deported adults... and political prisoners – Ukrainian citizens who are held in Russia and in the temporarily occupied territory, in particular in Crimea.

We must release all these people.

5. United Nations Charter and Ukraine's territorial integrity

We must restore the validity of international law “ and without any compromises with the aggressor. Because the UN Charter cannot be applied partially, selectively or at will.

Russia must reaffirm the territorial integrity of Ukraine within the framework of the relevant resolutions of the UN General Assembly and the applicable international legally binding documents. It is not up to negotiations.

6. Russian troops and hostilities

Russia must withdraw all its troops and armed formations from the territory of Ukraine.

Ukraine's control over all sections of our state border with Russia must be restored. This will result in a real and complete cessation of hostilities.

7. Justice

The world should endorse establishment of the Special Tribunal regarding the crime of Russia's aggression against Ukraine and the creation of an international mechanism to compensate for all the damages caused by this war. Compensation at the expense of Russian assets, because it is the aggressor who must do everything to restore the justice violated by it.

We have already proposed a resolution of the UN General Assembly regarding an international compensation mechanism for damages caused by the Russian war. It is endorsed. We ask you to implement it.

We are also preparing the second resolution “ on the Special Tribunal.

8. Immediate protection of the environment

Millions of hectares of forest have been burned by shelling. Almost 200,000 hectares of our land are contaminated with unexploded mines and shells.

I thank all the countries that are already helping us with demining. There is an urgent need for an increased number of equipment and experts for these operations.

Funds and technologies are also needed for the restoration of water treatment facilities.

9. Prevention of escalation

Ukraine is not a member of any alliances. And Russia was able to start this war precisely because Ukraine remained in the grey zone “ between the Euro-Atlantic world and the Russian imperialism.

We should hold an international conference to cement the key elements of the post-war security architecture in the Euro-Atlantic space, including guarantees for Ukraine. The main outcome of the conference should be the signing of the Kyiv Security Compact. (The nine-page Kyiv Security Compact published in September calls for Western countries to provide "political, financial, military and diplomatic resources" to boost Kyiv's ability to defend itself.)

10. Confirmation of the end of the war

When all the anti-war measures are implemented, when security and justice begin to be restored, a document confirming the end of the war should be signed by the parties.

States ready to take the lead in this or that decision can become parties to the arrangement.

4 THE MINSK AGREEMENTS

The Minsk Protocol was drafted in 2014 by the Trilateral Contact Group on Ukraine, consisting of Ukraine, Russia, and the Organization for Security and Co-operation in Europe, with mediation by the leaders of France and Germany in the so-called Normandy Format. After extensive talks in Minsk, Belarus, the agreement was signed on 5 September 2014 by representatives of the Trilateral Contact Group and, without recognition of their status, by the then-leaders of the self-proclaimed Donetsk People's Republic and Luhansk People's Republic. This agreement followed multiple previous attempts to stop the fighting in the region and aimed to implement an immediate ceasefire.

It failed to stop fighting, and was thus followed with a revised and updated agreement, Minsk II, which was signed on 12 February 2015. This agreement consisted of a package of measures, including a ceasefire, withdrawal of heavy weapons from the front line, release of prisoners of war, constitutional reform in Ukraine granting self-government to certain areas of Donbas and restoring control of the state border to the Ukrainian government. While fighting subsided following the agreement's signing, it never ended completely, and the agreement's provisions were never fully implemented. It is difficult to see now how they could be, without substantial renegotiation. They can be found at <https://horlogedelinconscient.fr/wp-content/uploads/2020/09/Minsk-2-Full-text-UNIAN.pdf>

Its inherent contradiction was the status of Ukraine. As the Chatham House Think Tank wrote : The Minsk agreements rest on two irreconcilable interpretations of Ukraine's sovereignty: is Ukraine sovereign, as Ukrainians insist, or should its sovereignty be limited, as Russia demands?

5 SEVEN PRINCIPLES FOR A NEW EU RUSSIA STRATEGY

Stefan Meister, head of the Program for International Order and Democracy at the German Council on Foreign Relations in Berlin, has proposed seven principles which the EU should follow to form the basis of a new EU strategy toward Russia.

* Put Ukraine first: Working in Russia's neighbourhood means having an impact on Russia. But the EU should not pursue a Russia First policy and instead put its energy behind reforms and transformation partnerships with states in the Eastern neighbourhoods that aspire to democracy, the rule of law, and a market economy. While the Eastern Partnership has focused on transformation without integration, this new policy should concentrate on reforms with the goal of integration into the EU. The expansion of the European democratic and legal space into the Eastern neighbourhood is now even more important. The aim should be political change in Russia itself, supported by successful democratization and reforms in other post-Soviet states. Because of its size, location, history, and dynamic civil society, Ukraine must play the key role in this systemic competition with Russia. Therefore, in the medium term, the EU should prioritize a Ukraine First policy, not only to help secure Ukraine's survival as a state, but also to promote the country's reforms and EU integration policy as an example to others.

* Upgrade the EU's neighbourhood policy: With the Russian war against Ukraine, the EU's neighbourhood and enlargement policies need an upgrade. The EU requires a strategy to strengthen its role and goals in Eastern Europe, the Western Balkans, the South Caucasus, and the Black Sea region. This involves bolstering the connectivity and security of trade routes and promoting the resilience of partners, especially in the wider Black Sea region, at a time when Russia is massively engaged in Ukraine. To this end, the EU should promote connectivity between the Black and Caspian Seas and onward to Central Asia, also to further diversify sources of oil and gas for the EU. The union needs to be more engaged and impose stronger conditionality to prevent important but currently difficult partners in the region, such as Georgia, from drifting away from Europe toward a third way and to help Armenia preserve its sovereignty and stay on its path of democratization and reform. Because of its geographic location and reform-oriented government, the integration of Moldova is a top priority in the context of the integration of Ukraine.

* Do not abandon Russian civil society: Working systematically with progressive Russians who have left their country in light of the war should be a focus of relations with Russian civil society. In Russia, the government has used so-called foreign agent laws and restrictive measures to ensure that any civil society exchange with external actors, including from the EU, is cut off. Without forgetting those civil society actors who are still in the country, the EU should devise an integrative, values-based, and strategic policy for the people who have left Russia and are trying to adapt to the situation or build a new life in Europe. Creating platforms in science, education, the media, and political advice to develop concepts for a different Russia in Europe and to influence the Russian-language information space is a policy geared toward sustainable change. In the process, the EU must support Russian emigrants in developing a Russian vision for a peaceful Russia in Europe. This is all the more important because many Russians are still influenced by their country's imperial and colonial past and share the values of their political leaders.

* Devise a smarter visa policy: While more and more Russians are emigrating to the EU, the member states are divided as to whether these refugees are a security risk or should be supported. Russia's direct neighbours, like the Baltic states and Finland, want stricter rules on entering the Schengen area of passport-free travel than do member states like France, Germany, and Italy. In response, EU countries have agreed to suspend the EU-Russia visa facilitation agreement in place since 2007, increased restrictions on tourist visas, and begun to reassess currently valid visas. EU member states now rarely accept applications by Russians for visas in third countries.

Yet, a restrictive EU visa policy and Russia's complete societal isolation work against change in the country. There is a need for a common European visa policy toward Russia that is transparent and does not change constantly. This policy should be linked to clear and less bureaucratic solutions for obtaining residence in the EU. Besides humanitarian visas, which are issued in limited numbers, tourist visas are key for those who need to leave Russia quickly, and this issue will become more acute as the regime becomes even more repressive. The EU should establish a European system of checking the backgrounds and possible security risks of migrants. Border countries, like the Baltic states and Finland, need more support in managing the new arrivals, and the EU could develop alternative routes via a limited number of third

countries with a greater capacity to check people and provide entry visas.

* Resist full disengagement: The complete economic and technological isolation of Russia is not expedient in the long term. A certain level of financial and technological integration with Russia is in Europe's interest. If Russia becomes completely dependent on Chinese technology and disconnects itself from the global banking and financial system because of Western sanctions, Europe's possibilities for influence and information will dwindle. As the example of sanctioning Iran shows, the complete isolation of an authoritarian state does not necessarily lead to a change in policy. On the contrary, it strengthens isolationist security elites and weakens the liberal parts of the elites and society. That said, the EU must reduce its dependencies on Russia and deprive Moscow of the possibility of using energy as a weapon against European states and the common neighbours.

* Strengthen European energy security: The integration of energy and electricity networks between EU member states and the Eastern neighbours strengthens energy security in Europe. Gas and oil supplies are major targets of Russian influence through corruption. The EU needs to devise, implement, and monitor common European rules to minimize this possibility. An EU policy of energy integration with Ukraine and other Eastern neighbours as well as reforms and investment in the framework of the 2020 European Green Deal—a set of initiatives with the aim of making the EU climate neutral by 2050—is an economic, development, and security project.

* Become a peace actor: Finally, the EU should both define itself more as a geopolitical and security actor and work to strengthen multilateral institutions, which are based on international law. Linked to this should be a willingness to organize more EU peace and monitoring operations in conflict zones in Europe's neighbourhood and beyond and to strengthen institutions for prosecuting war crimes and international corruption by boosting personnel, funding, and information sharing among the member states and partner countries. A

values-based foreign policy does not exclude pragmatic partnerships with nondemocratic states. However, the EU must avoid the types of compromise and appeasement it has pursued in the past with Russia. Securing Europe's legal and democratic space internally and expanding it externally requires a proactive and strategic EU foreign and security policy as well as a more comprehensive set of instruments that include peace-building measures.

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