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COMMENT

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The new Minsk ceasefire > A breakthrough or just a mirage in the Ukrainian conflict settlement?

The new Minsk ceasefire agreement empowers Russia-backed separatists with a number of leverages over Ukraine. If implemented, the agreement could provide a functioning framework for a mutually acceptable political settlement. In the event of non-implementation, a re-eruption of hostilities is highly likely.

In Minsk on 12th February, Ukrainian President Petro Poroshenko, Russian President Vladimir Putin, German Chancellor Angela Merkel and French President François Hollande managed to reach an agreement on the ceasefire in Eastern Ukraine, and the outlines of a conflict settlement.

Formally, the document was signed not by the heads of state, but by the Trilateral Contact Group (composed of representatives of Ukraine, Russia and the OSCE) as well as the leaders of the Donetsk and Luhansk separatists. This indirect scheme allowed Kyiv to reach an agreement with the separatists without formally recognizing them as legitimate partners.

The document, composed of thirteen points, refers to the separatist entities as “particular districts of Donetsk and Luhansk oblasts”, using the same wording as the September 2014 Minsk agreement. Hence, neither their self-proclaimed names, Donetsk and Luhansk People’s Republics, nor the Russian term *Novorossiya* are used, which is a strong signal that none of the parties questions that these regions belong to Ukraine.

The similarities between the Minsk Documents do not stop there. Most of the points included in the new Minsk agreement – such

as humanitarian aid, exchange of prisoners, a ceasefire – all essentially derive almost directly from the September agreement. This time, however, the provisions are more concrete and more detailed, providing clear deadlines for action, which is an improvement. However, the new text also includes at least three points of significant concern.

Firstly, the start is delayed. The agreement prescribes the cessation of all hostilities starting from midnight on 15 February 2015. This delayed start of the ceasefire is probably the main tactical concern of the document. This period of two and a half days may well entail extremely intensive fighting at Debaltsevo, a city of key logistical importance, which the separatists desperately need to take, because both the highway and the railway between Donetsk and Luhansk cross it.

Secondly, according to the new Minsk agreement, all heavy weapons are to be withdrawn from the conflict zone starting from the second day of the ceasefire, up to a minimum distance of 50 kilometres. The deadline for the withdrawal is two weeks from the start of the ceasefire, namely 1 March. The ceasefire monitoring and the withdrawal implementation are to be conducted by the OSCE.

While the document describes the pullback of heavy weaponry in a very detailed way, it does not say anything about the withdrawal of the land forces themselves. This means that Kyiv de facto accepted the territorial losses vis-à-vis the separatist entities, which have occurred since September 2014, including Donetsk airport.

Although probably accidentally, the document provided proof of direct Russian military involvement in the conflict. Among the heavy weapons to be withdrawn is the Tornado-S, which is explicitly mentioned. This high-tech, long-range multiple-launch rocket system (MLRS) entered into service in the Russian Federation in 2012, and is operated by no other state. Hence, if Tornados are to be withdrawn from the conflict zone, they could not have originated from anywhere but Russia.

Thirdly, the agreement couples together the control of the state border with constitutional changes. The agreement prescribes that Ukraine needs to conduct a constitutional reform and decentralize the country by the end of 2015, in agreement with the representatives of the separatist territories. This grants the separatist leaders a de facto veto right over the constitutional reform

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in Ukraine, thereby empowering their main supporter, Russia, with decisive influence over the new constitutional structures of Ukraine. What is even more significant is that the restoration of Ukraine's control over the state border with Russia is also conditional upon the fulfilment of the constitutional reform. It remains an open question as to what will happen if no agreement on the new constitution can be reached by the end of 2015.

Another question concerns who the leaders of the separatist regions are going to be then. Although the agreement mentions the need to hold local elections in Eastern Ukraine, the timing is not specified. Furthermore, a new law needs to be adopted which forbids the prosecution and punishment of persons in connection with crimes committed in the separatist territories. Hence, it may even happen that the present leaders of the separatist entities will be the ones who negotiate with Kyiv over the constitutional reforms.

All in all, if implemented, the new Minsk agreement would empower the Russia-backed separatist regions with veto power over the settlement process through their influence upon the prescribed constitutional reform. From the Moscow perspective, this solution ensures that the interests of

Donbass will be taken into account. However, the separatists cannot abuse their position to an extreme extent and create a "frozen conflict", because if no new constitution is adopted, then the old one will remain in force.

Hence, if both sides are committed to its implementation, the Minsk agreement could constitute a proper framework for a lasting settlement. However, if the ceasefire turns out to be as short-lived as its September 2014 predecessor, or if Kyiv and the separatists cannot reach a consensus over the political settlement, a re-eruption of hostilities is highly likely. In this case, the biggest losers will be the local residents, who will be left in complete limbo, without any official status, healthcare, social benefits and basic supplies.