



EUROPEAN
INSTITUTE
OF PEACE

Dangerous Stalemate:

What are the prospects for a sustainable
ceasefire and keeping the Minsk process alive?

Proposal for a Coordination and Verification Mechanism

February 2022



Summary

Seven years have passed this month since the Package of Measures for implementation of the Minsk agreements called for an “immediate and comprehensive ceasefire in certain areas of the Donetsk and Luhansk regions of Ukraine and its strict implementation...”.

Despite endorsement by the UN Security Council Resolution 2202 (February 2015), little or no progress was made in implementing the Minsk agreements, with continued conflict and violations of the ceasefire reported by the OSCE Special Monitoring Mission to Ukraine (SMM) on an almost daily basis. Almost 14.000 Ukrainians lost their lives, thousands more were injured, and millions displaced. With no effective ceasefire in place, this is not a “frozen conflict,” and violent escalation may happen by intent, misunderstanding or miscalculation.

Today an even more dangerous stalemate has emerged. Deep international concerns have been raised about the reported Russian military build-up along the country’s borders with Ukraine. Further raising the stakes, broader security issues have re-surfaced with Moscow demanding inter alia guarantees from the US and NATO to refrain from any further enlargement of the alliance, including the accession of Ukraine and other states. Despite intensive and on-going international consultations at all levels, there are no signs yet of de-escalation of the crisis.

This report has been prepared in consultation with a group of Ukrainian and Russian experts who have been conducting quiet discussions during the past two years on the Minsk peace process and, more broadly, relations between the Russian Federation and Ukraine. These talks are held under the auspices of the European Institute of Peace.¹ Out of deep concern with present developments, it was decided to share more widely the broad consensus among the participants about the urgent need for a sustainable and durable ceasefire as a prerequisite for implementing the Minsk agreements.

In a recent encouraging development, the advisers to the Normandy Four (N4) heads of state and government have supported in a joint statement after their meeting in Paris “unconditional observance of the ceasefire of 22 July 2020 regardless of differences on other

¹ The Ukraine Russia Dialogue Initiative is moderated by Ambassador (ret) Robert Serry, EIP Senior Adviser.

issues of the implementation of the Minsk agreements.”² Reportedly, a follow-up meeting in Berlin on 10 February 2022 yielded no tangible results yet.

Even if the Minsk peace process has come to a ground halt at present, it should be realized that the same political and security issues will have to be addressed in any renewed peace efforts in whatever format to restore peace in east Ukraine.

This report highlights that any attempt to overcome the current political stalemate **needs to be supported** by concrete steps to establish a sustainable ceasefire at the ground-level of the conflict. The report analyses the major reasons for why a sustainable ceasefire was not implemented thus far, and offers a ceasefire management tool referred to as a “**Coordination and Verification Mechanism**” (CVM). The main tasks of the CVM, which will operate from within the OSCE SMM, would be to assure:

- **24/7 liaison** across the Line of Contact (LoC)
- **Verification** of compliance with ceasefire commitments and
- **Coordination and consistent follow-up** of incidents

Third-party facilitation of ceasefire arrangements, including monitoring **and** verification, is almost always needed to ensure that both sides are able to determine each other’s compliance or non-compliance with the ceasefire agreement. This becomes even more imperative when direct contacts are excluded. CVM is therefore primarily intended to overcome the current impasse by establishing an agreed **indirect** ceasefire mechanism between the sides, to be facilitated by a reinforced OSCE SMM. This requires **political will** by the sides to commit themselves to third-party facilitation of the ceasefire, including guarantees to the OSCE that **freedom of movement and security** for the mission in carrying out their monitoring and verification tasks is ensured. Provided such guarantees are received, the OSCE is expected to provide additional resources to enable its mission on the ground to perform the third-party role as envisaged in CVM. It is suggested that CVM could also play a supporting role in implementing other key measures, including in the stalled processes of **disengagement of forces** and **heavy weapons withdrawal** from the LoC as foreseen in the

² Declaration of the advisers to the N4 Heads of State and Government, Élysée/Paris, 26 January 2022.

Minsk agreements. A sustainable and durable ceasefire can hardly be achieved without full implementation of these interrelated measures.

Finally, it is hoped that these ideas may be taken into consideration as part of the urgently needed political, humanitarian and security measures to start deescalating the current tensions.



Contents

1. The Minsk Security Framework: addressing major flaws.....	5
2. Proposal for a Coordination and Verification Mechanism (CVM).....	10
3. Conclusion and Recommendations.....	12
Annex: Chart Suggested Minsk Security Framework.....	14

Key Abbreviations

CADLR	Certain Areas of the Luhansk and Donetsk Regions of Ukraine
CVM	Coordination and Verification Mechanism
JCCC	Joint Centre for Control and Coordination
LoC	Line of Contact
N4	Normandy Four (Ukraine, Russia, France, Germany)
NGCA	Non-Government-Controlled Areas
OSCE	Organization for Security and Co-operation in Europe
SMM	OSCE Special Monitoring Mission to Ukraine
TCG	Trilateral Contact Group
UN	United Nations

1. The Minsk Security Framework: addressing major flaws

The Minsk agreements include three key documents, signed by the participants of the Trilateral Working Group (TCG) in Minsk following internationally backed efforts to stop the fighting in eastern Ukraine: **Protocol** (5 September 2014), **Memorandum** (19 September 2014), and the **Package of Measures** (12 February 2015).³ They have all called for an immediate cessation of hostilities and the withdrawal of heavy weapons by the establishment of security zones at equal distances on both sides of the Line of Contact (LoC). The OSCE was requested to ensure *effective monitoring and verification* of the ceasefire regime and the withdrawal of heavy weapons. These documents also contain other security-related paragraphs, including for the withdrawal of all foreign armed formations, military equipment, as well as mercenaries from the territory of Ukraine under monitoring of the OSCE. Disarmament of all illegal groups is mentioned. The Protocol and Memorandum also contain paragraphs regarding permanent monitoring by the OSCE of the Ukrainian-Russian state border and creation of a security area in the border regions of Ukraine and the Russian Federation. It should be noted that the Package of Measures was specifically endorsed by UN Security Council Resolution 2202 (February 2015).

These agreements have been signed by the participants of the TCG, representing the OSCE, Ukraine, and the Russian Federation. Members of the armed formations from “*Certain Areas of the Donetsk and Luhansk Regions of Ukraine*” (CADLR)⁴ have also signed these documents. It should be noted that the TCG is an ad-hoc structure, chaired/coordinated by a special representative appointed by the OSCE Chairperson-in-Office. The structure includes a Security Working Group, coordinated by the Chief Monitor of OSCE Special Monitoring Mission in Ukraine (SMM). It should also be noted that SMM was set up as a civilian mission before the outbreak of hostilities in eastern Ukraine, mandated to “*monitor (...) the implementation of all OSCE principles and commitments*” throughout Ukraine.⁵ This refers to

³ For the texts of the Minsk peace agreements, see Peace Agreements Database Search – UN Peacemaker at: <https://peacemaker.un.org>

⁴ This report follows the language used in the Minsk agreements to refer to the non-government-controlled areas (NGCA) in Ukraine.

⁵ See art. 2 of the OSCE Permanent Council’s Decision No. 1117, establishing the Special Monitoring Mission in eastern Ukraine on 21 March 2014.

the non-binding commitments in the OSCE's three dimensions: politico-military, economic, and environmental/human. As for ensuring monitoring and verification of a ceasefire, as requested in the Minsk agreements, it could be argued that these activities are covered in article 3 of the mandate, requesting the SMM to "*gather information on the security situation in the area of operation*" (art. 3.1) and to "*establish and report facts in response to specific incidents and reports of incidents*" (art. 3.2). To enable the SMM to carry out its mandate in support of the implementation of the Minsk agreements, the OSCE Permanent Council authorized to increase the number of personnel (presently around 1300, including 680 international monitors). The substance of the mandate, however, did not change.

At the international level the Minsk agreements were brokered by the leaders of France and Germany who met with the presidents of Ukraine and Russia in the margins of the June 2014 D-Day celebration in Normandy. Since then, this format is called the **Normandy Four (N4)**, functioning as a high-level contact group, providing political guidance to the TCG at times. It has been meeting infrequently at summit level. Consultations at senior political level take place more regularly. The main reasons why the Minsk security framework as described above did not deliver a sustainable and durable ceasefire could be summarized as follows:

No Separation of Forces (three small Disengagement Areas not secured and risk becoming no man's land)

While the Minsk agreements are specifically calling for creation of security zones, from which heavy weapons should be withdrawn and despite that a framework decision on disengagement of forces and hardware was signed in 2016, no separation of forces from the LoC has taken place. This leaves the Armed Forces of Ukraine and the armed formations from CADLR in close proximity in several places along the 450 km long LoC, frequently leading to small arms fire and shelling.

Ceasefire practices elsewhere regularly include the separation of forces away from the LoC behind agreed A and B lines. A third party (lightly armed for self-defense purposes, usually the UN) is called upon to secure the buffer area and monitor and verify the ceasefire regime,

which may include provisions for withdrawal of heavy weapons in wider security zones from the LoC.⁶

Thus far, three relatively small disengagement areas were agreed and attempts to disengage forces and hardware in these areas have been made.⁷ These areas were left unsecured, leading to incidents, as reported by the SMM. Without at least establishing a permanent SMM presence inside or at strategic locations near such areas, they risk becoming no man's land, increasing rather than defusing tension along the LoC. It should also be borne in mind that a ceasefire remains fragile if disengagement is not accompanied by heavy weapons withdrawal (larger caliber weapons, such as tanks, mortars, or multiple launch rocket systems) creating wider security zones behind disengagement areas on both sides of the LoC. Moreover, ambiguity continues to exist about the very delineation of the LoC in some critical areas (see for example para 2, Package of Measures).

Withdrawal of heavy weapons (or their cantonment) in wider security zones not implemented

It is understood that some serious efforts were made to follow-up on implementation of the heavy weapons related paragraphs of the Minsk Package of Measures (12 February 2015). For example, detailed arrangements were prepared for the SMM to be able to effectively monitor and verify heavy weapons cantonment in cooperation with the Joint Centre for Control and Coordination (JCCC, see also below).

In practice, withdrawal of heavy weapons was never fully implemented by both sides. The SMM started to monitor and report numerous violations of heavy weapons spotted inside the wider security zones on both sides of the LoC and restriction of its mandated freedom of movement. There was no mechanism to follow-up on these and other violations and the SMM

⁶ For example, after the 1973 Middle East war Israel concluded armistice and disengagement agreements with Egypt and Syria, facilitated by UNEF-2 and UNDOF respectively.

⁷ Following the N4 Paris summit in December 2019, an agreement to create three additional disengagement areas in addition to the already agreed areas at the Stanytsia-Luhanska, Zolote and Petrivske sections of the LoC (TCG decision of 21 September 2016) was reached. However, the guidance provided by the N4 in Paris is yet to be implemented.

had difficulties in accessing the holding sites to verify the presence of the withdrawn weapons systems.

Third-party **verification** is a tested tool to enable parties to conflict to determine each other's compliance or non-compliance with the ceasefire agreement (i.e. that heavy weapons are withdrawn and remain withdrawn). Hence, only monitoring **and** verification may generate confidence that the sides live up to their security commitments and will be detected if they do not.

It should also be understood that the separation of forces and heavy weapons withdrawal are interrelated processes in support of a sustainable ceasefire. It is hardly possible to carry out one without the other.

OSCE SMM mostly reporting on violations, but little or no follow-up and verification. Frequent freedom of access limitations, in particular in NGCA

As already discussed above, SMM was never enabled by the sides to engage in effective monitoring and verification in support of the ceasefire agreement. Instead, SMM concentrated its efforts on the monitoring task: a systematic activity that establishes facts on the ground related to the mandate. Over the past years SMM has documented and analyzed numerous ceasefire violations. Two- or three-digit violations have been frequently and almost routinely reported in daily SMM reports.

It should be noted that after the agreement reached in July 2020 to renew and strengthen the ceasefire with additional support measures, SMM, for the first time in the history of this conflict, reported days when no ceasefire violations were recorded. This indicates that if **political will** exists, the sides are able to control their military forces on both sides of the LoC. However, by the end of 2020, this ceasefire renewal also collapsed, partly due to controversy over a coordination mechanism (JCCC “in its current setting”, see below) which seemed to be intended to help the sides to follow-up on ceasefire incidents. Ultimately, ceasefire arrangements rely on the political commitments by the sides to observe a ceasefire and build confidence through effective third-party monitoring and verification.

Absence of an agreed Coordination and Verification Mechanism (CVM)

JCCC not functioning

In September 2014 Russia and Ukraine decided to establish the Joint Centre for Control and Coordination (JCCC) as an ad-hoc military initiative between them to support implementation of the Minsk agreements. Headquartered in Soledar⁸ near the LoC, the JCCC was a mechanism for military communication and coordination across the LoC. It enabled SMM to engage Ukrainian and Russian military officers in resolving impediments to carry out the mandate. These arrangements arguably also contributed towards the safety and security of SMM monitors. However, in December 2017 the Russian military officers departed Soledar, claiming obstruction of their activities by Ukraine. JCCC turned into a dysfunctional arrangement, with Ukrainian JCCC officers still headquartered in Soledar, and members of the armed formations (AF) from CADLR wearing JCCC markings on the other side of the LoC.⁹

As part of the TCG decision on measures to strengthen the ceasefire of July 2020 it was agreed to engage the JCCC “*in its current setting*” to coordinate.¹⁰ However, the meaning of “current setting” was interpreted by Russia as referring to the current situation of Ukrainian officers on the one side and members of the Armed Formations on the other. However, Ukraine avoids direct contacts with members of the armed formations from CADLR, which could be interpreted as an act of recognition. As a consequence, the ceasefire still lacks an efficient coordination mechanism. The resolution of this dispute is likely to remain elusive as the JCCC was an ad-hoc bilateral military arrangement between Russia and Ukraine. It seems unlikely that Russian officers would return to Soledar, not least as Moscow prefers to consider itself as a “mediator” rather than a party to the conflict.

⁸ The JCCC was first established in Debaltseve.

⁹ In October 2021 Ukraine’s Armed Forces captured a member of the AF, carrying JCCC markings inside the Zolote disengagement area. With no coordination and communication to follow-up, this incident was quickly escalating, with SMM temporarily halting all operations in NGCA.

¹⁰ See art. 5 of “Measures to strengthen the ceasefire,” Press Statement of OSCE Special Representative Heidi Grau after the regular meeting of the TCG, 22 July 2020.

2. Proposal for a Coordination and Verification Mechanism (CVM)

It would be practically impossible to deal with the shortcomings in the Minsk ceasefire arrangements as identified above without reaching agreement on a mechanism firmly establishing liaison and coordination across the LoC, enabling in turn consistent follow up of incidents and verification by a third party. At present, neither the JCCC “in its current setting” nor the SMM are fulfilling these tasks.

To overcome the current stalemate, it is therefore proposed to consider setting up an indirect ceasefire mechanism across the LoC, to be facilitated by the OSCE SMM. Its **main purpose** would be to enable through OSCE third-party involvement indirect dialogue between the Armed Forces of Ukraine on the one side, and members of armed formations from CADLR on the other. They will use the framework of the “JCCC in its current setting,” as part of a Coordination and Verification Mechanism (CVM) facilitated by the SMM.

It is believed that in this period of increased tensions, CVM could contribute **to rebuild trust**. It would rely not only on declared political will by the sides to observe an effective ceasefire, but also readiness to accept that a third party (SMM) monitors and verifies their compliance with an agreed ceasefire agreement, including by ensuring freedom of access and security for OSCE observers. Provided such guarantees are received, the OSCE is expected to provide the additional resources to enable SMM to perform the third-party role as envisaged in CVM. It is believed that this could be achieved, at least initially, with modest additional resources and within the confines of the present mandate. CVM would be embedded into SMM and, as the parts of one OSCE field operation, SMM and CVM are expected to create synergies by making full use of monitoring and verification activities within the existing mandate.¹¹ A more detailed outline of CVM objectives and operating principles has already been shared with relevant stakeholders.

¹¹ This includes possible facilitation of joint inspections (“Three in a Jeep” formula) of adherence to agreed ceasefire measures and/or to follow-up on ceasefire incidents.

It is understood and appreciated that SMM already maintains liaison teams which are used to communicate and coordinate activities with the Armed Forces of Ukraine and the armed formations from CADLR. The reports of the SMM are a testimony that this coordination has brought invaluable benefits to the delivery of humanitarian assistance and enabled other activities at the LoC, including monitoring. However, such activities appear to have an ad-hoc character and cannot be a substitute for agreed 24/7 liaison and coordination across the LoC. Avoiding duplication and building on already existing informal arrangements, CVM could bring added value to OSCE SMM by enabling the mission to become more effective in conflict management.

CVM should also be made part of the (re-)negotiation of the twinned processes of disengagement of forces and hardware and the withdrawal of heavy weapons from the LoC, as essential steps to ensure the sustainability of the ceasefire. It would be important to make available diplomatic and military expertise through CVM for this purpose.

While primarily operating 24/7 at the ground level of the conflict, CVM would also share its findings at TCG level, in particular to the security working group. A **layered mechanism** is envisaged, allowing the timely transfer/resolution of ceasefire incidents to the next level if required. It is hoped that CVM would thus contribute to greater coherence between Minsk bodies and structures. A chart of the envisaged Minsk security framework is attached in the annex below.

Finally, provided the primary objective of achieving an effective ceasefire is realized at long last, CVM could continue to play an important role in preparing and coordinating any other future security arrangements, accepted by the signatories of the Minsk agreements, aimed at their full implementation.

3. Conclusion and Recommendations

At present, international talks are underway focusing on the broader political and security issues between Russia and Ukraine, as well as between Russia and the West. It is hoped that they will create a pathway to de-escalate the crisis and provide new political impulses to renew the efforts in finding a peaceful resolution of the conflict in eastern Ukraine.

In this report, some major flaws in the Minsk security framework have been discussed and a CVM is proposed to break the impasse in the efforts to finally arrive at a sustainable and durable ceasefire in accordance with the Minsk agreements. These ideas are offered in the hope that they will be considered and may contribute to a package of agreed political, humanitarian and security measures aimed at reviving prospects for a peaceful resolution of the conflict in eastern Ukraine.

As for the security part, the following **recommendations** are offered more specifically:

For the **N4**:

- To provide political guidance, as required, to the TCG for the establishment of a CVM, to be facilitated by the OSCE and aimed at enabling:
 - **24/7 liaison** across the Line of Contact
 - **Verification** of compliance with ceasefire commitments and
 - **Coordination and consistent follow up** of incidents
- To provide political guidance as required, to the TCG to resume negotiations, assisted by CVM, on the parallel processes of implementation of **disengagement along the whole LoC** and the **withdrawal of heavy weapons or their cantonment** in wider security zones in accordance with the Minsk agreements. In this regard, to invite the TCG to present a concept of operations with realistic implementation timelines for N4 consideration.
- If necessary, to consider securing disengagement along the whole LoC with a lightly armed security force, mandated by the UN Security Council.

For the **TCG**:

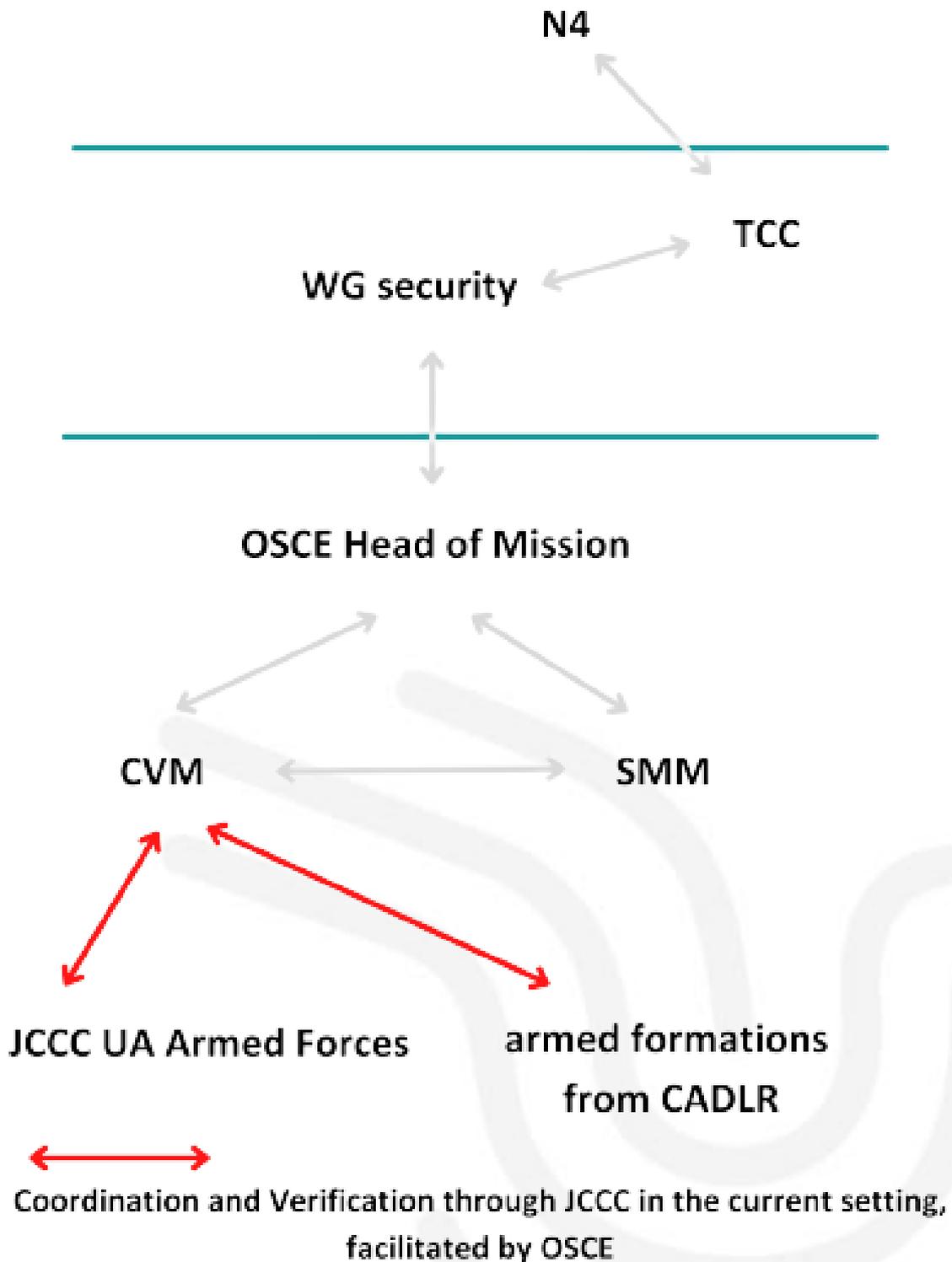
- To follow up in consultation with OSCE SMM on the guidance received from the N4.
- To ensure that CVM becomes part of a **layered structure** and to adapt, as required, the rules of procedure of the security working group.
- To request, as needed, inputs from CVM on the preparation of a concept of operations to implement the parallel processes of disengagement and withdrawal of heavy weapons.

For the **OSCE**:

- To request and receive **guarantees** from the signatories of the Minsk agreements that **freedom of movement and security** for OSCE/SMM/CVM personnel carrying out their monitoring and verification duties related to the agreed ceasefire regime will be ensured by Ukraine's Armed Forces and the armed formations from CADLR.
- To provide, as required, additional capabilities for the establishment of CVM operating from within the OSCE/SMM and, if required, to adapt the mandate accordingly.

Such security measures would have to be complemented by political and humanitarian steps in order to revive hope for a peaceful resolution of the conflict in eastern Ukraine. These lie outside the scope of this report, but it is hoped that the lessons of what went wrong on the ground level of the conflict are learned and that security is established to enable progress.

Annex: Chart Suggested Minsk Security Framework





EUROPEAN
INSTITUTE
OF PEACE



European Institute of Peace (EIP)
Rue des Deux Eglises 25
1000 Brussels, Belgium

www.eip.org
info@eip.org

