

POLICY BRIEF

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Minsk II: a Tactical Compromise with the Strategic Options Being Open

Although the new Minsk agreement of 12 February is more favorable for Russia than the previous one, it indicates the need for compromise of all the negotiation parties. Neither Ukraine nor Russia was satisfied with the document, but both of them had strong reasons to agree on it. Germany and France had their own considerations to actively promote the agreement, even without being confident in its full implementation.

To understand why the parties agreed to hold difficult and long negotiations and to sign the documents, which they did not consider perfect, one should analyze the conditions on the eve of the Minsk II talks as well as the intentions of the parties.

The majority of the first Minsk peace agreements have never been implemented, and four months of the previous ceasefire were used by the parties to strengthen the military positions. Russia took advantage of the U.S. and EU reluctance to arm Ukraine and changed the military balance by transferring to separatists hundreds pieces of tanks and artillery as well as thousands of ‘volunteers’. To the contrast, Ukraine had to restore its destroyed armed forces on its own, under the circumstances of catastrophic shortage of funds.

In January 2015 the Russia-backed separatists considered themselves strong enough to launch the offensives in three strategic areas, namely the Donetsk airport, railway hub of Debaltseve city and large industrial center and port of Mariupol. The first Minsk truce was ultimately broken, but the planned blitzkrieg failed – the Donetsk airport was rather destroyed than seized, the attack on Mariupol failed to materialize, and the struggle for Debaltseve turned out to be a very difficult task even with the involvement of Russian troops.

Moscow found itself in rather uncomfortable situation with the absence of rapid military successes of its proxies and the simultaneous increasing of risk of tougher sanctions, including possible disconnection from the SWIFT,

as well as the probability of Western military assistance to Ukraine. Vladimir Putin took a tactical pause and initiated a new ‘peace plan’, thus disrupting probable new sanctions and arms supplies to Ukraine.

Russian leader advantageously used the correspondence of his abovementioned goals with the positions of Angela Merkel, Francois Hollande and Barak Obama, who were reluctant to impose tougher sanctions against Moscow as well as to arm Kyiv. Being anxious about the potential large-scale war and possible NATO involving into the conflict, German and France leaders persuaded Kyiv to engage in new talks and in elaborating the new peace agreement.

It is unlikely that Western leaders were sure in the sincerity of Putin’s peaceful intentions, but they also sought to win time, hoping that the economic problems would force Russia to reduce the aggressiveness and that NATO would have more time to strengthen its eastern boundary. Besides, Barak Obama may be motivated by the hope to finish his presidential term, avoiding the global confrontation and transferring these problems to his successor.

Ukraine also needed the time-out, at least in the form of reducing the combat intensity – to complete a new wave of mobilization, to strengthen armed forces and defensive lines, to receive the international financial assistance and to address the most vital economic problems. Besides, Kyiv did not want to be accused by its Western partners in disrupting the peace process. After all, if Rus-

sia breaks the new agreement, it will demonstrate to the EU and the U.S. the illusory of their hopes for the 'diplomatic solution' and will add the arguments in favor of arming Ukraine.

On 12 February 2015 two documents were signed in Minsk. *Package of Measures for the Implementation of the Minsk Agreements* was signed by the participants to the Trilateral Contact Group – the OSCE ambassador Heidi Tagliavini, former Ukrainian President Leonid Kuchma, Russian Ambassador to Ukraine Mikhail Zurabov, and separatist leaders Alexander Zakharchenko and Igor Plotnitsky. Besides, presidents of Ukraine, France and Russia as well as German chancellor signed a *Declaration of Support for a Package of Measures for the Implementation of the Minsk Agreements*.

The documents appeared as a result of long and difficult negotiations and compromises. Although the majority of the provisions were more favorable for Russia than the previous Minsk agreement of September 2014, but Vladimir Putin gained fewer concessions than he had expected. Russia did not succeed in attempts to include to Minsk document the provisions on the federalization of Ukraine, the autonomy of Donbas and the recognition of separatists' 'elections', held in November 2014 in violation of the first Minsk agreement.

However, the agreement in general indicates that Berlin and Paris were ready to compromise with the European values and international legitimacy in order to sign the truce with Mr. Putin. They agreed to establish a ceasefire only from 15 February 2015, being well aware that Russia-backed separatists would use these days in attempts to capture strategically important Debaltseve. Thus Germany and France actually gave Moscow three additional days for the military solution of the Debaltseve issue.

The delaying of establishing control over the Ukrainian-Russian border till the end of 2015 actually legalizes Russian control over the part of Ukrainian territory as well as the uncontrolled transferring of Russian weapons and soldiers. Moreover, the reinstatement of Ukraine's full control over the state border is conditional upon the constitutional reform and new local elections. The result of the local elections to be held at the territories under actual Russian control is easily predictable, given the experience of the Crimean 'referendum'. Besides, one should take in mind that hundreds of thousands pro-Ukrainian people have left the occupied territories and will not be able to take part in the elections.

A hazard to Ukraine's integrity is posed by the obligation to carry out constitutional reform by the end of 2015 "providing for decentralization as a key element". Given the complicated socio-economic situation and signifi-

cant Russian influence on the regional elite in a number of southern and eastern regions of Ukraine, the decentralization raises the risk of strengthening the separatist tendencies.

The withdrawal of all heavy weapons by both sides by equal distances in order to create a security zone of at least 50 km wide from each (from the de facto line of contact for Ukrainian troops, and from the line of contact according to the Minsk Memorandum of 19 September 2014 for separatists) looks like a compromise, but actually this provision play into the hands of the aggressor. Kyiv remember the sad experience of withdrawal of Ukrainian artillery after the previous Minsk agreements, which was used by the separatists to seize the buffer zone, particularly near Mariupol.

The provision on the "withdrawal of all foreign armed formations, military equipment, as well as mercenaries from the territory of Ukraine" does not actually means Moscow's consent to withdraw its troops, for Russia continues insisting that they had never entered Ukraine.

One more important advantage for Moscow is provided by the Declaration of Support for a Package of Measures for the Implementation of the Minsk Agreements – leaders of the 'Normandy quartet' declared their support for the tripartite talks between the EU, Ukraine and Russia "to develop practical responses to the concerns of Russia on the implementation of the Deep and Comprehensive Free Trade Area between Ukraine and the EU." De-facto it means that Moscow will take part in the process of decision-making on the issues of European integration of Ukraine.

But the most dramatic drawback of the new Minsk agreement is that Russia still has not been recognized as a party to the conflict and has not taken any obligation to implement the signed package of measures. The very next day after the Minsk II the press secretary of Russian president Dmitry Peskov clearly stated that "Russia is not one of the parties to fulfill these measures" because "Russia is not a participant in the conflict."

Hardly Kyiv was not aware of all the risks associated with the new Minsk agreements, but it had to sign them for a number of reasons:

- Kyiv did not want to be accused by Western partners in the disruption of peace process and therefore being devoid of prospects to get financial and military aid;
- The new peace agreement could be an unspoken condition for the IMF decision on \$17.5 billion loan to Ukraine with the prospect of increasing the total aid package to \$40 billion. Hardly it was a coincidence

that the IMF Managing Director Christine Lagarde announces the respective decision on the day of Minsk II;

- It was important for Kyiv to combine the ‘Minsk’ and ‘Norman’ formats of negotiations because now Germany and France bear political responsibility for the implementation of the signed agreement;
- If Russia fails to adhere to the agreement, which was actually initiated by Moscow, it will give Washington, Berlin and Paris a strong reason for revising their present position against arming Ukraine;
- Russia’s possible failure to carry out the new agreement will lead to tougher sanctions, and the G-7 leaders stressed this in their statement of 13 February;
- Kyiv had to try negotiating the solution, which could bring at least a temporary reduction in the combat intensity, to win time for strengthening armed forces, and to open up the opportunities for the exchange of prisoners.

The main challenges for the peace are determined by the fact that the real causes of the conflict lie beyond the agreement signed, and proceed from the Moscow’s far-reaching plans in foreign and internal policy. The Minsk document does not and cannot remove the strategic contradictions between the Russia’s revenge-seeking ambitions and the international security and legal order.

Real strategic goals of the parties should be kept in mind as well as their tactical intentions, while considering the measures to ensure the implementation of the new peace plan. All the participants to the Minsk II had their own reasons to win time, and now the developments depend on how they will use this time. The EU and the U.S. should not repeat the previous mistakes of letting Russia to use the truce for strengthening the military capacities of the separatists and preparing them for the new seizures of Ukrainian territory. A package of powerful economic sanctions and a set of lethal weapons assistance to Ukraine should be “on the table” ready to be implemented, if the Minsk II peace plan is violated.

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