



Analytical Report

**INFINITE DEADLOCK.
STATE AND PROSPECTS OF THE POLITICAL
SETTLEMENT PROCESS OF THE UKRAINE
AND DONBASS REPUBLICS CONFLICT.
THE FIRST ANNIVERSARY
OF MINSK AGREEMENTS**

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INTRODUCTION

February 12th marks exactly one year since the day when the heads of states of the “Norman Quartet” – Russia, Ukraine, Germany and France – in Minsk have agreed on priority measures to settle the armed conflict on the territory of Donetsk and Lugansk regions of Ukraine.

The impact of the conflict throughout the post-Soviet space, as well as the influence on the global and European security and on the relevant global agenda are enormous, it is only natural to take the advantage of this calendar date to update the estimates of the conflicting parties’ grounds, to analyze the dynamics of relations between the participants of the settlement process and to forecast further possible scenarios.

While considering the results of the past period one should not ignore another approaching significant date. The 21-22 of February marks two years since the coup in Kiev had resulted in the flight of President Viktor Yanukovich from the country, which was followed by the collapse of the political regime that had been formed in Ukraine in 2010-2014. All the more so, these events in Kiev represent the immediate catalyst for the subsequent conflict in the South-East of the country.

Since the reasons for both events appear so fundamental and are assessed to the great extent of controversy by the elites and the public opinion in the countries one way or another affected by them, it is still hard to find any realistic directions to bring the parties’ stands closer at least, and the possible points of the tradeoff between the conflicting parties at most. And yet, to achieve the success of the settlement process it looks possible and essential to bring the parties’ stands closer.

The consequences of these events appear obvious, even that the events leave room for further development. Since no signs of a major breakthrough, that could represent a change of the time and institutional framework of the possible conflict settlement, are noted during the past year, some conclusions that might help understanding the aforementioned reasons could be drawn.

This report represents neither an excessive depth of analysis nor any particular maximum source base. The specifics of diplomatic steps and the ongoing hostilities entail the restrictions in both. The purpose of this report is to present a systematized expert opinion on what is happening. This view might be helpful not only for the conflict settlement parties, but for all those, who experience natural concern over the existing circumstances.



The specific feature of this report is the focus on the political aspects of settlement. The authors believe that no military, humanitarian or socio-economic measures can finalize the conflict. It is exceptionally political solutions that can bring about the final settlement of the conflict and create guarantees of its non-renewal.

Of course, the authors are limited to the specifics of the proposed format and genre. Thus they realize that even when considering the political aspects, there might be some gaps. However, this can not be a good reason for postponing the analysis indefinitely. Also this analysis seems necessary now, since otherwise, neglecting of a number of facts and circumstances might lead to the state when the settlement process becomes too unstable or impossible in the future.

BREAKUP. REASONS AND BEGINNING OF CONFLICT

The reasons for the large-scale armed conflict in the territory of Donbass (the largest in the former Soviet Union) and the tragic events in South-East Ukraine are rooted in the whole complex of intricate internal and external contradictions, existing at the time of the coup d'état in February 21-22, 2014.

The most significant of the **internal contradictions** have been associated with certain dissociation on the territorial principle of the two parts of the country – its western and eastern regions.

Donetsk and Lugansk regions make up the central part of the Donets Basin and traditionally are considered as model regions of the east of the country. For both regions these contradictions bear particular specifics comprising several components:

- *Historical*. Contradictions were formed back in the early days of the Soviet Union. The significant part of the Donbass territory upon incorporation in Ukrainian Soviet Republic historically had poor links with the western parts of the country;
- *Economic*. Being the most industrialized region of the country, along with Kharkov and Dnepropetrovsk regions, Donbass was a marked contrast to much of the Ukrainian regions;
- *Values and Culture*. One cannot fail noticing the obvious gravitation of Donbass towards Russian and Soviet cultural and ideological practices, that opposed patriarchal customs and orientation of the regions in the western part;
- *Political*. Significant differences in the methods of organization of the political order and electoral mobilization used in the east and west of Ukraine has repeatedly led to political crisis since the time the independence had been attained. All-Ukrainian elections prove these contradictions time after another.

The vote (referendum) dated March 27, 1994, held in the Donetsk and Lugansk regions is an important manifestation of these contradictions. The questions on the federal structure of Ukraine, the use of the Russian language as the second state language, and participation of Ukraine in the CIS were put to that referendum. Notwithstanding the positive vote of the voting majority to all the above questions, Kiev authorities refused to recognize the results of the popular vote, the opposite policy was carried out in the following years.



During the presidency of Viktor Yanukovich (2010-2014), a native of Donetsk region, a significant aggravation of these contradictions took place, after the 2012 parliamentary elections in particular. It was accompanied by the growing rejection on the part of the Ukrainian society of the informal mechanisms of state governance and the ways the political regime was organized, such ways were labeled as “Donetsk ways”.

Outside the direct situation there were **the external contradictions** which also had the conflicting character. Among them the most important were:

- *Growing contradictions on the state to state level between Russia and Ukraine*, which expressed in constant attempts of Kiev to get rid of a number of economic and political ties, inherited from the Soviet Union. These contradictions aggravated due to the divergent processes of accelerated association of Ukraine to the EU for political reasons on the one hand, and the progress of Eurasian Economic Union on the other;
- *contradictions at the continental level between Russia and the EU*, related to the inhibition of the search of a comfortable and effective cooperation model, negative manifestations of these contradictions had noticeably increased after accession of a number of East European and Baltic states to the EU and the launch of the “Eastern Partnership” project;
- *contradictions at the global level between Russia and the US*, which considers Ukraine an important (and possibly the key) territory for realization of its own geopolitical interests in Europe and the former Soviet Union, this contradiction has aggravated recently due to the clear differences in estimates of the security ensuring mechanism, NATO expansion to the East, and the strategies applied on the former USSR territories.

The beginning of the conflict in Donbass is directly related to the consequences of the coup d'état in the capital of Ukraine on the 21-22 February 2014, which provoked the growth of anti-Kiev attitudes and abruption of the new government by the majority of population in Donetsk, Lugansk and a number of cities in the South-East of the country.

The subsequent temporary paralysis of the Ukrainian government agencies (primarily the force authorities), rigidly reinforced by the demonstrative failure of the central government to engage in dialogue with disgruntled residents of Donetsk and Lugansk regions, as well as the subsequent attempt of the armed pressure within the framework of the so-called “Anti Terrorist Mission” (ATO) has not led Kiev to the desired result, but only radicalized the public attitudes in Donetsk and Lugansk, highlighting the demands for sovereignty.

As a result Donetsk People's Republic (DPR) was proclaimed on the 7th of April 2014, and Lugansk People's Republic (LPR) was proclaimed on the 28th of April 2014.



By early May, the Kiev authorities and security forces practically lost control over the territory of Donetsk and Lugansk regions. Thus it turned out virtually impossible to hold the presidential election on the territory of the two regions. This led to the creation of a legal and political vacuum, since Donbass fell out of the process of legitimizing of the new government. Heavy “anti-separatist” campaign rhetoric used by the registered presidential candidates only stimulated further steps taken by both territories to get separated from Ukraine.

On the 11th of May 2014 both DPR and LPR held a referendum, where the question on the state independence of the republics was put. The vast majority of electorate voted for the independence. On the 12th of May the sovereignty of DPR and LPR was declared on the basis of the referendum results.

Further situation developed in the confrontation direction. The elected on the 25th of May 2014 President of Ukraine Peter Poroshenko refused to reduce the degree of confrontation and to start a political dialogue with the representatives of Donetsk and Lugansk regions. On the contrary, attempts were made to suppress the republics by using the Armed Forces, which eventually led to the beginning of a full scale military operation against DPR and LPR in late June 2014.

The Ukrainian side’s position led to the failure to make use of the settlement mechanisms proposed by Russian and OSCE mediators. The first meeting of so called Trilateral Contact Group held on the 23d of June 2014 in Donetsk did not bring any result either.

As a result severe hostilities in Donetsk and Lugansk regions have begun in July-August 2014, where the units of the Armed Forces of Ukraine and of the Ministry of Interior of Ukraine, so called “Volunteer battalions” on the one hand, and the militia of the republics on the other, took part. It was only in August, after the battle near the town of Ilovaysk, where the Ukrainian units sustained heavy casualties, that the hostilities ended.

The meeting of the Russian President Vladimir Putin and the President of Ukraine Peter Poroshenko took place in Minsk on the 27th of August 2014, which marked the beginning of the settlement process, which was initiated by signing of Minsk protocol on the 5th of September.

MINSK PROCESS: BEGINNING

The first stage of the conflict settlement started on the 5th of September 2014 by signing of Minsk Protocol (Protocol on the results of consultations of the Trilateral Contact Group with respect to the joint steps aimed at the implementation of the Peace Plan of the President of Ukraine, P. Poroshenko, and the initiatives of the President of Russia, V. Putin) (*Appendix 3*).

Apart from paragraphs relating to aspects of the cessation of hostilities and delimitation of the positions of the parties, the mechanism of political settlement was agreed upon.

According to paragraph 3 of Minsk Protocol Ukraine pledged to “implement decentralization of power, including by means of enacting the Law of Ukraine “With respect to the temporary status of local self-government in certain areas of the Donetsk and the Lugansk regions” (Law on Special Status)”. Also Ukraine made a commitment to enact a “law that forbids persecution and punishment of persons in relation to events that took place in certain areas of the Donetsk and Lugansk regions of Ukraine”, continue the inclusive national dialogue, ensure early local elections.

Following this, on the 19th of September, the Memorandum (Supplement 4) was signed, providing, pursuant to paragraph 1 of Minsk protocol, in addition to other measures to secure agreement on the bilateral cease of the use of weapons: withdrawal of heavy weapons (caliber over 100 mm) at least 15 km from the line of contact of the parties as of the date of signing of the Memorandum, thus setting up the security zone, where the flights of military aircraft and drones as well as the installation of minefields are banned.

In the meantime, on the 16th of September the Verkhovna Rada of Ukraine adopted a law “On special status of the local self-government in certain regions of Donetsk and Lugansk regions” (the law on special status) and the law “On prevention of harassment of persons – participants in the events on the territory of Donetsk and Lugansk regions”.

The term of validity of the law on the special status was limited by three years, the date for the elections to the local self-government bodies on the territory of certain areas of the Donetsk and Lugansk regions was arbitrarily set for the 7th of December.

It took the Verkhovna Rada some time to send the adopted law for the Presidential approval, such a delay made grounds to accuse the Rada in deliberate play for time.

In response to such a unilateral delay both DPR and LPR set the 2^d of December to be the direct elections date to elect the Heads of the Republics and the People’s Soviets (Parliaments).



It was only on the 16th of October 2014 that President Poroshenko signed the law on special status. Such a late signing of the law created a legal conflict: the date of the extraordinary elections to the local government bodies in compliance with the legislation of Ukraine may be set not later than two months before the voting day. The date of the 7th of December, indicated in the signed law as the voting date left a shorter period before the elections, which in its turn made possible to come to the conclusion on the deliberate reluctance of Ukraine to enact the law to ensure the possibilities for a subsequent revision of the law or of its provisions relating to elections.

The extraordinary elections of the Verkhovna Rada of Ukraine took place on the 26th of October 2014. These elections were not held on the territory of Donetsk and Lugansk People's republics. Only one political force calling for the political dialogue with Donbass had got into the Parliament of Ukraine – the Block of Opposition. Ever since the citizens living on the territories of DPR and LPR are not represented in any body of the National Authority of Ukraine (also these citizens did not vote in the presidential elections of May 25th, 2014).

The elections of the Heads of DPR and LPR and the People's Soviets of the republics (Parliaments) were held on the 2 of November 2014.

And on the 3d of November the President of Ukraine proposed to annul the law on special status. Since then the process of the political settlement has been frozen. Periodic hostilities resumed: originally local and then, since mid January 2015 – full scale hostilities.

Even that the first stage of the settlement actually ended nowhere, it was during this period that the basic framework of agreements was shaped up, as well as the process of implementation of the prescriptive conditions was launched. However, the existing coordination mechanism in form of the Trilateral Contact Group proved inadequate to implement the signed Minsk Protocol and Memorandum.

The second stage of political settlement began in Minsk with signing of two basic documents – the Declaration and the Set of Measures, it lasted until the end of 2015.

The signing was preceded by a series of meetings and consultations at the highest level. On the 5-6th of February German Chancellor Angela Merkel and French President Francois Hollande visited in turn the capitals of Ukraine and Russia, and discussed the options for the settlement plan. On the 9th of February Chancellor Merkel visited Washington and discussed the progress of negotiations during the meeting with the US President.

Finally, on the 11-12 of February Minsk hosted the meeting of Heads of State of Norman Quartet, joined by special representative of the OSCE Chairman of the Contact Group on the settlement of the situation in Ukraine Heidi Tagliavini.



February 12, 2015 the Declaration of the President of the Russian Federation, the President of Ukraine, the President of France and the Chancellor of Germany in support of the package of measures in support of the implementation of Minsk agreements and the Package of Measures (Annexes 1 and 2) were adopted in Minsk.

For ends of ensuring the effective resolution of conflict, a number of basic positions have been formulated in the political part of the agreement:

- ***ensure the special status of certain areas of the Donetsk and Lugansk regions in the Constitution.*** “Constitutional reform in Ukraine providing for decentralization, including a reference to the specificities of certain areas in Donetsk and Lugansk regions”;
- ***setting up of the permanent regulatory framework with a clear list of guarantees for certain areas.*** “Adopting permanent legislation on the special status of certain areas of the Donetsk and Lugansk regions in line with measures as set out in the footnote”. “Adopt promptly, by no later than 30 days after the date of signing of this document a Resolution of the Parliament of Ukraine specifying the area enjoying a special regime, under the Law of Ukraine “On interim self-government order in certain areas of the Donetsk and Lugansk regions”;
- ***the need for dialogue between the parties on critical issues, such as the electoral law.*** “...questions related to local elections will be discussed and agreed upon with representatives of certain areas of the Donetsk and Lugansk regions...”, “...Launch a dialogue, on day 1 of the withdrawal, on modalities of local elections...”;
- ***settlement had to be comprehensive and only such settlement is recognized as the guarantee for the regaining by the Ukrainian side of the border control.*** «Reinstatement of full control of the state border by the government of Ukraine throughout the conflict area, starting on day 1 after the local elections and ending after the comprehensive political settlement».

GRADUAL SETBACK. CURRENT STATUS

It is a year since the signing of Minsk Package of Measures, this year comes to an end in relatively peaceful conditions. The framework agreements in principle are maintained. Large-scale military operations since the summer of 2015 do not resume, although attempts are made from time to time to escalate the tension by both sides.

Thereat only paragraphs 1-3, 6 and 13 of the Package of Measures can be taken as implemented. (Appendix 5).

A mechanism for permanent dialogue between the parties and to prepare for the solution of specific provisions of the agreements was found in the form of work groups of the Contact Group. Four work groups (on political, military, humanitarian and economic issues, set up in compliance with paragraph 13 of the Package of Measures) started the work since May 2015.

However, no positive momentum is observed, and some paragraphs are only partially implemented or remain not implemented completely, those related to socio-economic and political aspects of the settlement in particular.

Furthermore, serious deterioration of the situation in reference to the paragraphs of the Package of Measures related to the political aspects took place, resulting from the change of basic implementation conditions by the Ukrainian side.

Since the adoption of the Law “On Amendments to Article 10 of the Law of Ukraine ‘On interim self-government order in certain areas of the Donetsk and Lugansk regions’” in March 2014 the law in fact is suspended.

Once the Verkhovna Rada adopted the law on local elections with no coordination with the representatives of DPR and LPR on the 14th of July a major change of the election system (partial cancellation of the majority system in favor of proportional by open lists) took place. Likewise, with no coordination with the republics the Rada adopted a resolution July 17 on the local elections date (excluding the territory of the republics of Donbass).

Finally, the Verkhovna Rada adopted an amendment to the Transitional Provisions of the Constitution (paragraph 18) without discussing it with representatives of certain areas. According to this paragraph, “specificities of the local self-government in certain areas of the Donetsk and Lugansk regions are to be governed by a separate law.” Originally this provision was planned to be included in the transitional provisions of the law on amendments to the Constitution.

However, the President made this ostentatious “concession” under pressure from the US and EU.



Following the results of these three solutions by mid July it became clear that the modified Ukrainian legal framework and provided interim conditions made it impossible to fulfill the Minsk Package of Measures by the end of 2015.

To give an impetus to Minsk process the heads of states of the “Norman Quartet” even had to hold a special summit in Paris October 2, which, however, did not yield any significant improvement of the situation. The main achievement of the summit is that the negotiating parties agreed it was necessary to stretch out the settlement process for the next year.

The following events, however, aggravated the situation with the implementation of Minsk agreements.

First: on the issue of amendments to the Constitution and on the permanent law on the special status. The Verkhovna Rada failed to consider amendments to the Constitution on certain areas in compliance with the procedure provided in the Fundamental Law – during the next regular session before February, 2 2016. Decision of the Verkhovna Rada to postpone consideration of the amendments until the next session, a change in the Regulations of Parliament and an inquiry of a group of deputies to the Constitutional Court to clarify the meaning of “the next regular” followed. All of it has created conditions when even in case of effective voting on the amendments during the current session all decisions in the future may be challenged in the Constitutional Court.

Since the wording of the amendment was adopted without coordination with the representatives of the republics, it is hard to expect on their part further positive steps towards Kiev.

Another important issue is the implementation of the agreements on the permanent special status according to so-called “Steinmeier formula”, which provides that the “frozen” law on the special status gets interim character since the date of the local elections on the territory of the certain areas, and subsequently the permanent character upon publishing of the OSCE report on the results of these elections.

The implementation of this formula requires additional guarantees. These were formulated by Boris Gryzlov – the vote on the amendments to the Constitution should be tied to the change in paragraphs 1 and 10 of the law on the special status, which should override the currently provided three years’ efficacy, and where the expiration of powers of the elected local self government bodies by October 2017 should not be envisaged.

Second: the parties were unable to make substantial progress in elections issue. Discussion of the provisions of the law on elections in the framework of the Contact Group is characterized by the largest deficit of the negotiation space – flat unwillingness of the parties to make concessions. The following issues remain the stumbling block of negotiation: the election system (it has already been mentioned



above: the Ukrainian side has made changes to the law on local elections), the right of Ukrainian political parties to participate in the elections, the work of the Ukrainian mass media, organization of voting process and the implementation of the rights of so-called “Displaced persons”. There is no agreement of the parties over a single of the listed questions, and neither conflicting party is ready to make concessions.

And finally, problems in the procedural mechanism have manifested themselves – within the framework of the Contact Group there is no possibility of the comprehensive coordination and implementation of agreements related to the legislation of Ukraine.

Much of its work is evaluated by its members as “not started or is not brought to the end”. Currently, parties to the conflict demonstrate the lack of willingness to implement the Package of Measures without supplementary conditions that the Trilateral Contact Group is not able to coordinate.

The key issues in the work of the Contact Group and work groups within its framework relate to the organization of work and unequal representation of the parties.

Members of the Contact Group had not reached a consensus on the Regulations of its work. Meanwhile, the decision to adopt the Regulations is not merely a procedural or a protocol decision, but political. It is virtually impossible to achieve any significant changes in the political process of the conflict settlement until the Regulations; binding on the parties to fulfill the obligations and implement the coordinated decisions are adopted.

Another problem is the lack of representation of the republics of Donbass in the Contact Group. DPR and LPR should be allowed to equally participate in the work of the Contact Group. Till that time any significant positive changes are barely possible.

However, despite these difficulties, the Contact Group and its work groups are the only possible mechanism for the coordination of positions. Expanding its composition by introducing the new members (or countries), which is a standing proposal of the Ukrainian side, will not bring about a positive effect, and more likely shall complicate the existing imperfect procedure of position matching.

KEY PARTIES' STRATEGIES

The objectives and strategies of the key participants in the process of peaceful settlement of the conflict in the Donbass sometimes directly contradict each other.

In the current situation, there exists only one minimal opportunity to bring them to a common denominator, or at least make them less controversial – that is to fulfill the Minsk Package of Measures.

Since it is necessary to address the political issues in the nearest future, without it, as it has already been noted, the settlement of the conflict in the Donbass does not happen, the strategies of the participants to some extent take into account two factors.

Internal. Common understanding of the conflict resolution. Reinstatement of full control of the state border by the government of Ukraine is recorded as such resolution, which, in its turn, must follow the local elections, held in compliance with the Ukrainian legislation, provided the constitutional reform and the election law is coordinated with the representatives of the republics.

External. International recognition of Minsk agreements. The agreements got the status of approved by the UN Security Council upon signing. Resolution of the UN Security Council adopted on the initiative of Russia on the 17th of February 2015 states “the approval of the Package of Measures to implement Minsk agreements, concluded and signed in Minsk on the 12th of February 2015”.

UKRAINE

Simulation of work. The goal – failure of the agreements and shifting the blame on Russia

The Ukrainian side is not satisfied with Minsk Package of Measures, since, in its opinion, it actually finalizes the federalization of the country.

The only acceptable outcome for Kiev is the surrender (suppression) of the Donbass republics and subsequent filing of economic and political claims to Russia. Any other approach, including the strategy of soft reintegration of Donbass, directly defined in Minsk, is not shared by Kiev.

President Poroshenko, the executive and legislative authorities of the country are united and do not intend to promote the adaptation of the political situation to facilitate the implementation of Minsk agreements. Moreover, it is quite possible that the conflict over the government of Arseniy Yatsenyuk could eventually be used

by the Ukrainian side to demonstrate the impossibility of implementation Minsk Package of Measures.

Ukrainian side's strategy is based on simulation of implementation of the Package of Measures. To implement this strategy, the Ukrainian government is constantly changing interpretations and terms of implementation of measures, and keeps changing its own laws to make it impossible to fulfill Minsk agreements in accordance with their inherent meaning.

It has already been mentioned, Ukraine intends to pass off as the implementation of Minsk agreements (paragraph 11 of the package) the amendments to the Constitution, adopted by the Verkhovna Rada in the first reading on 31st of August, containing paragraph 18 of the "Transitional Provisions", which is not coordinated with the republics. To strengthen its position the Ukrainian side has passed a resolution that includes the resolution of the European Commission for Democracy (Venice Commission) which recognizes the transitional provisions as permanently effective. However, it is still a challenge for the Ukrainian side to obtain 300 votes of the deputies of the Verkhovna Rada to adopt the amendments to the Constitution in the second final reading. Rada failed to accomplish it by the end of the autumn session and the clean title of the procedure is now questionable.

Promotion of the "game of attrition" is an important element of this strategy – the power goes out of its way to convince the citizens and itself that the resources of Russia in the conflict are close to exhaustion. This ideologeme is actively supported by Western countries, and is even more pronounced example of a mindset than the similar ideologeme supported by the Russian political elite. In fact, Ukraine and Russia have misconceptions about each other and both live in the myths about the realities of the neighboring country, which seriously affects the negotiating process.

Due to high costs in terms of foreign relations the Ukrainian side is not ready to openly sabotage or shirk the agreements. An acceptable result for the Ukrainian side would be such a failure of Minsk agreements, when the blame for the failure is not left with Ukraine or even better would be left with Russia and Republics of Donbass. Recent statements made by President Poroshenko about the necessity to extend the Western sanctions against Russia are quite indicative in this respect. Such statements obviously do not demonstrate his willingness to improve relations with the Republics and Russia.

DPR and LPR

Strengthening of sovereignty. Goal – attain maximal self-dependence (independence) from Kiev

So far the Republics of Donbass pronouncedly emphasize their intention to get reintegrated in the Ukraine in accordance with Minsk Agreement, even that they



are quite critical of the Package of Measures and clearly see obvious divergence between declared commitments of the Ukrainian side and the specifics of their implementation in reality.

Minsk agreement envisaged the limited regulatory initiatives of the republics. The main semantic load to implement them was attributed to the Ukrainian side. Since February 2015 the republic showed maximum negotiability and even initiated some steps in cases where the Ukrainian side deliberately delayed the implementation of the agreements. For example, the representatives of the republics were the first to offer in May this year their wording of the amendments to the Constitution and the election law.

After Kiev took the unilateral steps related to amendments to the constitution and refused to set the election date in Donbass for the 25th of October, and demonstratively rejected the direct dialogue, the Republic show no intention to assume the guided position. Their proposal to hold the elections in a number of areas in compliance with their own laws testifies to that. Notwithstanding that the elections did not take place this autumn and it is still not clear if the elections will be held, still there was no official callback of the elections.

Should Kiev continue to reject the dialogue with the Republics the elections may be held by the Republics in May 2016. This is the only step left for them to finish the construction of the ultimate infrastructure of state power of a sovereign state. Further steps of the Republics are quite evident. They intend to enhance integration with Russia to avoid the military expansion of Ukraine.

RUSSIA

The literal approach. The goal – ensure guarantee of maintaining the special status of Donbass

Among all the participants of the conflict settlement process and all the parties concerned Russia takes a compelling stand – it stands for the strict, literal fulfillment of Minsk Package of Measures.

Russia's strategy is based on necessity of the collective pressure on Ukraine to implement these measures. The Russian side considers reintegration of Donbass in the Ukraine possible exclusively on the condition the latter implements all of its commitments. This is the only way to ensure guarantees for the implementation of Minsk agreements, and Kiev will not have a chance to cancel the powers promised to certain areas of the Donetsk and Lugansk regions.

This position of Russia has been repeatedly voiced by President Vladimir Putin, which once again demonstrated the unwillingness to compromise principles. For example, at a press conference December 17, 2015, he noted the specificity of non fulfillment by



Kiev of Minsk agreements, stressing again the relevancy of the amendments to the Constitution (to the law on the special status at least) on the permanent basis and of coordination of such changes with the representatives of Donbass, of the necessity “to persuade people in the South-East of the country.” Putin repeated that Russia intends to be guided by these principals on December, 20: “We proceed from just one simple thing: we can not abandon the people who live in the South-East of Ukraine to be devoured by the nationalists”, he also added that all of the Russian speaking population of Donbass “which is Russia oriented” was meant.

At the same time Russia is not winning anything through neighboring the enemy, which Ukraine is gradually turning into. Opportunities to change positions of the western neighbor are getting scarce, therefore, it is possible that at some point Russia’s strategy might change, and to ensure its security Russia will have to significantly increase the support of the Republics of Donbass thus contributing to disintegration of Ukraine.

EU-OSCE

To prevent the war. The goal – recognition by all parties of Minsk agreements implementation at any cost

The EU strategy is to put pressure on Moscow to make it put pressure on the Republics. Economic and personal sanctions are used as instruments of pressure. Pressure on the Ukrainian side is believed to be harmful due to the weakness of power of President Poroshenko (often deliberately underestimated).

It is only the paragraphs of the Package of Measures that relate to ceasefire and humanitarian issues that make difference for EU and OSCE, i.e. issues which prevent resuming of hostilities and guarantee the lack of civilian casualties. All other issues of the Package of Measures are secondary for EU and OSCE.

Actually the implementation of Minsk Package of Measures for EU means that both Ukraine and Russia publicly recognize such implementation. The rest is unnecessary.

In terms of political settlement EU and OSCE take a stand close to that of Ukraine (for example, in matters of interpretation of the changes in the Ukrainian legislation) and it is unlikely it will be changed. Occasional attempts to recognize the position of the Republics by the representatives of OSCE (for example, in matters of the possibility of using a mixed system of elections in some areas) do not change the position of the Europeans as a whole.

At European diplomacy has already accumulated a certain amount of fatigue of the process of harmonization of positions of the parties, and is getting ready to “freeze” the conflict. Significant part of the problems in the relations between the EU and the Ukraine one way ore another has already been minimized for that matter. EU attempts



to interpret Russia's transition from a free trade zone with Ukraine to MFN status as an example of violation of Minsk agreements just prove EU's intention to continue putting the pressure on Russia.

As to the leadership of the European countries participating in "Norman Quartet", the French president was unable to convert the initial success into real result. Since the election campaign in France approaches (elections are due in April 2017) Hollande's enthusiasm in about the settlement process will be reducing. German Chancellor, seeing no opportunities to obtain immediate results, clearly distanced herself personally from the process of settlement, shifting responsibility to the diplomats.

USA

Instrumental approach. The goal – to use the conflict as an instrument to influence the countries of the region

Washington's strategy is to verbally demonstrate full support of Minsk agreements. Such support was repeatedly stated by President Obama, Vice President Biden and by the Secretary of State Kerry. Notwithstanding all these statements, the US position is clear and has not changed – the White House since the beginning of the conflict in the Donbass fully supports Kiev and personal ambitions of President Poroshenko.

There is a fairly large range of possible ways out of the situation for the American side: to ensure the overall victory of Ukraine and to set up an anti-Russian bridgehead headed by Ukraine on the post-Soviet territory (it would be most convenient to work towards destabilization of Russia) at most, or maintain the conflict zone on the borders of Europe and Russia at least.

Notwithstanding that the US is not participating directly in Minsk process, Washington's influence on the process is great. Moreover, the United States plays up to the Ukrainian side, whose representatives at various levels have repeatedly stated the necessity to expand the "Norman format" by introducing the Americans.

Washington occasionally hints that it is ready to adjust its position. The last of such statements was made by the Secretary of State John Kerry: "We will certainly continue to put pressure on Kiev (to implement Minsk-2 agreements). They have obligations and they have to fulfill them". But in reality no change of position takes place.

The US intends to minimize its participation in the settlement process in Donbass until the new administration comes to the White House. The statement made by Deputy Foreign Minister Sergei Ryabkov, that "Russia will no longer call on Washington to influence Kiev to implement Minsk agreements indirectly testifies to the Russian understanding of such intentions of the US.



Some shifts in the US position occurred after a meeting of the Presidential aide Vladislav Surkov with the US Deputy Secretary of State Victoria Nuland. Washington agreed to put pressure on Kiev to a limited extent. And yet, so far no major change of the US position is observed.

RISCS

In the conditions of apparent mismatch of goals and strategies of the parties involved in the conflict, the low efficiency of the negotiating process within the framework of the Contact Group, the risks of the collapse of peace settlement or its suspension grow high. Currently seven of them seem most dangerous.

Continued deterioration of relations between the main guarantors of the settlement – Russia, US, EU. Since some of the key controversies related to the events in Ukraine in 2013-2016, respectively, can not be resolved within the framework of Minsk agreements, or even in the framework of local agreements, even minor adverse changes in the relations between the major participants of the process might play an important role.

The contradictions on the Russian-US level, Russia-EU and Russia-Ukraine are meant. The growing tension and tough confrontation over the political, economic and security issues does not contribute to the settlement of the conflict in the south-east of Europe. It is really tempting to make use of such contradictions which commonly done by the Ukrainian administration.

It is hardly possible to expect the final settlement of the conflict in the Donbass without resolving these contradictions. Moreover, an acute deterioration of relations between the mentioned countries is observed in recent years. The continued policies of sanctions, as well as the overall reduction of confidence are quite indicative. Moreover, the forthcoming change of the White House administration makes the relations with the USA even more difficult.

Strengthening of political and cultural differences between the conflicting parties. Confrontation of the two parts of originally unified Ukraine continues, shaping of new national policies in both parts does not contribute to an inclusive process.

The political process, both in Ukraine and in the Republics is desynchronized after the presidential elections in Ukraine and the election of heads of states and parliamentary elections held in the Republics. Notwithstanding the lack of direct influence of Rada elections on Minsk process, the elections have created a vacuum of powers, since the people living on the territories of the Republics are not represented in Rada or in any other administrative body of Ukraine. The laws adopted in the



meantime by the Ukrainian side, the amendments to the Constitution in particular, only add to such a vacuum of power.

The refusal of Kiev to take part in the direct dialogue with the republics allows the latter to ignore all the changes in the Ukrainian legislation, deprives of the legitimacy of these changes. The same applies to the Ukrainian side.

Continued unilateral change of the legal environment by Ukraine. The forthcoming adoption of amendments to the Constitution of Ukraine in the second and final reading might completely change the legal situation. Republics may recognize the wording, even though the text is included in the transitional provisions. However, the Ukrainian side should realize if adopted in obvious violation of the Constitution (no matter which verdict shall be pronounced by the Constitutional Court), this amendment may be challenged at any time, and can not serve as a reliable guarantee for maintaining the special status. The same applies to the election law.

A game to wreck Minsk agreements. Ukrainian administration realizes the necessity to work hard throughout the entire political specter of the country for ends of implementation of Minsk agreements, but it is not ready to undertake the effort. Hence its readiness to accept the option of the disruption of the agreements.

An important role is played by the voting process in Rada. Notwithstanding that Rada has extended the period for acceptance of the amendments for the duration of another session, the Ukrainian side can exceed the time limits endlessly in either soft or tough way. The soft way is the continuous failure of voting on the constitutional amendments. According to Article 158 of the Ukrainian Constitution, “a bill to amend the Constitution of Ukraine, considered and not passed by the Verkhovna Rada may be submitted to the Verkhovna Rada of Ukraine not sooner than one year after the date of the decision on the bill has been taken.” Hence the reluctance to get the necessary number of votes (300) to adopt the decentralization amendments in the second reading. Technically, the current session of the Verkhovna Rada shall end only in September. So the Rada can play for time as long as another good six months.

The tough way is envisaged in the same article 158. In compliance with this article should the Rada adopt the amendment in the first reading it may not “during the term of office amend twice the same provisions of the Constitution”, thus the amendment not suitable for the Republics becomes effective.

Local elections in the Republics. Preparations for the local elections that have been postponed from autumn 2015, currently are frozen. It was on the 21 of September that the opinion at the level of a representative of German Foreign



Ministry was voiced and clearly described such elections as “the violation of Minsk agreements” However, the lack of dynamics in the negotiations can mitigate such a position. The Republics wait and watch Kiev to finish the process of amending the constitution and the special status legislation. The DPR and LPR administrations are not ready to completely drop the idea of holding the elections in compliance with their own legislation, since the Ukrainian side continues to delay the coordination of the amendments to the Constitution and the elections legislation.

Increased political tensions inside Ukraine and the Republics. Trading around the Ukrainian government after the resignation of several ministers, the debates on the second reading of the decentralization amendments to the Constitution, criticism of Minsk agreements on the part of radicals, the increasing possibility of early presidential and parliamentary elections in Ukraine, possible holding of the local elections in the Republics – all and each of these factors might be a temptation to challenge the political leadership of the conflicting parties.

Renewal of local hostilities. This risk can not be excluded, although it would require a fundamentally different approach of the parties and all participants of the negotiation process to the continuation of the negotiations. The negotiation process in this case, most likely, will be suspended, the mutual distrust of the parties shall grow, and the parties are likely to take a few steps back from the current positions. However, such a possibility should be acknowledged as realistic, though it will require the existence of particular circumstances, including those of a chance nature, rather than any political actions of the parties.

SCENARIOS: BETWEEN REALITY AND PESSIMISM

Scenarios for conflict development in the current situation cannot be seen in a short-run, the nearest possible period to be considered is the end of 2016. There are no objective conditions for quality changes as well as for the end of the settlement process (handing over the border control to the Ukrainian government) in the shorter time periods.

The dynamics of the process is deplorable even at the level of the Contact and working groups. The same can be said about the completion of the above mentioned procedures concerning adopting amendments to the Ukrainian legislation.

Long-term forecasts which go over the 2016 deploy all new wild cards (for example, the new USA Administration position, influence of the presidential elections in France, more heated discussions within the EU etc.).

There are four kinds of scenarios in this situation: a successful reintegration of Donbass, suspension of the negotiations, which end up as a medium-priority task, freeze on the conflict for years on end, resumption of the hostiles, and thus no fixed timeline for a renewal of the political settlement process.

Optimistic scenario. Successful reintegration of Donbass into Ukraine under the Minsk agreements at the end of 2016. This scenario cannot be totally excluded (though its probability is less than 5%). Owing to the vehement opposition of Ukraine, the parties have already missed all the deadlines for launching the procedures provided by the law. This scenario can be executed only if the parties will take quick steps for rapprochement. January 2016 is a perfect showcase of the fact that neither of the parties has taken a step towards each other.

Even if all the necessary and agreed amendments to the Constitution have been adopted by September 2016 (the Verkhovna Rada session closes in September), the final settlement requires quite a fortunate stroke of serendipity.

Ukraine won't be able to complete Donbass reintegration in the indicated period even if Kiev is put under an unprecedented external pressure (which is highly unlikely).

Realistic scenario. Suspension of the process, it becoming a medium-priority task (3-5 years). This scenario is quite feasible (up to 30%). All the participants of the process tend to prefer this scenario as it is the most cost-effective alternative in the context



of applying and using political resources and instruments. New steps are likely to be taken in that direction in the nearest future. The Contact group needs a new impulse. Optimism could increase after the presidential and governmental (which can be snap) elections in Ukraine. The new mandate could result in finding more effective ways to adopt the necessary amendments to the legislation.

Pessimistic scenario. Freeze on the situation for years if not for good. This scenario is the most likely alternative (up to 50%). Freezing of the conflict in such a way and form is hardly beneficial to any of the participants. However, this scenario could become the main alternative in case there is tough opposition to taking several necessary decisions.

According to the logic of the present day standoff, it is becoming very similar to the Trans-Dniester conflict. The parties tend to set up their own independent political institutions. And if they end up at the negotiating table, they will have to go for soft reintegration, which has little chances to succeed.

Disastrous scenario. Renewal of the hostiles or constant clashes which will result in suspension of the negotiations for an indefinite period of time. This scenario seems possible (up to 15%). However, it should be pointed out that despite all the tough talk of both Ukraine and the Republics none of them is truly interested in the resumption of the hostiles. The parties to the conflict do not possess enough resources to radically change the military situation in its favor.

Moreover, a violation of the ceasefire and further advance of either of the parties could lead to a new wave of confrontation between Russia and the West, further sanctions etc. In fact, it doesn't matter which party it will be: either the Ukrainian Armed Forces or the Republican forces.

All these scenarios imply that the existing format of the Minsk negotiation process will have to stay. Also, there may appear a declaration of commitment to the February 2015 Minsk agreements, as well as new participants in the negotiation process.

As to other scenarios which do not cover the listed alternatives, elimination of one of the parties as the conflict resolution still cannot be excluded. This means a breakdown of the peaceful settlement process, attempts by the Ukrainian Armed Forces to occupy the Republics, new Ukrainian authorities who won't recognize Minsk agreements, or collapse of Ukraine. However, these scenarios are not likely to unfold till the end of the current year. There is also a possibility that several countries and international organizations will try to influence the Republics and encourage their dissolution. However, the cost of it to Russia and the Republics will be so high that this alternative is highly unlikely.

SUMMARY

Possible development of the situation till the end of 2016 can be seen through the results of the 2015.

Contradictions between the parties (Ukraine and the Republics) will increase, and that negative tendency is likely to stay.

The dynamics of the negotiations held in Minsk within the framework of the Contact group (as well as fulfillment of the already reached agreements) in 2015 and especially in January and in the beginning of February 2016 give little chance of resolving the conflict till the end of the current year.

The probability of choosing between realistic (3-5 years) and pessimistic scenarios (freeze for years on end if not for good) has significantly risen. Moreover, the pessimistic one prevails.

If the choice between realistic and pessimistic scenarios is not acknowledged, the situation can deteriorate even more.

The outline and content of the negotiations in 2016 may stay within the Minsk package of measures, the vast majority of which still haven't lost their significance and are still the only possible way to strike a compromise between the parties.

The productivity and efficiency of the Trilateral Contact Group has by far decreased. The Group is operating without any procedures and control over fulfilling the commitments. The parties have come to a deadlock discussing several urgent and vital issues. Turnover of the representatives won't improve the situation.

One of the negative factors affecting resolution of the conflict is an almost total absence of political, public and expert dialogue between the member-countries of the settlement process at the meeting ground in Minsk and in other sites.

If significant progress in the Minsk process is not reached till the EU summit in July 2016 (the draft of the electoral law is approved and the amendments to the Constitution on the special status are adopted, at the very least), certain steps are to be taken to influence the parties to the conflict and enforce their compliance with the agreements.

It is obvious that the Normandy Four potential is being used ineffectively.

The increase of tension in international relations, new conflicts and contradictions between the participants of the Minsk negotiations, government change in several counties could pose new risks.



The timeline of the peaceful settlement, a decrease in probability of the disastrous scenario and renewal of the hostilities will depend on how fast and how fully the participants of the Minsk negotiations will consider all the above mentioned problems and assess the probabilities.

APPENDIX

APPENDIX 1

PACKAGE OF MEASURES FOR THE IMPLEMENTATION OF THE MINSK AGREEMENTS

1. Immediate and comprehensive ceasefire in certain areas of the Donetsk and Lugansk Regions of Ukraine and its strict implementation as of 15 February 2015, 12 am local time.
2. 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 other for the artillery systems of caliber of 100 and more, a security zone of 70 km wide for MLRS and 140 km wide for MLRS 'Tornado-S', Uragan, Smerch and Tactical Missile Systems (Tochka, Tochka U):
 - for the Ukrainian troops: from the de facto line of contact;
 - for the armed formations from certain areas of the Donetsk and Lugansk Regions of Ukraine: from the line of contact according to the Minsk Memorandum of Sept. 19th, 2014.

The withdrawal of the heavy weapons as specified above is to start on day 2 of the ceasefire at the latest and be completed within 14 days. The process shall be facilitated by the OSCE and supported by the Trilateral Contact Group.

3. Ensure effective monitoring and verification of the ceasefire regime and the withdrawal of heavy weapons by the OSCE from day 1 of the withdrawal, using all technical equipment necessary, including satellites, drones, radar equipment, etc.
4. Launch a dialogue, on day 1 of the withdrawal, on modalities of local elections in accordance with Ukrainian legislation and the Law of Ukraine 'On interim local self-government order in certain areas of the Donetsk and Lugansk Regions' as well as on the future regime of these areas based on this law.

Adopt promptly, by no later than 30 days after the date of signing of this document a Resolution of the Parliament of Ukraine specifying the area enjoying a special regime, under the Law of Ukraine 'On interim local self-government order in certain areas of the Donetsk and Lugansk Regions', based on the line of the Minsk Memorandum of September 19, 2014.



5. Ensure pardon and amnesty by enacting the law prohibiting the prosecution and punishment of persons in connection with the events that took place in certain areas of the Donetsk and Lugansk Regions of Ukraine.
6. Ensure release and exchange of all hostages and unlawfully detained persons, based on the principle 'all for all'. This process is to be finished on the day 5 after the withdrawal at the latest.
7. Ensure safe access, delivery, storage, and distribution of humanitarian assistance to those in need, on the basis of an international mechanism.
8. Definition of modalities of full resumption of socio-economic ties, including social transfers such as pension payments and other payments (incomes and revenues, timely payments of all utility bills, reinstating taxation within the legal framework of Ukraine).
To this end, Ukraine shall reinstate control of the segment of its banking system in the conflict-affected areas and possibly an international mechanism to facilitate such transfers shall be established.
9. Reinstatement of full control of the state border by the government of Ukraine throughout the conflict area, starting on day 1 after the local elections and ending after the comprehensive political settlement (local elections in certain areas of the Donetsk and Lugansk Regions on the basis of the Law of Ukraine and constitutional reform) to be finalized by the end of 2015, provided that paragraph 11 has been implemented in consultation with and upon agreement by representatives of certain areas of the Donetsk and Lugansk Regions in the framework of the Trilateral Contact Group.
10. 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.
11. Carrying out constitutional reform in Ukraine with a new constitution entering into force by the end of 2015 providing for decentralization as a key element (including a reference to the specificities of certain areas in the Donetsk and Lugansk Regions, agreed with the representatives of these areas), as well as adopting permanent legislation on the special status of certain areas of the Donetsk and Lugansk Regions in line with measures as set out in the footnote 1 until the end of 2015.
12. Based on the Law of Ukraine 'On interim local self-government order in certain areas of the Donetsk and Lugansk Regions', questions related to local elections will be discussed and agreed upon with representatives of certain areas of the Donetsk and Lugansk Regions in the framework of the Trilateral Contact Group. Elections will be held in accordance with relevant OSCE standards and monitored by OSCE/ODIHR.
13. Intensify the work of the Trilateral Contact Group including through the establishment of working groups on the implementation of relevant aspects of the Minsk agreements. They will reflect the composition of the Trilateral Contact Group.



Footnote 1. The following measures are to be included in the Ukrainian law ‘On interim local self-government order in certain areas of the Donetsk and Lugansk Regions’:

- Freedom from punishment, prosecution and discrimination of persons connected with the events that took place in particular districts of Donetsk and Lugansk Regions;
- Right of language self-determination;
- Participation of organs of local self-government in the appointment of heads of public prosecution offices and courts in certain areas of the Donetsk and Lugansk Regions;
- Possibility for central governmental authorities to initiate agreements with organs of local self-government regarding the economic, social and cultural development of certain areas of the Donetsk and Lugansk Regions;
- The state supports the social and economic development of certain areas of the Donetsk and Lugansk Regions;
- Support by central government authorities of cross-border cooperation in certain areas of the Donetsk and Lugansk Regions with Regions of the Russian Federation;
- Creation of the people’s police units by decision of local councils for the maintenance of public order in certain areas of the Donetsk and Lugansk Regions;
- The powers of deputies of local councils and officials, elected at early elections, appointed by the Verkhovna Rada of Ukraine by this law, cannot be early terminated

Participants of the Trilateral Contact Group:
Ambassador Heidi Tagliavini
Second President of Ukraine, L. D. Kuchma
Ambassador of the Russian Federation
to Ukraine, M. Yu. Zurabov
A.W. Zakharchenko
I.W. Plotnitski

DECLARATION

by the President of the Russian Federation, the President of the Ukraine, the President of the French Republic and the Chancellor of the Federal Republic of Germany in support of the “Package of Measures for the Implementation of the Minsk Agreements” adopted on February 12, 2015 in Minsk

The President of the Russian Federation, Vladimir Putin, the President of Ukraine, Petr Poroshenko, the President of the French Republic, François Hollande, and the Chancellor of the Federal Republic of Germany Angela Merkel, reaffirm their full respect for the sovereignty and territorial integrity of Ukraine. They firmly believe that there is no alternative to an exclusively peaceful settlement. They are fully committed to undertake all possible individual and joint measures to this end.

Against this background, leaders endorse the Package of Measures for the Implementation of the Minsk Agreements adopted and signed on February 12, 2015 by all signatories who also signed Minsk Protocol of September 5, 2014 and Minsk Memorandum of September 19, 2014. Leaders will contribute to this process and will use their influence on relevant parties to facilitate the implementation of that Package of Measures.

Germany and France will provide technical expertise for the restoration of the segment of the banking system in the conflict affected areas, possibly through the establishment of an international mechanism to facilitate social transfers.

Leaders share the conviction that improved cooperation between the EU, Ukraine and Russia will be conducive to the crisis settlement. To this end, they endorse the continuation of trilateral talks between the EU, Ukraine and Russia on energy issues in order to achieve follow-up stages to the gas winter package.

They also support trilateral talks between the EU, Ukraine and Russia in order to achieve practical solutions to concerns raised by Russia with regards to the implementation of the Deep and Comprehensive Free Trade Agreement between Ukraine and the EU.

Leaders remain committed to the vision of a joint humanitarian and economic space from the Atlantic to the Pacific based upon full respect for international law and the OSCE principles.

Leaders will remain committed to the implementation of the Minsk Agreements. To this end, they agree to establish an oversight mechanism in the Normandy format which will convene at regular intervals, in principle on the level of senior officials from the foreign ministries.

PROTOCOL

on the results of consultations of the Trilateral Contact Group' in relation to mutual steps directed to implementation of the Peace Plan of the President of Ukraine P.Poroshenko and initiatives of President of the Russian Federation V.Putin

The Trilateral Contact Group consisting of representatives of Ukraine, Russian Federation and Organization for Security and Cooperation in Europe, having considered and discussed proposals advanced by participants of consultations in Minsk of September 1, achieved understanding in need to take the following steps:

1. Provide immediate bilateral ceasefire
2. Provide OSCE monitoring and verification of the ceasefire regime observance by the conflict parties.
3. Kiev authorities are to decentralize power, including the adoption of the Ukrainian law 'On interim local self-government order in certain areas of the Donetsk and Lugansk Regions' (the Law on Special Status).
4. OSCE officials are to ensure the permanent monitoring and verification on the Ukrainian-Russian state border with creation of the security zone in border areas of Russia and Ukraine
5. Immediate release of all hostages and illegally held persons
6. Enact a law prohibiting the prosecution and punishment of persons in connection with the events that took place in certain areas of the Donetsk and Lugansk Regions of Ukraine
7. Continue an "inclusive nationwide dialogue
8. Take measures for the improvement of the humanitarian situation in Donbass,
9. Ensure early local elections in accordance with the Law of Ukraine 'On interim local self-government order in certain areas of the Donetsk and Lugansk Regions' (the Law on Special Status).
- 10 Withdraw illegal armed groups, military equipment and militants and mercenaries from Ukraine.
11. Adopt a program for Donbass' economic development and restoration of vital activity of the region
12. Provide personal security guarantees for the participants of the consultations.

*Participants of the Trilateral Contact Group:
Ambassador Heidi Tagliavini*



*Second President of Ukraine, L. D. Kuchma
Ambassador of the Russian Federation
to Ukraine, M. Yu. Zurabov
A.W. Zakharchenko
I.W. Plotnitski*

MEMORANDUM ON 19 SEPTEMBER, 2014

on the results of consultations of the Trilateral Contact Group' in relation to mutual steps directed to implementation of the Peace Plan the President of Ukraine P. Poroshenko and initiatives of the President of the Russian Federation V.Putin

In accordance with Paragraph 1 of the Protocol on the results of consultations of the Trilateral Contact Group in relation to mutual steps directed to implementation of the Peace Plan of the President of Ukraine, P. Poroshenko and the initiatives of the President of Russia, V. Putin (Minsk, Republic of Belarus, September, 5, 2014) the participants of the Trilateral Contact Group, consisting of the representatives of Ukraine, the Russian Federation and the Organization for Security and Cooperation in Europe and the representatives of the certain areas of the Donetsk and the Lugansk Regions have reached an understanding with respect to the following measures, aimed at securing the agreement regarding the bilateral cessation of the use of weapons.

1. The ceasefire is to be considered mutual.
2. Subdivisions and military formations of the parties along are to stop in their juxtaposition as of September 19, 2014.
3. There is a ban on the use of all types of weapons and any form of offensive action.
4. Within 24 hours after the approval of this memorandum, all lethal weapons more than 100 millimeter caliber are to be moved back from juxtaposition by at least 15 kilometers (with the exception of those indicated below), including from residential areas, which will allow to create a zone from use of weapons of no less than 30 kilometers in width (the safety zone).

At the same time, artillery systems of more than 100 millimeter caliber are to be moved back from their juxtaposition by the length of their maximum range, in particular:

- 100 mm MT12 canons – by 9 kilometers; 120 mm mortars – by 8 kilometers; 122 mm howitzers D30 (2S1 Gvozdika – by 16 kilometers; 152 mm 2C5 Giatsint-S (2C3 Acacia, 2C19 Msta-C, 2A65 Msta-B) – by 33 kilometers; Multiple Rocket Launch System (MRLS) 9K51 Grad – by 21 kilometers, 9K57 Uragan – by 36 kilometers; 9K58 Smerch – by 70 kilometers; MRLS Tornado-G – by 40 kilometers; MRLS Tornado U – by 70 kilometers; MRLS Tornado-C – by 120 kilometers; tactical rocket systems – by 120 kilometers.



5. A ban is to be introduced on deployment of heavy weapons and military equipment in the district limited by the towns of Komsomolskoe, Kumachevo, Novoazovsk, Sakhanka, with OSCE monitoring.
6. A ban is to be introduced on installment of new mines and explosive barriers within the limits of the safety zone.
There is an obligation to dismantle previously installed mines and explosive barriers in the safety zone.
7. A ban from the moment of approval of this memorandum is to be introduced on flights of military aviation and foreign drones, with the exception of drones used by the monitoring mission of OSCE, along the line of juxtaposition in the weapons-free zone of 30 kilometers width.
8. The OSCE monitoring mission made up of observers of the organization is to be deployed to the cease-fire zone within 24 hours from the moment of approval of this memorandum. The abovementioned zone should be divided into sectors, the number and limits of which should be agreed in the course of preparation of the OSCE monitoring mission for work.
9. All foreign militarized formations, military equipment and militants and mercenaries are to exit the territory of Ukraine under OSCE monitoring.

*Participants of the Trilateral Contact Group:
Ambassador Heidi Tagliavini
Second President of Ukraine, L. D. Kuchma
Ambassador of the Russian Federation
to Ukraine, M. Yu. Zurabov
A.W. Zakharchenko
I.W. Plotnitski*

PACKAGE OF MEASURES FOR THE IMPLEMENTATION OF THE MINSK AGREEMENTS (MINSK-2)

No	PARAGRAPH	BY 12.02.2016
1	<p>Immediate and comprehensive ceasefire in certain areas of the Donetsk and Lugansk Regions of Ukraine and its strict implementation as of 15 February 2015, 12 am local time.</p>	<p>Done. Violated</p>
2	<p>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 other for the artillery systems of caliber of 100 and more, a security zone of 70 km wide for MLRS and 140 km wide for MLRS 'Tornado-S', Uragan, Smerch and Tactical Missile Systems (Tochka, Tochka U):</p> <ul style="list-style-type: none"> • for the Ukrainian troops: from the de facto line of contact; • for the armed formations from certain areas of the Donetsk and Lugansk Regions of Ukraine: from the line of contact according to the Minsk Memorandum of Sept. 19th, 2014. <p>The withdrawal of the heavy weapons as specified above is to start on day 2 of the ceasefire at the latest and be completed within 14 days.</p> <p>The process shall be facilitated by the OSCE and supported by the Trilateral Contact Group.</p>	<p>Partly done</p>
3	<p>Ensure effective monitoring and verification of the ceasefire regime and the withdrawal of heavy weapons by the OSCE from day 1 of the withdrawal, using all technical equipment necessary, including satellites, drones, radar equipment, etc.</p>	<p>Partly done</p>
4	<p>Launch a dialogue, on day 1 of the withdrawal, on modalities of local elections in accordance with Ukrainian legislation and the Law of Ukraine 'On interim local self-government order in certain areas of the Donetsk and Lugansk Regions' as well as on the future regime of these areas based on this law. Adopt promptly, by no later than 30 days after the date of signing of this document a Resolution of the Parliament of Ukraine specifying the area enjoying a special regime, under the Law of Ukraine 'On interim local self-government order in certain areas of the Donetsk and Lugansk Regions', based on the line of the Minsk Memorandum of September 19, 2014.</p>	<p>Not done</p>



No	PARAGRAPH	BY 12.02.2016
5	Ensure pardon and amnesty by enacting the law prohibiting the prosecution and punishment of persons in connection with the events that took place in certain areas of the Donetsk and Lugansk Regions of Ukraine.	Not done
6	Ensure release and exchange of all hostages and unlawfully detained persons, based on the principle 'all for all'. This process is to be finished on the day 5 after the withdrawal at the latest.	Partly done
7	Ensure safe access, delivery, storage, and distribution of humanitarian assistance to those in need, on the basis of an international mechanism.	Not done
8	<p>Definition of modalities of full resumption of socio-economic ties, including social transfers such as pension payments and other payments (incomes and revenues, timely payments of all utility bills, reinstating taxation within the legal framework of Ukraine).</p> <p>To this end, Ukraine shall reinstate control of the segment of its banking system in the conflict-affected areas and possibly an international mechanism to facilitate such transfers shall be established.</p>	Not done
9	Reinstatement of full control of the state border by the government of Ukraine throughout the conflict area, starting on day 1 after the local elections and ending after the comprehensive political settlement (local elections in certain areas of the Donetsk and Lugansk Regions on the basis of the Law of Ukraine and constitutional reform) to be finalized by the end of 2015, provided that paragraph 11 has been implemented in consultation with and upon agreement by representatives of certain areas of the Donetsk and Lugansk Regions in the framework of the Trilateral Contact Group.	Not done
10	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.	Not done



No	PARAGRAPH	BY 12.02.2016
11	Carrying out constitutional reform in Ukraine with a new constitution entering into force by the end of 2015 providing for decentralization as a key element (including a reference to the specificities of certain areas in the Donetsk and Lugansk Regions, agreed with the representatives of these areas), as well as adopting permanent legislation on the special status of certain areas of the Donetsk and Lugansk Regions in line with measures as set out in the footnote 1 until the end of 2015.	Not done
12	Based on the Law of Ukraine 'On interim local self-government order in certain areas of the Donetsk and Lugansk Regions', questions related to local elections will be discussed and agreed upon with representatives of certain areas of the Donetsk and Lugansk Regions in the framework of the Trilateral Contact Group. Elections will be held in accordance with relevant OSCE standards and monitored by OSCE/ODIHR.	Not done
13	Intensify the work of the Trilateral Contact Group including through the establishment of working groups on the implementation of relevant aspects of the Minsk agreements. They will reflect the composition of the Trilateral Contact Group.	Done

CHRONICLE OF POLITICAL EVENTS RELATED TO THE CONFLICT SETTLEMENT IN DONBASS

2014

6 June	First meeting of the Normandy Four (Benouville, France).
23 June	First meeting of the Trilateral Contact Commission (Donetsk).
25 August	The President of Ukraine has announced dissolution of the Verkhovna Rada of VII convocation and called early parliamentary elections.
27 August	Meeting of the Presidents V. Putin and P. Poroshenko (Minsk).
5 September	A protocol on the results of consultations of the Trilateral Contact Group' in relation to mutual steps directed to implementation of the Peace Plan of the President of Ukraine P. Poroshenko and initiatives of President of the Russian Federation V. Putin has been concluded in Minsk.
16 September	The Verkhovna Rada has passed the law 'On interim local self-government order in certain areas of the Donetsk and Lugansk Regions' and the law "On prohibiting the prosecution and punishment of persons in connection with the events that took place in certain areas of the Donetsk and Lugansk Regions of Ukraine".
19 September	A memorandum on the results of consultations of the Trilateral Contact Group' in relation to mutual steps directed to implementation of the Peace Plan of the President of Ukraine P. Poroshenko and initiatives of the President of the Russian Federation V. Putin has been signed.



23 September	The DPR and the LPR have announced their intention to hold elections of the Heads of the Republics to People's Councils (parliaments) on the 2nd of November, 2014.
26 October	Early elections in the Verkhovna Rada of Ukraine.
2 November	Elections of the Heads of the People's Councils (parliaments) in the DPR and the LPR.
3 November	The President P. Poroshenko has announced suspension of the law "On special status".

2015

11–12 February	Meeting of the Heads of the States of the Normandy Four. The "Package of measures for the implementation of the Minsk agreements" and the "Declaration in support the package of measures" have been adopted.
17 March	The Verkhovna Rada has passed the law "On adopting the amendments to the law on local self-government order in certain areas of the Donetsk and Lugansk Regions" and the resolution which announces certain areas of the Donetsk and Lugansk Regions as being "temporarily occupied".
6 April	The Constitutional Commission has started its work in Ukraine.
6 May	First session of the Contact Group working groups.
1 July	The President P. Poroshenko has introduced the Verkhovna Rada amendments to the Constitution to consider.
14 July	The Verkhovna Rada has adopted the law "On local elections".



17 July	The Verkhovna Rada has adopted the resolution on announcing the local elections.
31 July	The Constitutional Court of Ukraine has adopted the amendments to the Constitution.
31 August	The Verkhovna Rada has adopted the amendments to the Constitution in the first reading.
2 October	The Heads of the States of the Normandy Four have met in Paris.
23–24 October	The Venice Commission has made a resolution on a temporal character of the transitional provisions of the Constitution of Ukraine.
25 October	Local election in Ukraine with the exception for the DPR, the LPR and several districts of Donetsk and Lugansk Regions.
22 December	The Contact group has announced prolongation of Minsk agreements in 2016 and has finalized a schedule of its meeting in January 2016.
26 December	B. Gryzlov – a permanent member of the Security Council of Russia, has been designated a plenipotentiary representative of the Russian Federation in the Contact group on Ukraine.
30 December	Telephone conversation between the Heads of the States of the Normandy Four resulted in the fact that the Minsk agreements were prolonged for the 2016.
31 December	The paragraph 11 of the Minsk package of measures implied carrying out constitutional reform in Ukraine with a new constitution entering into force by the end of 2015 providing for decentralization as a key element.

2016

11 January	Meeting of the President of Ukraine P. Poroshenko with plenipotentiary representative of the Russian Federation in the Contact group B. Gryzlov.
13 January	First meeting of the Contact Group in 2016 (Minsk).
15 January	Meeting of the Assistant to President of the Russian Federation V. Surkov with the US Deputy Secretary of State V. Nuland (Kaliningrad Region).
18–19 January	Visit of the Special Envoys of the German Chancellor and of the President of France to Moscow and Kiev.
19 January	51 deputies of the Verkhovna Rada have submitted a request to the Constitutional Court of Ukraine. The request questioned the definition of the Article 155 of the Constitution of Ukraine which involves passing the bill on the amendments to the Constitution “the next regular session”.
28 January	The Verkhovna Rada of Ukraine has adopted changes to the procedures “The draft law on introducing amendments to the Constitution of Ukraine, considered by the Verkhovna Rada of Ukraine and not adopted, may be submitted to the Verkhovna Rada of Ukraine no sooner than one year from the day of the adoption of the decision on this draft law”.
2 February	The Verkhovna Rada session was closed.