ND201707003 Cease-fire Ukraine - updated 2020/09/23

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Amendments

> **September 8, 2017:** *Amended on September 8, 2017 by a note relating to points C and D confirmed by interviews conducted by the SMM (OSCE) with combatants in the field.*
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> **October 22, 2017:** *Has this text been used since July 11 and in which parts? This question is legitimate as nothing seems to have progressed since July 11th. This text gives the impression that it has reached the OSCE SMM actors to the point of provoking interviews in the field, but beyond these interviews, it seems that nothing has been done. Is there any point in making such an analysis if it is not used byanyone to the point of attempting a real cease-fire?*
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> **September 13, 2020 :** *The cease-fire of July 27, 2020 has taken into account (by chance or voluntarily) the points C, D, E completely, partially point F but has ignored, for the moment, point A. This is a major turning point in this conflict, since it is the first time since 2014 that we have a cease-fire that looks like something. Certainly, there are still violations, but at a low level. The cease-fire of July 27 is a step in the right direction. It still needs some improvements. Moreover, we need to build a future and to address point A, without which any cease-fire could only be a pause.*
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> **See updated ND201709001 in addition**
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> **September 23, 2020:** **some other remarks**

End of the list of amendments

July 11, 2017

Cease-fires that repeatedly fail to hold are classic in wars within a country.

Classical causes of these cease-fires that do not hold

- A - No truly accepted basic agreement between the actors,
- B - Cease-fire announced even before being communicated to the military components,
- C - Non-transmission of the cease-fire order to the armed components,
- D - Poor formalization of the cease-fire agreement,
- E - Undisciplined armed groups deciding by themselves what they do,
- F - Inadequate cease-fire monitoring and supervision system

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2017/10/22: This first general part was intended to make the direct actors aware that the same reciprocal messages are repeated over and over again. These actors were the Ukrainians, the Russians and the separatists as well as their leaders. There is no evidence to assume that it reached them. I don't even think it reached them.

2020/09/13 : This general part remains relevant and does not require updating.

In the case of Ukraine there are a few of all these causes that we will take up one by one.

But first of all let us recall some truths that we find in all wars:

It is always the other who is responsible for the war and the blunders and always I am responsible for the lull and the peace.

I don't know you personally, I don't know your conflict, but there is a 99 out of 100 chance that you will say that "the other is solely responsible for this whole war" and there is also a 99 out of 100 chance that if there is a happy ending and there is peace, you will say "I am solely responsible for peacemaking".

Look around you, think of all the conflicts you know of other than the one you have faced and check this simple statement: "When war begins, it is the other who is responsible for it, when peace returns it is I alone who is the origin of it". All men and women in conflict begin this way: to blame others for the cause of the conflict and to take credit for the peace that is regained. It has always been so, and it will always be so. We therefore agree: it is not you who is responsible for the origin of the conflict, it is necessarily the other and if the conflict ends, you alone have been able to bring it to an end.

So it is a question of understanding how one could bring the others to their senses when they have lost their minds somewhat and are not applying the cease-fire that was negotiated, since, of course, it is the other one who is responsible for the fact that the cease-fire is not being applied.

Then came peace ...or victory ????

The most bellicose of men always has a solution of peace to propose: "you give in to all my demands, and that is peace". Victory always results in peace. So it is enough to win the conflict and the war for peace to be established again.

And it is true that History feeds and justifies this first means of making peace. Let's look around us: the Syrian presence brought peace to Lebanon, the Dayton agreements and the military component of NATO brought peace to Bosnia, the military victory of the allies brought peace after the Second World War, the military victory of the Westerners brought peace in the Iraq-Kuwait conflict, the NATO victory in Kosovo brought calm, because it did not solve the fundamental problem.

So why do a long search when the universally accepted solution is at hand: let's win the war and we will restore peace!

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Is the work of peace over? It's simple: the other is responsible for the war, and all you have to do is make him see reason, if necessary by force, and there is no longer any problem.

Thus, in Ukraine, for the government forces a military victory will be enough to bring peace and there can be no peace without the whole Ukrainian army walking victoriously through the whole Donbass. And for the separatist forces the recognition of the military power supported by Russia will be enough to restore peace. Both continue to believe that a military victory will be enough to restore peace. This victory is unrealistic because the Western countries will not accept a military defeat of Ukraine, nor will Russia accept a military defeat of the separatists, making any solution impossible with its unlimited military support until it gets what it wants: to control Ukraine again indirectly through institutional changes that make the separatists an indispensable actor of power sharing.

Detailed analysis of the causes of the failed cease-fire

A - No truly accepted basic agreement between the players

To date, there is no future perspective really shared by the main actors: Ukrainian authority, separatists, Russia.

What is theoretically admitted is that within the Ukraine a relative autonomy is institutionalized for the Donbass.

The Minsk 1 and 2 agreements are too imprecise, badly formalized, leaving it up to everyone to interpret the agreements as they wish.

The first task would be to remove these ambiguities, identify them clearly and take the time to build a perspective that takes into account the hard points raised by starting to formalize the consequences.

The main points to be raised and confirmed are :

- There is only one army in Ukraine.
- In a country at peace, the army manages the borders and external threats: it does not carry out the usual police operations.
- Autonomy is not a federation of states that would have their own armies and completely autonomous laws.
- There may be autonomy of the security forces, provided that they are compatible according to common rules to be defined and applicable to the entire State and its autonomous services. This requires common and approved training.
  → Behind this point you have a weakness of the Ukrainian state which has not clearly defined how the police is different from its militia and army, and the mix made between some military units managed by the Ministry of Interior and vice versa (for example, the battalions of volunteers were attached to the Ministry of Interior and not to the army, which explains the lack of coordination between these battalions and the military

command). This calls for a fundamental reform of the entire Ukrainian security services, which has been overlooked for the moment.

- It is possible that the interventions of the Ukrainian army will be restricted in Donbas, except the airspace of which it will keep the exclusivity.

- There may be partial legislative autonomy. The scope of this autonomy should be clearly defined

- The local executive must also have a clearly defined perimeter,

- The border of Ukraine will be controlled only by the central state, which means that there will be at least a 10 km zone along the border that will be under the exclusive control of the Ukrainian army.

Elections will only make sense when these issues have been resolved and security services are functioning normally, providing security regardless of the outcome of the elections.

The removal of these ambiguities should be done through an internal negotiation in Ukraine. Transparency should ensure that the agreements reached make sense and are acceptable to the different parties.

2017/10/22 :

> *I have not seen anything in Ukraine or elsewhere that resembles a removal of ambiguities. Just a repetition by each one of the same old statements without confronting them to the others' faces. It's always the same thing: there is no shared vision of the future and no negotiating team is taking it seriously. The weekly meetings in Minsk seem like a bad joke that hasn't brought anything new since. They even seem ubuesque: representatives of self-proclaimed republics who seem to believe that their mere presence legitimizes them and their armed force, a Russian representative who always officially denies the presence of Russian troops and equipment and a Ukrainian representative who refers to texts that are not really on the subject. The ambiguities have not been resolved and there is no known serious action that does.*

2020/09/13

> ***No visible progress. This part needs to be addressed quickly. We should first see with the Ukrainian leaders to understand what they really want. Then a representative body of the Donbass population should be created to test the ideas. As long as there are no elections validated by the OSCE, there are no local authorities to negotiate with. We can discuss, but negotiating with self-proclaimed authorities would institutionalize them. They should not be completely ignored either, in order to ensure their cooperation for future normalization.***
> ***Not having understood the status proposed by Ukraine, I express***

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> *reservations about the presentations made by both sides on the future status.*

B - Cease-fire announced even before being communicated to the military components

In the rush, sometimes the cease-fire is announced for immediate application. The result is that it is immediately violated since the military components are not aware of it and will immediately accuse the other of violating the cease-fire.

This point does not happen anymore in Ukraine

C - Poor transmission of the cease-fire order

and

D - Poor formalization of cease-fire agreements

There is a lack of precise data, but the cease-fires in Ukraine give the impression that they are being passed on to only a part of the armed components. I am convinced that most of the combatants are not informed in detail about the cease-fire and do not even have a written record and clear instructions. This would require a sampling of many combatants to confirm this, but how can one explain so many violations and artillery fire if all combatants had received the cease-fire order?

In the formalization, there is also the fact that, presumably, it is not indicated to the combatants what to do in case of a blunder. They should be able to call by radio or otherwise a cease-fire supervision and monitoring system that covers their area. I believe there is no such system defined and implemented. It is this system that should go and silence the sources of fire.

Instead, as soon as there is a burr, everyone responds and causes an escalation again. The formalization of cease-fire agreements is not designed to involve the combatants in de-escalation. It seems to me that the instructions received by most of the combatants are to respond to attacks and blunders, which contributes to the end of the cease-fire.

Note of 8/09/2017 :

> *In the OSCE's Daily and spot reports from the Special Monitoring Mission to Ukraine between September 3 and 7, 2017 you can find a whole series of elements confirming these hypotheses. SMM observers interviewed randomly encountered combatants on their patrols to find out if and which ones they had received orders for the last cease-fire in force. While a few were specifically informed, most received only a few oral reminders and had difficulty clarifying or justifying the content of what was conveyed to them. The first definite area for improvement, in light of these field surveys, is that better formalization and transmission will certainly have beneficial effects, even if they are likely to be short-lived and will not be*

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sustainable without a Cease-fire Monitoring and Maintenance System adapted to the local situation.

These SMM reports are available on the web at :

http://www.osce.org/ukraine-smm/reports

2017/10/22 :

This point was well thought out, but did not go all the way. A clear and precise one-page formalization of the cease-fire and what to do or not to do would be a good thing: nothing of the sort, nowhere. Communicating on the monitoring system and defining radio frequencies for reporting incidents would be another good thing. None of that. The naive expectation that it is enough to declare a cease-fire to enforce it on its own without organizing it? That's the impression I have?

2020/09/13

This point is no longer relevant. It has been properly taken into account.

E - Undisciplined armed groups deciding what they do themselves

In Ukraine, this phenomenon exists on both sides. It is more accentuated on the separatist side than on the side of the Ukrainian armed forces.

On the Ukrainian side :

- Volunteer battalions are reputed to be the most undisciplined. This is reinforced by the fact that these volunteer battalions were initially attached to the Ministry of the Interior and with no clear link to the military command. It seems to me that things have changed a bit, but it is often specific units that are multiplying blunders and escalations.
- The observations of the SMM observers clearly show that the shots were fired from all directions and in all directions, putting into perspective the official statements that only the camp opposite is responsible for the "attacks". But OSCE observers are humanly short-sighted. They clearly identify the cannon shots and explosions, but they never make any connection with the fighting forces on the ground and refrain from acting on the fighting forces, if only by reminding them to stop firing or to evacuate the prohibited weapons. This human short-sightedness of SMM observers is structural, voluntary, to the point that it is the reason why they will have to change or accept that there is no cease-fire that will hold.

On the side of the separatists:

- The fighting units appear as a grouping of militias, militiamen, formed troops whose unified command seems theoretical,
- They do what they want when they want and to maintain their faith in a dream (No European country will ever recognize their republic and their leaders will avoid telling them this truth to their face), sending a small blow to the camp opposite is good for morale.

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There are ways to get undisciplined armed groups to respect a cease-fire. This requires sectorization, operational CPs, liaison officers with these fighting units, observers/inspectors who know the sector and the forces present: all of which the SMM has officially refused to do from the beginning.

In Ukraine we are in a situation where many armed groups are undisciplined.

 Faced with this reality, we have people in charge of maintaining the cease-fire that I call "care bears" (which means everyone is handsome, everyone is nice). For them it is enough that a cease-fire agreement be communicated to the highest level of the hierarchy for it to be applied. Unrealistic! Breaks in command, lack of coordination, indiscipline are not taken into account anywhere, by anyone.

Therefore the only thing that works from time to time is to relaunch a cease-fire at the highest level. This is what the Contact Group is doing, which I call a cover-up for the lack of understanding of what is happening and the lack of a coherent system of supervision and monitoring of the cease-fire.

The cease-fire of July 27, 2020 has finally succeeded in disciplining the different groups.

2017/10/22 :

> *Let's be honest: nothing serious has happened to remind the various more or less disciplined actors of what they have to do and to control that they do it. No operational PCs, no deputy liaison officers for observer missions, and no SMM initiatives to go and tell offenders directly to do otherwise: they observe. So what? Not much happens. There has been a repetitive lull that has never been transformed into a cease-fire and no change in behaviour and organization.*

2020/09/13

This point is no longer relevant. It has been properly taken into account.

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F - Inadequate cease-fire monitoring and supervision system

What exists in Ukraine?

There are mainly two cease-fire actors:

- **The SMM**: OSCE Observation Mission
- **JCCC:** Joint Centre for Control and Coordination

Both seem to have been created at the request of Ukraine.

This does not prevent Ukraine from considering peace forces.

Stacking of stakeholders is done without their multiplication being integrated and appears to be ineffective.

SMM - Special Monitoring Mission

French translation: Mission spéciale d'observation

The translation of Monitoring by Observation truncates the English meaning, which is much broader. It is monitoring in the broadest sense, which means observation but also monitoring, which includes actions resulting from observations.

This restrictive translation of the English meaning of monitoring reduces the current mission to a simple observation.

Created on March 21, 2014 by OSCE Permanent Council Decision 1117, the mission also plans to "Facilitate dialogue on the ground in order to reduce tensions and promote normalization of the situation".

In practice the observers were 651 as of June 28, 2017.

Their main mission is to observe and report on what is happening.

There are daily reports which are published on the OSCE website, except on Sundays.

The report published each day at the end of the day around 6:30 pm is based on the data that was available the day before at 7 pm. We therefore take note of the state of the situation as it was between 24 hours and 48 hours earlier (for the official report through the press).

Is there a report published beforehand for insiders? I am not in a position to answer this question, but if this is the only report available to all local actors, it is better to use other available sources of information, for example the daily press release of the Ukrainian army which are published in the morning.

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The whole issue of SMM as I see it is this: a simple observation of the reality of security that is not made to act but simply to tell what is happening.

It must be recognized that there are few conflicts on earth for which there is so much objective information, but it is not easy to exploit. Every day there is a report, but making a curve over time that uses this data to transform it into a relative level of violence to identify whether the day was relatively violent is impossible without redoing a complete treatment. The raw information is of some interest but this has never been done to get an idea of the real state of the situation by means of graphs.

2020/09/23: A few months ago, the SMM reports were modified. The graphical presentation has been improved and allows to immediately identify a global status of the day and the location of incidents. To date, it must be considered that this modification of the SMM reports is by chance compared to what was indicated in this report, which is known to have been read at different levels without knowing whether its presentation was official from one of its member countries or unofficial from diplomats who would have read it from the diplomat who received it.

What do these observers do?

- Fixed point observation,
- Patrols
- Facilitation of various repairs
- Analysis of impacts of previous days

Is it useful?
- For researchers this can give an idea of the level of violence.
- On the spot? apparently the information arrives too late to make decisions.
- I don't see any official circuit and coordination center that exploits this data to the point of looping this information locally. For local leaders, it's almost useless for them to know which command unit this or that incident corresponds to.
- Am I misinformed? In view of the information I have**: this system must be changed by a system that is capable of asking local components to take the necessary corrective actions** The system is too passive to be really effective
- Don't make me say what I didn't say: this system is better than nothing, but **it will never maintain a cease-fire in a conflict within a country. The OSCE mission in 1998 that preceded the Kosovo war confirms this: the principles were similar and the result similar.**

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Behind the principle of SMM observers, I wonder about the real understanding by these actors of the phenomena of "Non quality". Having worked in industrial quality systems, a burr of a cease-fire seems to me equivalent to a "non quality" on a product.

If we applied in the industry the principle of SMM observers, every time we would see a "non quality", we would note it very carefully and every 3 days we would send the list of these "non quality" to the International Director General: he would be unable to do anything with it.

In the industry, we operate differently: when there is a lack of quality, we isolate the product and immediately request an intervention to put an end to this "lack of quality". In order to prevent this from happening again, "preventive actions" are also launched.

Do these observers and their managers have a concrete sense of the industrial reality and its methods?

In the industry, when we see an error, we point it out to the individual and the individual has an action to take. The action is followed up.

In the SMM world, when an SMM observer sees a prohibited weapon within 10 meters of him, he notes the prohibited weapon, writes it down, and it will be 48 hours later in an SMM report. What I am waiting for is for the person who sees the prohibited weapon to tell the weapon's server, request its evacuation and follow the evacuation of that prohibited weapon.

I understand that this is not within the scope of SMM observers and is even prohibited. So I'm going to talk about inspectors and I'm going to ask for the training of inspectors to gradually replace the observers. 200 inspectors will be enough for me.

Moreover, for these inspectors to be effective, they must be accompanied by people who speak the language, i.e., liaison officers from the forces on the ground. Again, this sounds like a prohibition in principle within the SMM.

We are going to find another name for them than SMM but this evolution seems to me necessary to achieve a cease-fire that will hold and trace all the military components of Donbas.

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JCCC: Joint Centre for Control and Coordination

The JCCC has been in existence since September 2014. There are about 60 Russian officers and as many Ukrainians.

The JCCC appeared at the start as a competitor to the SMM: it had its own observation points, did its own counts and in addition Russians and Ukrainians did separate counts to justify what the other was doing.

Cooperation with the SMM exists but is of a window type: SMM observers occasionally make a request to the JCCC, which is supposed to do so, but they hardly ever work together except for impact assessments.

The SMM virtually no longer informs about what the JCCC is doing. This is unfortunate because it is the only link capable of relaying messages to local fighters in the field.

It is an essential link in maintaining a cease-fire. It can restart the implementation of a local cease-fire at the appropriate hierarchical level.

For a cease-fire to hold, the entire SMM and JCCC system would have to be recast into one, and they would have to work differently.

Each sector (Mariupol, Donetsk, Luhansk) should have a working PC running 24 hours a day. This PC should be linked to patrols of inspectors accompanied by liaison officers for their security and be able to facilitate contact. These patrols would go where there are violations to try to understand what is going on and put an end to it. They would investigate and understand the forces involved. When they encounter prohibited weapons in the LOC area, they would not only report it, but they would also ensure that the prohibited weapons are removed and geographically traced (set aside in a special area).

I understand that this request is not in line with the way the SMM and OSCE operate. I am asking that we create something called SJMC (or whatever you want) with JCCC and SMM volunteers and that we stop with this bureaucratic management of reality.

If the OSCE does not know how to transform itself accordingly, something else will be invented. In any case it will be useful one day or another outside Ukraine.

So I appeal to the leaders who will make it to this request: I need your support to make it happen. Whether I care about it inside or outside the OSCE, it will have to work like this, without going through long procedural battles within any European body.

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2017/10/22

SMM and JCCC continue to work side by side but not together. The cease-fire monitoring system is barely known to the actors. It should not happen often that a combatant turns to them to stop the blunders: they probably don't know how to reach them on the ground.

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This point has evolved favourably. The system has become active and JCCC has learned for many weeks and well before July 27, 2020 to regulate the situation by targeted hierarchical orders.

However, the agreement formalized on July 22nd gave too much importance to the JCCC. It forgets that the JCCC, in a conflict situation, is unable of making a report accepted by the two military components of the JCCC and of arbitrating. This always translates into the escalation of 2 different reports to the 2 combatant hierarchies, as well as the impossibility of resolving the problem raised.

It is structural and known since the beginning of the JCCC. The setting up of inspection teams including a liaison officer from each camp should lead to sharedcommon reports. The JCCC should not be asked to do what it does not know how to do, any more than the SMM should be asked to do what it does not know how to do and does not want to do.

Conclusion of the 2017/10/22 :

Honestly I have not seen since July 11th the translation of this reflection into action. Presumably it has reached SMM, but it has remained a pure analysis taken into account by no one... and the situation has not really changedsince July 11, 2017.

The multiple causes for the failure to hold a genuine cease-fire are still present and do not seem ready to be eliminated. A cease-fire should be rebuilt by agreeing to implement all suggestions to minimize these causes at once. It is not by taking a single one, applied partially and in a limited geographical space, that this will lead to a cease-fire that will hold.

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Conclusion of 2020/09/13 :

A magnificent cease-fire that shows that it is possible. What is unfortunate is the structural (weak word) reluctance of all the official actors to let people know what has actually been done. There is a distortion between official appearances and reality. Official actors are content with this because it makes them look good. I am not satisfied with this, because others will be unable to reproduce a cease-fire that holds if the reality of what has been done is not explained to them, and other than by some media appearances where the subtleties of what had to be done to achieve this result are not perceived.

See updated ND201709001 in addition

Remark of 2020/09/13 :

The SMM has remained just as passive in the field, although it has probably played a role in the evolution of the central system. Structurally, the JCCC has some SMM officers who may have played a role. The most interesting part of the change in the system occurred before the July 22 decisions. If you take the reports available between July 15 and July 22, you see a sudden outbreak of violence around July 18, already back to a very low level of violence before July 22 and July 27, the official day of the beginning of the cease-fire. This means that there was already an actor who knew how to bring the situation back to a calmer level. What July 22nd brought was an official reformalization of the cease-fire, which allowed for precise orders to be given to the combatants on the ground. This is probably what was done on that occasion, although there are no visible traces of it. On the other hand, the fact that this was done within the JCCC, even though the initiative was originally from outside and perhaps with SMM participation, has allowed the JCCC to appear as if this was its only initiative. This is a common behaviour among politicians, but we can see that the military is not immune to the delusions of grandeur that allow them to manage their careers accordingly.

When there was a dispute at the level of JCCC arbitration on work done by the Ukrainian army, as planned the JCCC was unable to settle it and it spilled over into the TCG and other instances.

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Was the suggestion of using inspection patrols, with a liaison officer from each side, used to calm the game? We do not know. The JCCC never informs and SMM makes it a point to never talk about it as if it did not exist and had no role. It is the practice within SMM to only talk about what SMM is doing and ignore all the other players. Probably neither the OSCE nor the SMM would be able to replicate such a cease-fire on an equivalent conflict: it would be a consequence of their behavior. By ignoring the role of the other actors, they limit themselves to what they do by suggesting that only SMM actions have an effect. The day a cease-fire is needed, they will be trapped by their own distortion of reality: they will only reproduce what they have done that does not explain the causes of the cease-fire and will realize a little late that something is missing, just as their SMM-centric description does not allow them to understand what made the cease-fire work. They could have a broader field of vision if other actors put them back in place, which does not seem to correspond to the hushed diplomatic practices where the priority is not to disturb anyone. It is more important not to make waves than to have an effective system or to have a frank explanation for it to become effective.