

Donbas Peace Talks 2.0

Russia's Objectives and Ukraine's Limits

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On October 1, 2019, President Volodymyr Zelenskiy agreed to meet Russia's conditions for holding peace talks already this autumn. Moscow's readiness to play, however, should not be mistaken for willingness to solve the conflict. So far, the Kremlin has not made any concessions in Eastern Ukraine that would be irreversible; consequently, it seems to only be testing Zelenskiy's limits. Both Zelenskiy and the EU need to be cautious not to reward easy-to-reverse steps with major, strategic benefits.

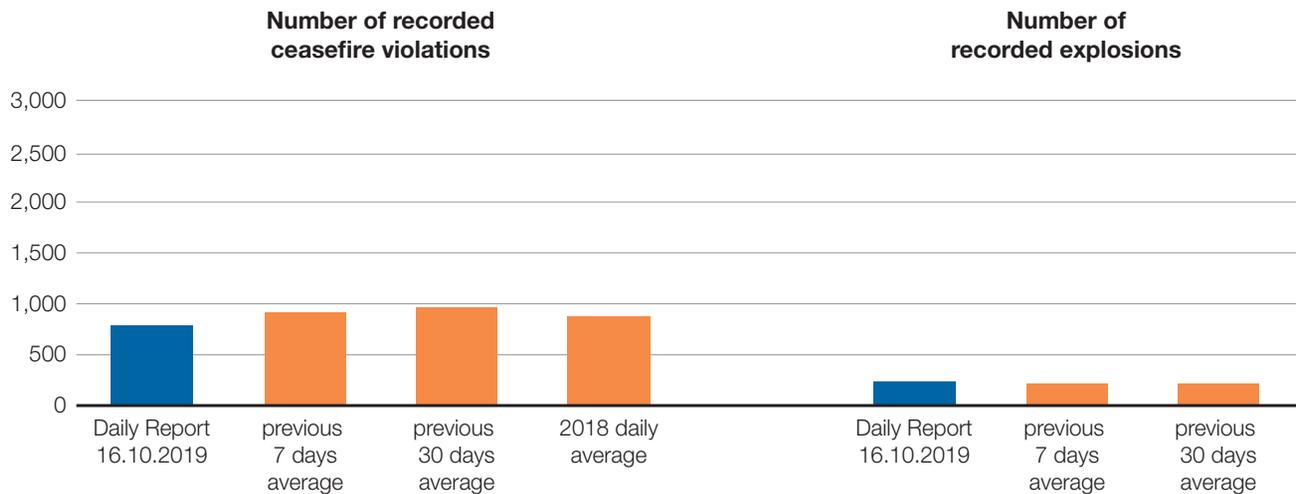
Since Ukraine elected President Volodymyr Zelenskiy, who wants the armed conflict in Donbas to be resolved as soon as possible, new momentum has been building toward renewed peace talks on the region between Ukraine and Russia. For the first time since 2016, a new summit within the so-called "Normandy format," which includes Russia, Ukraine, Germany, and France, is planned. Although it was originally slated for this September, it has yet to take place. President Zelenskiy has placed high hopes on direct negotiations with President Putin over Donbas. To clear the way for a meeting between the two presidents and simultaneously move closer to achieving peace at the next Normandy summit, Zelenskiy agreed to meet two key Russian pre-conditions for a potential political settlement – despite disagreements within Ukrainian society over the likely repercussions and risks of fulfilling Russian demands.

Agreement on these two Russian pre-conditions was made official in Minsk on October 1, 2019 during a meeting of the Trilateral Contact Group (TCG) among representatives of Ukraine, Russia, and the temporarily occupied territories of Donetsk and Luhansk. First, they confirmed the text of the "Steinmeier formula," which clarifies a sequence of steps toward achieving a special self-governing status for Donbas after local elections are held under Ukrainian legislation. Since the "Steinmeier formula" had previously not been written down, Foreign Minister Sergey Lavrov stated that Russia wanted

Ukraine's commitment to its wording on paper before any top-level negotiations could take place. Second, they agreed on the disengagement of forces and hardware on both sides in the Zolote and Petrivske areas. In return, Moscow conveyed that it is ready to sacrifice the current separatist regimes in the so-called Donetsk (DNR) and Luhansk National Republics (LNR) for the sake of greater strategic objectives in the long run. This is a political breakthrough in the Minsk process.

While many Ukrainians see these concessions as unacceptable means for President Zelenskiy to bring President Putin to the negotiating table, Zelenskiy's administration sees them as potential stepping stones to peace, which could enable Ukraine to regain control over its eastern border with Russia. The "Steinmeier formula" is expected to be incorporated in a new law on the special status of Donbas to be drafted by the Ukrainian parliament once the current law expires on December 31, 2019.

On the one hand, the developments of early October bring reserved hopes for ending this conflict. On the other, the objectives behind Russia's strategic moves and the leverage it maintains will determine the potential for a real breakthrough and pre-define the context and options available to President Zelenskiy. Despite the promise

Figure 1: Recorded Ceasefire Violations in Donbas by the OSCE Special Monitoring Mission

Source: Daily Report 245/2019, OSCE Special Monitoring Mission to Ukraine, October 16, 2019.

of Russia's current readiness to negotiate peace, nothing has so far changed on the ground that cannot be reversed.

Russia's Motives in the Settlement Process

Russia's responses to Zelenskyy's moves toward conflict settlement in Donbas are guided by its unchanged objectives for Ukraine – to destabilize the country and keep it as far away from the West as possible. By agreeing to exchange dozens of prisoners in September 2019 and then to the deal of October 1, Russia seems to have shown its goodwill toward moving forward with the settlement process. Demonstrating readiness, however, should not necessarily be equated with political willingness to fully end the conflict. To understand Russia's real intent in Donbas, realities on the ground in Eastern Ukraine need to be carefully assessed.

Likely motives for the Kremlin to (falsely) demonstrate its goodwill are multifold. First and foremost, as the domestic popularity of the "Putin System" shrinks, the perspective of such a major foreign policy success as ending the conflict in Ukraine on Russia's terms could well provide an impetus for improving public support. The Kremlin's likely calculus is that – as the settlement process would likely neither be short nor quick – ongoing news about incremental improvements in the field, if they take place, may boost the popularity of the ruling party, as well as of President Putin himself, in time for the upcoming Duma elections. According to a June 2019 survey by the Levada Center,¹ fewer and fewer Russians have hostile feelings toward Ukraine, indicating that conflict settlement would be a welcome perspective. Moreover, even if the planned Normandy summit does not take place anytime soon or ends without a breakthrough,

Putin might still claim that a negative outcome was not the fault of Russia, but of Ukraine. Indeed, President Putin has recently started blaming Zelenskyy's lack of political will to control Ukrainian nationalist military forces for the stalled process of disengagement.²

Second, another likely motive for the Kremlin's show of goodwill is to test how far Zelenskyy is ready – and able – to go in terms of making concessions. Taking into account the important differences between the attitudes of former President Petro Poroshenko and of Zelenskyy, it would not be surprising if Russia would like to measure the seriousness of the averred commitment of Zelenskyy and his administration to conflict settlement. Such a test would not, in fact, require a successful Normandy summit because the core element of a Russian test of Zelenskyy is to fathom what he is willing to concede in the lead-up to such a meeting.

Third, as most Western sanctions are contingent on the fulfillment of the Minsk agreements, Moscow may hope that, by demonstrating its willingness to move forward with a settlement, it makes the lifting of these sanctions more likely, which would positively affect the Russian economy. Besides, the readmission of Russia to the G7, which is mostly of prestige-related importance, is also tied to achieving improvements in Ukraine.³ In addition, Russia hopes to motivate the West to put pressure on Ukraine and make Kyiv agree to even more concessions.

By theoretically agreeing to conduct local elections under Ukrainian legislation, Moscow signaled that it is ready to sacrifice current separatist regimes for the sake of preserving its influence over Ukraine – the greater strategic objective in the long run. Yet, meeting even the most basic preconditions for holding these elections is a remote prospect, particularly because Russia still denies

that it has armed forces in Donbas. Neither Russian troop withdrawal nor the restoration of Ukrainian control over its common border with Russia is progressing. At this point, Moscow's consent to hold elections in the future does not have many practical implications. Rather, it is political show intended to demonstrate that achieving a settlement does not depend on the Kremlin. This is not a real move toward a solution.

For the separatist leaders, however, this agreement already offers dire enough perspectives. Once OSCE-compatible elections are held in the temporarily occupied territories, it is highly unlikely that any of the current separatist leaders could maintain his or her power and position. Their chances for reelection are decreased by the votes of internally-displaced people (IDPs) from Donbas that live in other parts of Ukraine, if they are allowed to vote. Furthermore, Ukraine is likely to accuse them of war crimes. It is yet too early to assess how the agreement will affect the Kremlin's credibility to support separatism anywhere else in the future. The fate of elites from the DNR and LNR, however, will likely be a warning sign to many of Russia's present and potential allies.

Russia Preserves its Leverage, Regardless of Talks

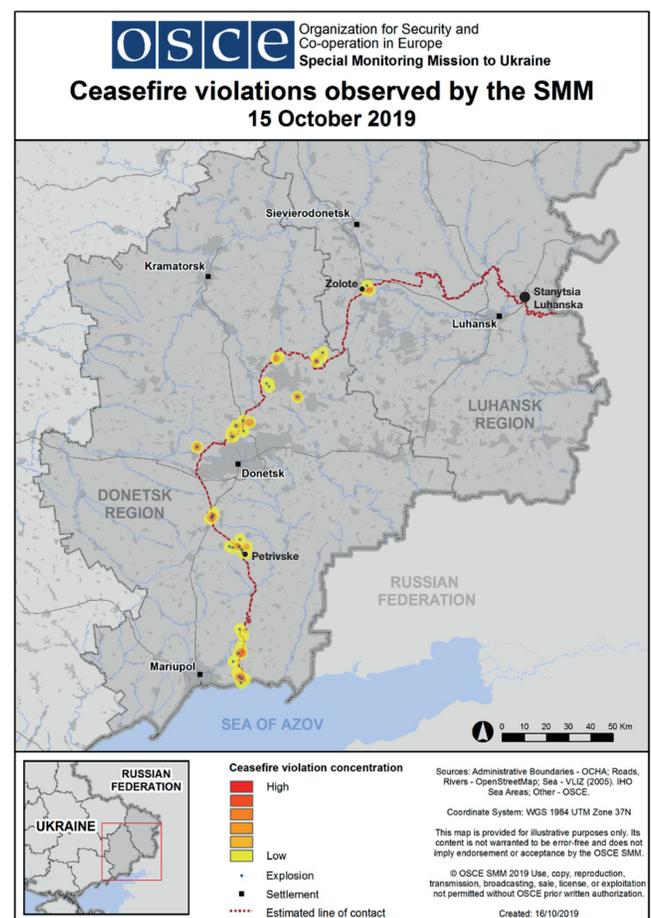
Agreeing to conditions that may lead to the removal of separatist leaders does not mean that Russia will actually give up its leverage over Ukraine. Russia still maintains its narrative of non-involvement, which gives the Kremlin ample freedom to be ambiguous and to maneuver. Besides, in the short-term, Russia also maintains its escalation dominance in the conflict zone and may use the separatists to derail agreed-upon disengagement any time it sees fit. In a declaration on October 7, 2019, Kremlin spokesperson Dmitry Peskov made this very clear by claiming that Russia could not guarantee the withdrawal of forces from Donbas, as, in the end, this depends on the separatist entities.⁴

Moreover, even if disengagement takes place, it applies only to certain sections of the line of conflict. The most well-known of these sections is the Stanytsia Luhanska area in the northern part of the occupied Luhansk region. However, as a precondition to holding further Normandy talks, Russia also demanded that the areas of Zolote and Petrivske be included in the disengagement process.

Disengagement in Zolote and Petrivske, if realized, may lead to a somewhat segmented frontline with weakened Ukrainian positions. It could also leave a critical piece of infrastructure at Zolote – the Mikhailyka Transformer Station, which provides electricity to several

villages currently under separatist control – exposed to a possible separatist attack. Politically, Russia's demand for Zolote and Petrivske puts Zelenskiy between a rock and a hard place. If he also disengages in these strategically important areas, he risks losing both territory and a key piece of infrastructure that has given Ukraine important leverage, leading to domestic doubts about his competence as the commander-in-chief of its armed forces. But if he refuses to fulfill Russia's demand, he makes it possible for Moscow to blame Ukraine for the repeated stalling of the Normandy talks. Consequently, Zelenskiy may also bring further pressure from the West upon himself to stick to Ukraine's commitments from October 1, 2019.

Figure 2: Ceasefire Violation Concentration in Donbas



From a military perspective, disengagement in Zolote and Petrivske would cause Ukraine to give up territories in those regions that it had regained since 2016.⁵ This prospect has raised both political and military concerns inside Ukraine's armed forces. However, as of October 15, 2019, disengagement there is not taking place according to the schedule to which the parties committed. According to Ukraine, separatists kept up regular fire – even as late as October 14⁶ – which prevented disengagement from even getting started. Ukraine's Minister of Defense, Andriy Zagorodnyuk, had stated that disengagement

could only be initiated if a ceasefire in the region could last for at least seven days.⁷ Russia denies the existence of a written agreement on this.

In addition, even in the case of complete disengagement, Russian-separatist forces would move only a few kilometers back. Despite taking into account the massive amount of heavy military equipment, including hundreds of tanks and artillery pieces operating in the separatist territories, it would neither require much military effort nor time for Russia to re-enter the disengagement zones abandoned by Ukrainian forces. In other words, as long as an international peacekeeping force – preferably one that is mandated by the United Nations – is not deployed between Ukrainian and Russian-separatist forces, the temporary stability provided by the disengagement will be very fragile, if it commences at all.

Lastly, if disengagement is successful and OSCE-compatible elections take place in the currently occupied territories, the effects of years of suffering from hostilities and exposure to the Russian information monopoly will be felt by the local population. Hence, the Kremlin may well calculate that, even if elections take place, they would bring the victory of such political parties and candidates that are more open to influence from Moscow, thereby strengthening its political influence in Ukraine in the long run.

As of now, it looks increasingly likely that the Kremlin has mostly been testing how far Zelenskiy is willing and able to make concessions in exchange for a perspective conflict settlement without actually making any concessions itself. As a result, the Ukrainian president is now bound not only by his own domestic political commitments, but also by the agreement of October 1, 2019. In other words, Russia has managed to unilaterally limit Ukraine's maneuvering space, which, from Moscow's perspective, is indeed a success. More time is necessary to see if developments on the ground will allow political talks to proceed.

Zelenskiy's Limited Options in Donbas

While Russia's interests and objectives vis-à-vis Ukraine remain the same, the political context in Ukraine has experienced a significant shift since President Zelenskiy took office on May 20, 2019. His latest actions prove there is political will under the current administration to explore options for peaceful conflict settlement. They also put pressure on Russia to respond to the invitation to sit at the negotiating table. In his quest for fast solutions to bring the promised "peace in Donbas," however, Zelenskiy's hands are tied by several factors that will be decisive

for the outcome of the next meeting in the Normandy format, if one should take place.

Ukrainians' high expectations of Zelenskiy are reflected in the president's approval ratings, which are still very high. Five months after he took office, 71 percent of Ukrainians are satisfied with his activities⁸. Zelenskiy's strong legitimacy is driven by citizens' demand for visible changes, and it pushes him to seek fast solutions that otherwise might not be in Ukraine's long-term interests. Under this domestic scrutiny to deliver on his electoral promise to bring peace, Zelenskiy might be pressed to make far-reaching concessions just to bring President Putin to the negotiating table, hoping to reach a peace deal but without having a thought-out strategy behind it. If negotiations go wrong, freezing the conflict might well be Zelenskiy's only alternative – one that will define the rest of his presidency.

The public discussions that erupted as a result of the lack of transparency and clear communication around the signing of the "Steinmeier formula" have revealed the lack of a strong consensus – not only among Zelenskiy's team, but also in Ukrainian society – on how far Ukraine should be prepared to go to bring peace to Donbas. 53 percent of respondents to a recent poll on attitudes of Ukrainians towards Donbas⁹ are in favor of holding local elections in the non-controlled territories of the region after gaining control of the whole occupied territory while 19 percent are against. 48 percent do not support amnesty for members of illegal armed groups who are fighting on the side of the so-called DPR and LPR. 43 percent do not support providing the local councils of the occupied territories with the right to create national police units. This data shows that there are strong divisions within Ukrainian society about how to solve the conflict.

The deal Zelenskiy made on October 1 has mobilized various groups in Ukrainian society, including concerned citizens, non-governmental organizations, veterans associations, and political opposition forces, who are against Zelenskiy's agreement to sign the "Steinmeier formula" in order for a summit to take place. Protests, which have taken place regularly for the last two weeks, have put even more pressure on the president to appease those segments of society that believe he went too far.

Ukraine's overall leverage in negotiations with Russia is weak – a fact illustrated by the recent example of the exchange of prisoners between the two countries. Although the first exchange on September 7, 2019 was a big success for Zelenskiy both domestically and internationally, Ukraine allegedly lost Russia's interest in further swaps when it handed over two key persons of interest for President Putin, Volodymyr Tsemakh and Kirill Vyshinsky.

Tsemakh is a suspect in the downing of Malaysia Airlines flight MH17, and Vyshinsky was the head of the Ukrainian office of RIA Novosti, Russia's state-run domestic news agency. Considering the high importance of prisoner exchanges for Zelenskiy personally, relying on the possibility of having more such swaps with Russia makes him vulnerable vis-à-vis Moscow.

Furthermore, Ukraine is losing international support at a critical time when it could be making the most difference to the outcome of potential peace talks. The EU's cohesive support for sanctions against Russia is gradually weakening, and fatigue over Ukraine, as well as the armed conflict in Donbas, is more vividly present in European capitals each day. In addition, the release of the transcript of US President Donald Trump's phone call with Zelenskiy on July 25, 2019, has not been to Ukraine's advantage. Zelenskiy's complaint about France and Germany's weak support of Ukraine has, to an extent, indirectly damaged trust in its relationship with European partners, which Ukraine hopes will help protect its national interests.

All of these factors leave Ukraine's president, who has very limited experience with diplomacy, in a more challenging position vis-à-vis his Russian counterpart. They also make him more dependent on his European partners in the Normandy format – German Chancellor Angela Merkel and French President Emanuel Macron – with whom he has consulted intensely over the past weeks.

The Settlement Process and the EU

This is a defining moment for Ukraine. Amidst increasing expectations for conflict settlement both in Ukraine and internationally, the current situation within the country – and particularly for President Zelenskiy – is, however, increasingly tense and unpredictable. Domestically, he is under pressure from the protests against the signing of the October 1 agreement, interpreted by many as Ukraine's capitulation. His team also does not seem to have a long-term strategy for conflict resolution in light of existing constraints. Meanwhile, internationally he is pressed to move forward with the settlement process. Since the transcript of his recent call with US President Donald Trump became public, Ukraine has become “an issue” in US domestic debates; it can no longer credibly argue that it has sustainable support from the US administration.

Meanwhile, Europeans need to acknowledge that – despite all rhetoric to the contrary – Russia's stance toward the armed conflict in Donbas has not changed, and it has not made any concessions in Eastern Ukraine that would be irreversible. The agreed-upon disengagement, even if implemented, is not equal to the full withdrawal of Russian forces from the Donbas region. In fact, the agreed disengagement applies only to a few sections of the line of contact, and, even there, will be difficult to complete, particularly if ceasefire violations continue. Besides, at present, no steps have been taken to dismantle the structures of the DNR and LNR. All in all, it is not yet visible that Moscow would be ready to give up either its escalation dominance in the conflict or its military leverage over Ukraine.

On the other hand, Zelenskiy's concrete steps to meet Russia halfway on October 1 reflect his political will to solve the conflict and his readiness to make painful concessions. These deserve to be fully supported, not only by Germany and France, but by the EU as a whole. The first visit of the EU's designated High Representative, Josep Borrell, after his appointment should be to Kyiv not to Pristina. Such a strategic move would translate Borrell's language of power into real action. It would also strengthen Ukraine's leverage in its bargaining process with Russia over conflict settlement. Moreover, European partners need to stay vigilant regarding current developments. While all settlement efforts should be welcome and supported, Russia's moves need to be assessed based on realities on the ground and on actual implementation of undertaken commitments, rather than on future promises. In other words, extreme caution is necessary in order not to reward tactical, easy-to-reverse steps with major, strategic benefits.

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Notes

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