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by David Carment and Dani Belo
January 2020

POLICY PERSPECTIVE

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Prepared for the Canadian Global Affairs Institute
1800, 421 – 7th Avenue S.W., Calgary, AB T2P 4K9
www.cgai.ca

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ISBN: 978-1-77397-111-7



After three years of limited discussion, the leaders of France, Germany, Russia and Ukraine renewed their peace talks to resolve the separatist conflict in Eastern Ukraine (Donbas). Efforts to facilitate a peaceful resolution to the conflict in the Donbas began five years ago with the meeting of the Trilateral Contact Group on Ukraine. This framework, developed by the Organization for Security and Co-operation in Europe (OSCE), attempted to facilitate a dialogue between Russia and Ukraine through the mediation of an impartial actor, and it culminated in the Minsk I (September 2014) and then Minsk II (February 2015) agreements. The Minsk II agreements comprised a 13-point peace plan, chief among which is an arrangement specifying support for the restoration of the Ukrainian-Russian border. While the implementation of the military portions of the [Minsk II](#) agreements were finalized within three months of signing, the political and security portions remained unresolved. Though President Vladimir Putin has declared his intent to protect the Russian-speaking peoples of the region, he has also stated he has no interest in reclaiming Eastern Ukraine. Not surprisingly, since Russia's ultimate goal is undeclared, the conflict has proved very difficult to resolve.

On June 6, 2014 the leaders of Germany, France, Russia and Ukraine met for a memorial D-Day service in France, where they discussed the possibilities of addressing the political and security portions of the settlement. The active role of German and French parties initially produced a few rounds of negotiation that became formally recognized as part of the Minsk agreements. This process, called the Normandy Format, did not directly involve the EU and consisted for the most part of phone conversations among the four counterparts who at that time were Petro Poroshenko, François Hollande, Vladimir Putin and Angela Merkel.

The subsequent Normandy Four summit in Paris on Dec. 9, 2019 brought Emmanuel Macron, Angela Merkel, Vladimir Putin and Volodymyr Zelensky together. Its purpose was not only to reinvigorate talks but to address key differences on political and security issues. The talks built on a recent de-escalation in tensions following the implementation this fall of the [Steinmeier formula](#) that saw the withdrawal of belligerent forces from three key sectors in the Donbas. Zelensky expressed an openness to supporting a law that would grant special status for the people of Eastern Ukraine. Given that former Ukraine leader Poroshenko proved unwilling to grant provisions for autonomy, Zelensky's suggestion, made before the talks began, indicated he was open to compromise.

The outcome of the one-day Normandy talks was both positive and open-ended, leaving room for further negotiation. Summit host Macron called the session "[a credible relaunch – which wasn't a given.](#)" There never was any expectation that a one-day meeting would achieve a major breakthrough or that Russia would be relieved of sanctions simply by coming to the table. But it is now clear that all parties are locked into a process that will have far-reaching effects. As long as Zelensky is able to keep economic and political momentum on his side, while avoiding corruption scandals and divisions at home, there are reasons to be optimistic. This, despite that in advance of the Normandy meeting, [thousands marched in Kyiv](#) out of fear their leader would capitulate to Russia's demands.



In their final [communiqué](#), all parties agreed to re-establish direct ongoing communication between Ukraine and Russia through the Trilateral Contact Group. As noted, this smaller format of dialogue between Kyiv and Moscow has [proven effective at de-escalating fighting](#) and will be leveraged to implement three additional zones of demilitarization between Ukraine and the separatist territories following the Normandy Format meeting.

Zelensky is clearly far more committed, if not sincere, in finding an agreement than Poroshenko was. Indeed, Poroshenko and his government more often than not used such meetings as an opportunity to draw attention to [Russian intransigence](#), a strategy intended to convince the U.S. not to lift sanctions on Russia and to justify a punishing embargo on Eastern Ukraine. But in retrospect, neither of these objectives put Ukraine in a better negotiating position. They merely diverted attention away from his government's poor performance amid a number of corruption scandals and his party's failure to address the ongoing [humanitarian crisis in the Donbas](#).

Over 13,000 people have died in the four-year conflict and landmines scattered throughout the region remain an unmet challenge. More importantly, Ukraine was stagnating under Poroshenko. Despite an auspicious beginning on reforms in 2014, Kyiv's post-Maidan elites have proved unable to circumvent deeply entrenched oligarchic resistance to change, making it difficult to pursue real reform. Though unelected, [oligarchs exercise a great deal of influence](#) and power in Ukrainian politics. Zelensky is in many ways cut from a different cloth. He is an outsider who speaks fluent Russian and is open to the possibility of reform if it means bringing prosperity to all the people of Ukraine, including the Donbas.

This is a far cry from the previous Ukrainian government which terminated social transaction to the Donbas region and imposed a full embargo in 2017, provoking a significant decline in the well-being of eastern Ukrainians. That in turn, led to Eastern Ukraine's considerable economic dependence on Russia, a situation which Moscow is keen to reverse while at the same time ensuring that it has pre-eminent influence over the region. Moscow has thus far pursued both objectives by supporting elections for self-government last year (which were not internationally recognized), increasing trade and by issuing Russian passports.

The idea is to prepare for the possibility that the people of the Donbas may one day achieve Minsk II's stated goal of autonomy and failing that, integration into Russia. These are two of the [three scenarios](#) we laid out in our previous policy brief on mediated outcomes in Eastern Ukraine.

With a view to choosing between compromise or continued low-intensity conflict in which both sides continue to suffer, Putin and Zelensky have taken tangible, measureable steps toward de-escalation. Specifically, these include an immediate agreement to an expanded ceasefire zone and Russia's commitment to disarm its proxy forces in the Donbas. Having a ceasefire in place means related efforts to reduce deeper tensions will follow, including a withdrawal of forces, an increase in the number of crossing points at the line of contact and more concerted de-mining.

Simply put, the primary goal of normalizing relations between the breakaway region and Ukraine proper is now underway, thus allowing for increased freedom of movement of people and goods. This is a fundamental pre-requisite before a political plan or even boundaries can be agreed to



and finalized. Without the local population's participation in the reintegration process, the humanitarian crisis will continue to erode any confidence they might have in a negotiated settlement.

However, two significant hurdles remain. One is agreement on the fixed border between Ukraine and Russia and the other on provisions for granting autonomy to Eastern Ukraine. Zelensky's negative reaction to Putin's suggestion that autonomy should be pursued through Ukrainian constitutional reform shows there are still major gaps to be bridged. For many Ukrainians, the idea of autonomy is tantamount to surrender, even a loss of sovereignty, if not control over territory. Yet decentralization is no stranger to Ukraine. Crimea enjoyed special [autonomy](#) status through constitutional reform while under Kyiv's control. Over time, Kyiv might be enticed to engage Eastern Ukraine in a dialogue on greater autonomy, including federalism, which would hand more authority over to its local leaders. It is unclear if Putin will respond by making real and equally tangible concessions of his own to match those from Kyiv.

We believe there is a narrowing window of opportunity for all parties that makes compromise possible, if not likely. On the one hand, the negotiations take place in the shadow of opposing security and economic interests and deepening [geopolitical rifts](#). The most notable among these is the United States' withdrawal as a key player in the negotiations.

Not only has a distracted Donald Trump not replaced his departing special representative for Ukraine, Kurt Volker, but his escalating political disagreements with NATO members at the summit in London left the U.S.-led alliance more dysfunctional than ever. His administration's failed attempt to block the Nord Stream II pipeline, including the threat of [sanctions on Germany](#), only solidified the U.S.'s status as an outsider. It is difficult to understand the U.S.'s desire to confront and weaken Russia, while Europe continues to engage it through trade and [diplomacy](#).

The rift between the U.S. and European NATO members has grown to the point that the hands of France and Germany are now untied to go confidently into future negotiations without looking back at the U.S. Washington's support for Ukraine is thus frozen as Trump remains preoccupied with domestic political struggles, a looming election and impeachment proceedings which, de facto, limit communications and co-ordination with Zelensky. [Russia is keen not to see the U.S. join the talks.](#)

On the other hand, the building of [Nord Stream 2](#) and [TurkStream](#) pipelines further complicates negotiations but in a positive way. Indeed, EU relations with [Russia have warmed](#) on the basis of common economic and security interests, with Germany and France abandoning much of their previous strong rhetoric against Russia in defence of Ukraine. Russia has in turn built durable relationships with influential EU members such as Italy and Hungary. With Kyiv's increasing alienation from its previous powerful allies and shrinking [gas transit leverage](#), Zelensky has a limited window of opportunity to reach a satisfactory deal on both gas transit and the conflict in the Donbas. Thus, Kyiv is likely to expedite negotiations and push for a deal at later meetings.

Further still, while not a party to the negotiations, Turkey's uncertain position within NATO makes Ankara a wild card for both Russia and European powers. Turkey's [strategic partnership](#)



with Russia in Syria and the Black Sea region and President Recep Tayyip Erdogan's deteriorating trust among EU leaders like Macron, are assets for Moscow in negotiations with European leaders. For example, as a NATO member, Turkey can veto decisions within the alliance and undermine co-ordinated NATO operations in the Baltics and elsewhere. Such disruption by Turkey would cause further polarization in the organization, a decrease in pressure and leverage over Russia, and change in the balance of power in future bargaining with Moscow.

However, France and Germany have their own strong card to play: the withholding of building permits for [the TurkStream pipeline](#). The pipeline's launch has been delayed to mid-2020, as Bulgaria obtains compliance with EU regulations. With a stagnating economy and continuing economic sanctions, Moscow is anxious for both TurkStream's and Nord Stream 2's completion and will likely adopt a more collaborative posture in subsequent negotiations as it seeks regulatory and political co-operation from the EU. Ultimately, a cohesive Europe that is on good terms with Russia would be a significant challenge to [American influence there and elsewhere](#).

The U.S.'s recently imposed sanctions on the Nord Stream 2 pipeline through the 2020 *National Defense Authorization Act* (NDAA) will further alienate Washington from global allies. The bill is intended to sanction all entities involved in the financing and construction related to the nearly completed pipeline. The measures were met with [condemnation from Germany](#) and a number of [senior U.S officials have conceded](#) that the act is unlikely to affect the project's completion. Such unilateral actions by Washington against European companies signal the U.S.'s readiness to employ hard power and coercion against geopolitical opponents like Russia, even if such measures come at the expense of relations with its closest European allies. Even though the act is futile in stopping the pipeline's completion, Washington's diplomatic relations with major European powers will bear the costs, further undermining the long-term political and economic cohesion within the U.S-Europe alliance. The act also incorporates sanctions against companies involved in the TurkStream pipeline project along with a clause to [block the delivery of F-35 fighters](#) to Turkey. These NDAA provisions strain the already fragile relationship between the U.S and Turkey and may further persuade Ankara to undermine NATO operations in the Baltic and elsewhere.

For Merkel, the most productive and consistent Western mediator throughout the conflict, the ultimate goal before she leaves office must be to persuade Putin to play a constructive role in bringing stability to Ukraine through Western support and guidance. From a German perspective, if not a European one, continued confrontation with Russia remains counterproductive. Merkel famously faced down John McCain, who proposed fully arming Ukraine. She noted that no amount [of arms would resolve the conflict](#). This is a message both Canadian and American leaders must comprehend. If the Americans (and Canadians) are sincere about bringing peace and stability to Ukraine, they will need to support the European initiative rather than undermine it by escalating the conflict.

Whether the U.S. can, or will, play a constructive role remains to be seen. Recent [claims by Rudy Giuliani](#) regarding Ukraine's misuse of aid during the Obama administration have further complicated Washington's relations with Kyiv. Giuliani alleges misconduct by former U.S.



ambassador to Ukraine Marie Yovanovitch and that the U.S embassy instructed Ukraine's law enforcement not to investigate corruption associated with this aid. Giuliani intended [to submit a full report](#) to the House Judiciary Committee before it voted on impeachment Articles, however this document was unlikely to persuade Congress Democrats to vote against impeachment. At the same time, this report is inconsequential for the impending hearings at the Republican-controlled Senate, where [opinions have generally solidified along party lines](#). However, the document may contribute to future hostile rhetoric from party leaders. Even though Zelensky can distance himself from the process, the political infighting in Washington will continue the paralysis of U.S relations with Kyiv as Trump is preoccupied with his own political future. As we noted previously, the removal of the U.S from the negotiations table creates a window of opportunity for European leaders to spearhead negotiations with Russia and uphold their commitment to the Minsk Accords and the Steinmeier Formula.

Looking ahead, the full implementation of the Minsk Accords would be a challenge for Zelensky as he must decide between potentially painful alternatives. On the one hand, [recent polls](#) indicate that Ukrainians are split on whether Ukraine should grant the separatist territories a special status within the country. However, those same polls show a majority of Ukrainians support a compromise of some kind. At the Normandy summit, Putin insisted that the [Kyiv government must negotiate with the leaders of the separatist territories](#) regarding their future relations. However, few Ukrainians would see such engagement with the territories in a positive light even though past contact group meetings have involved separatist leaders. One option is the reintegration of the Donbas by re-opening trade with the rest of Ukraine, akin to the [Moldova model](#) in relation to Transnistria. However, that idea seems unlikely as only a minority of Ukrainians want trade fully restored with the Donbas region at this time.

This means any major steps such as constitutional reform to enable autonomy for the Donbas or the incorporation of the separatist leaders into the Trilateral Group negotiations may come with high political costs for Zelensky. On the other hand, [Russia has indicated that its willingness to continue negotiations](#) with Kyiv toward conflict resolution is based on Ukraine's commitment to the provisions of the Minsk Accords. However, even with growing domestic pressures, [recent polls](#) indicate a shift in Ukrainian attitudes toward Russia with a decline in negative sentiment toward its eastern neighbour. Similar changes occurred in Russia, with more favourable media representation of Zelensky relative to Poroshenko and [public opinion now favouring closer relations with Ukraine](#). Such a turn in public opinion may enable a more pragmatic approach by Zelensky relative to his predecessor, providing the opportunity for reciprocal concessions with Russia and the momentum necessary for more meaningful rounds of negotiations within the Trilateral Contact Group.

► About the Author

David Carment is a full Professor of International Affairs at the Norman Paterson School of International Affairs, Carleton University and Fellow of the Canadian Global Affairs Institute (CGAI). He is also a NATO Fellow and listed in Who's Who in International Affairs. In addition Professor Carment serves as the principal investigator for the Country Indicators for Foreign Policy project (CIFP).

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