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The Importance of Establishing a Consultative Council in Minsk from the Point of View of Settling the Conflict in Eastern Ukraine

On 11 March in Minsk, the Tripartite Contact Group on a peaceful settlement of the conflict in the Donbas (TCG) signed an agreement about the establishment of the Consultative Council: an advisory body in which representatives of Ukraine and the separatist republics should deal with the political aspects of the Ukrainian crisis. Information about the new Minsk agreement caused indignation of the Ukrainian society and sharp criticism of President Volodymyr Zelensky.

Minsk agreement background. The President of Ukraine Volodymyr Zelenski made the desire to regulate the armed conflict in eastern Ukraine one of the key elements of his presidency. Actions undertaken in this direction have not yet brought satisfactory results, primarily due to the attitude of the Russian Federation, which for many years has obstructed the fulfilment of the Minsk agreements. Neither the Norman Format Summit in Paris (9 December, 2019) nor the meeting of the UN Security Council (19 February, 2020) brought a breakthrough in this matter. The discouragement of Western countries with the Ukrainian question was visible during the annual Munich Security Conference. The passivity of European leaders has enabled the Russian Federation to develop a controversial "12 steps" plan, clearly unfavourable to Ukraine (see "IEŚ Commentaries", No. 126).

Another key factor generating unsuccessful changes – from the Ukrainian point of view – is the internal situation of the state. The inefficiency of the Oleksiy Honcharuk's government and his unexpected dismissal, the decreasing public support of President Zelensky, and the increasingly visible divisions within the Servant of the People party have deepened the political chaos in Ukraine. The difficult situation has been used by the Russian Federation in an attempt to force solutions that are unfavourable to Ukraine; this is the way we should interpret actions taken by Ukrainian oligarch Viktor Medvedchuk, who organized a meeting of the delegation of 6 representatives of the Ukrainian party Opposition Platform – For Life – with Russian President Wladimir Putin and head of the Russian State Duma, Vyacheslav Volodin on 10 March 2020. It was the first visit of the Verkhovna Rada representatives in the Russian Parliament since the annexation of the Crimea. The participants of the plenary session of the Russian State Duma welcomed the Ukrainian delegation with a standing ovation.

Viktor Medvedchuk calls for greater involvement of the parliaments of Russia and Ukraine, and possibly Germany and France in regulating the Ukrainian crisis. He encouraged Ukraine to adopt unfavourable legal changes, including amendments to the Constitution, which would implement the Minsk protocol and the Normandy Format arrangements in a favourable interpretation for the Kremlin. In Medvedchuk's opinion, legislative changes shouldn't be conditioned by any issues regarding the withdrawal of troops, delimitation of the demarcation line or control of specific sections of the Russian-Ukrainian border. The Ukrainian authorities tolerate this anti-state activity of the pro-Russian oligarch and for years have not decided to examine, in detail, his unofficial personal and financial connections with the Russian elite. Moreover, it hasn't been possible to determine how the Opposition Platform (For Life party) is funded.

Establishment of the Consultative Council. On 11 March 2020, the day after Medvedchuk's visit in Moscow, the Tripartite Contact Group gathered in Minsk. Except for the representatives of Ukraine OSCE and Russia, the meeting was also attended by the representatives of the presidents of Ukraine and Russia and plenipotentiaries of the self-proclaimed authorities of the separatist republics. The talks result was a confidential agreement that regulated several issues that have been the subject of Russian-Ukrainian negotiations for months. Among other things, an initially agreement was developed on the next round of exchange of prisoners: 40 people detained by separatists and 51 by Ukraine. In addition, by 18 March 2020, the Ukrainian authorities and separatists were

obligated to send to the OSCE Special Monitoring Mission proposals for possible new sectors where the troops of both sides will be withdrawn. Negotiations on both issues have not yet ended.

The key point of the agreement was the establishment of a Consultative Council whose main task is to support the political settlement of the conflict in the Donbas. The Council should include 20 representatives with voting rights (10 representing Ukraine and 10 on behalf of the Separate Raions of the Donetsk and Luhansk Oblast (ORDLO), i.e. separatist republics) and representatives of the OSCE, France, Germany, and Russia in an advisory capacity. According to the agreement, the purpose of establishing the Council is to conduct dialogue, consultations and develop proposals for political and legal recommendations for conflict resolution, including the organization of local elections in ORDLO. However, its proposals will not be binding. The Council should have been formed by 25 March – the day before the Tripartite Contact Group meeting. The coronavirus pandemic, which hindered contact with the representatives of Germany and France, and the ambiguous attitude of Ukraine, whose authorities took advantage of the situation and did not sign the text of the agreement, prevented the implementation of the Minsk protocol.

The Minsk meeting on 11 March, was exceptional. For the first time since the establishment of the Tripartite Contact Group in 2014, officials of such a high level participated in the consultations. Deputy head of the administration of the President of Russia Dmitry Kozak is a person with extensive experience in managing frozen conflicts in the post-Soviet area. For many years, he had been involved in the process of regulating the situation of Transnistria – he was one of the architects of ‘federalization’, and later ‘reunification’ of Moldova. Andriy Jermak took the position of head of the Presidential Administration of Ukraine in February 2020, after the dismissal of the *éminence grise* of the presidential office – Andriy Bohdan. Jermak is a trusted politician from President Zelenski’s close circle. In the past, he participated in Russian-Ukrainian negotiations on the exchange of prisoners. Unofficially, we know that the representatives of presidents have negotiated the final version of the document of 11 March. Dmitry Kozak and Andriy Jermak, together with the representatives of the so-called Donetsk and Lugansk People’s Republic, also countersigned the text of the agreement.

The controversy around the Consultative Council. The subject of the Minsk agreement was initially a secret. However, it leaked out to the Ukrainian media and sparked a nationwide discussion on the new advisory body and its importance. The opposition organized anti-presidential demonstrations and the intellectuals and social activists expressed criticism, seeing in it far-reaching concessions to the Kremlin and a precedent leading to the recognition of self-proclaimed separatist republics in eastern Ukraine. Information about the Minsk meeting also triggered a crisis in the ruling Servant of the People party: about 60 deputies of that party demanded clarification of the role of the representative of President Andriy Jermak during the Minsk discussions, communicating their demands in a coordinated and open manner. The President’s administration had to respond to this request, but refused to provide full information, emphasized that negotiations aren’t finished. These events are unprecedented and may show increasing divisions within the ruling party and weakening of the President’s power.

Conclusions. The protracted negotiations over the settlement of the armed conflict in the Donbas and the increasingly visible weariness of the West by the Ukrainian crisis, combined with the destabilization of social and political life by the coronavirus pandemic, are significantly weakening the negotiating position of the Ukrainian authorities. The Russian Federation and pro-Russian opposition groups in Ukraine are trying to take advantage of this situation. The concepts of Viktor Medvedchuk aimed at reframing the Minsk protocols and Norman arrangements into specific legislative projects beneficial from the Kremlin’s point of view were reflected in the text of the Minsk protocol of 11 March.

The proposed appointment of the Consultative Council is an extremely risky decision. The new advisory body equalizes the negotiating positions of the democratically elected Ukrainian authorities and the self-proclaimed authorities of the separatist republics, granting them 10 votes. Additionally, the Russian Federation loses the status of an aggressor and posing as an arbiter and adviser, which is even more dangerous. It is well known that such moves of the Kremlin preceded the freezing of conflicts in Abkhazia or Transnistria. If Ukraine decides to

take such a step, it may make it easier for the Russian authorities to get rid of responsibility for developments in the Donbas and initiate talks on the lifting of anti-Russian sanctions.

Currently, the Ukrainian authorities, hiding behind the coronavirus pandemic, have withdrawn from the plans to establish the Consultative Council, postponing the implementation of the Minsk protocol of 11 March to an undefined future. The scale of social protests and opposition in the ruling camp will probably force President Zelenski to revoke from these plans. However, it will be difficult to make up for the image losses.