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## Veto on Peace/Veto on War

### President Zelensky's Donbas Imbroglio

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The sweeping victory of President Volodymyr Zelensky, who ran on the promise of peace, heightened public expectations about a swift end to the armed conflict in Donbas. In early 2020, conflict resolution in eastern Ukraine remains the top issue for 64 percent of Ukrainians and is, by far, more important than any changes in social or economic spheres.<sup>2</sup> The public view of Zelensky's ability to achieve progress on this issue, however, has dimmed. The share of respondents who believed that the new authorities were unsuccessful in their attempts to achieve a cessation of hostilities in Donbas increased from 44 percent in November 2019 to 70 percent in February 2020.<sup>3</sup> This shift in public opinion coincided with greater clarity on Zelensky's bargaining position, which has gained increasing resemblance to that of his predecessor, Petro Poroshenko. This raises the likelihood of a continued diplomatic stalemate over Donbas and prolonged low-intensity warfare along the contact line. While maintaining the status quo may appear to be the least risky short-term option for Zelensky, it will erode his political support, tarnish his legacy, and further harden the divide between separatist-controlled areas of Donbas and the rest of Ukraine.

#### **Promising a Veto on War**

As a presidential candidate, Zelensky articulated a conciliatory vision for ending the war. First, he expressed optimism about his ability to reach a settlement with Russian President Vladimir Putin. In an interview prior to the launch of the campaign, he [dismissed](#) the leaders of the self-proclaimed Donetsk and Luhansk People's Republics as "puppets" and suggested the possibility of a grand bargain with Putin if both could "move together to the middle." Second, Zelensky criticized the Minsk agreements for failing to offer a clear framework for resolving the conflict and he advocated expanding the Normandy format

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<sup>2</sup> Based on the [survey](#) conducted by Rating Group on January 22-26, 2020.

<sup>3</sup> Based on the [survey](#) conducted by Kyiv International Institute of Sociology, February 21-25, 2020.

talks to include the leaders of the United States and the United Kingdom. Third, Zelensky emphasized the importance of humanitarian outreach to Ukrainians living in rebel-controlled areas, such as conducting a targeted information campaign, restoring economic ties, and resuming social payments.

In the opening months of his presidency, however, Zelensky struggled with achieving progress on any of these points. His awkward attempt to invite the United States and the United Kingdom to the talks, which he [expressed publicly](#) in his July 8 video address to Putin, received no official response. Washington's disinterest in joining the Normandy format became apparent during his bilateral meeting with U.S. President Donald Trump in September 2019 in which the U.S. leader [urged](#) Zelensky to "get together with Putin to solve your problem." Subsequent resignations of top officials involved in setting Ukraine policy in Washington precluded the United States from having even indirect influence over the talks during the Normandy Four (N4) meeting in December.

Zelensky also faced initial reluctance to schedule a Normandy-format meeting on the part of the Russian president. During his press conference in June, Putin indicated that he wanted to see a tangible change in Ukraine's approach to Donbas before the meeting can take place. This led Kyiv to make a series of accommodative moves in humanitarian, diplomatic, and military spheres. A major prisoner swap with Russia [became possible](#) only after Zelensky's acquiescence to release Volodymyr Tsemah, a Ukrainian militant charged with the downing of the MH17 passenger plane. In a reversal of Poroshenko's belligerent rhetoric, the presidential office [praised](#) the prisoner exchange as "the first step on the way to normalization of a dialogue" between the two countries.

On the diplomatic front, Ukraine accepted the "Steinmeier formula," which specified the timing of the enactment of the law on a special status of separatist-control areas of Donbas. Based on this provision, the law would go in to effect temporarily on the day of a snap local election immediately after the closing of polling stations. It would take permanent effect only after the release of an OSCE report that would recognize the democratic nature of the elections and their correspondence to the Ukrainian legislation. Russia has viewed the Steinmeier formula as a mechanism to prevent Ukraine from renegeing on its promise to provide "special status" (de facto autonomy) to parts of Donbas once elections are over. Previous Ukrainian authorities, by contrast, resisted the adoption of the formula on the grounds that it could threaten Ukraine's sovereignty and lead to the reintegration of Donbas by former separatist leaders.

Finally, as a confidence-building measure, Ukraine agreed to withdraw its troops near three localities on the contact line in the Donetsk and Luhansk regions with the simultaneous disengagement of separatist armed formations there. The withdrawal of troops was largely completed by the end of November. However, due to resistance from some volunteer battalions stationed in those areas, Zelensky had to travel personally to the frontlines and compel veteran fighters to follow his orders. This underscored his

commitment to seeing through all the steps necessary to make the N4 meeting in Paris possible.

### **Demanding a Veto on Peace**

Zelensky's conciliatory approach, however, came at a cost. In September, former Euromaidan activists and war veterans [issued a letter](#) that characterized the Steinmeier formula as Ukraine's surrender on Kremlin terms and warned against the provision of a special status for Donbas. The announcement of Ukraine's official acceptance of the formula nonetheless on October 1 became a focal point for the launch of protest actions in multiple towns across Ukraine under the slogan "No to Capitulation!" The two largest rallies of this new movement were held on Kyiv's Maidan square on October 6 and December 8 with close to twenty thousand people in attendance. Over two dozen regional and city councils in Western and Central Ukraine also [issued](#) resolutions condemning Ukraine's adoption of the Steinmeier formula.

In addition, the leaders of three parliamentary factions—Petro Poroshenko, Yulia Tymoshenko, and Sviatoslav Vakarchuk—released a statement outlining their so-called "[red lines](#)" meant to identify non-negotiable positions for the Ukrainian authorities. Its central demand was to make the fulfillment of "security requirements" the main precondition for any progress on the political provisions of the Minsk agreements. The chief ones among these requirements were: withdrawal of Russian troops from Donbas, disarmament of separatist militias, and re-establishment of full control over the Russian-Ukrainian border.

The new coalition of civic activists, partisan opposition leaders, and regional elites resembled the anti-Yanukovich alliance of 2013-14 and included many of the same figures. Their immediate goal was to drastically narrow Zelensky's bargaining range in talks with Putin and to impose on him the same negotiating positions that impeded the peace process under Poroshenko. The renewed standstill would then increase the probability of a de facto partition of Donbas along the established contact line—an outcome that many in this coalition favored.

Although the opposition movement [remained](#) modest in size and lacked broader public support, its capacity for collective action and absence of any counter-mobilization efforts from Zelensky's team gave it a major agenda-setting advantage. Radical far-right groups that were [prominent](#) among the protesters added coercive leverage by drawing explicit parallels between former president Viktor Yanukovich and Zelensky and threatening a nationwide resistance campaign. Faced with this pressure from below, Zelensky reiterated most of the opposition's "red lines" in a statement following the N4 meeting in December making them part of Ukraine's official position.

Following the Paris summit, Zelensky [outlined](#), in broad terms, his own plan on Donbas that was ambiguous enough both to placate the irreconcilable domestic opposition and keep the possibility of a compromise with Moscow open. The so-called “Zelensky formula” accepts the Minsk agreements but suggests amending some of its provisions to allow for a different sequencing of political and security measures:

- It reaffirms the primacy of fulfilling “security” requirements before elections can take place, but allows for the possibility of joint border control with local militias during the transition period.
- It accepts the need to provide “special status” to Donbas territories but suggests that additional powers should be no greater than what other regions receive in the context of decentralization reform.
- It agrees to launch a discussion of constitutional reform and local election law with the separatist side, but only within an advisory council consisting of representatives from Ukraine who were internally displaced and from among those Ukrainians still residing on the separatist-controlled territory.
- It adopts a piecemeal approach to further troop withdrawal organized in phases from one pre-defined sector to another rather than comprehensively along the entire contact line.

### **Why the New Impasse?**

Despite their ambiguity, some of Zelensky’s proposed measures already [triggered](#) strong criticisms from the opposition and even from within his own party. Their design, however, precludes any substantive diplomatic progress in resolving the conflict and will likely perpetuate current gridlock. First, it ignores the political realities in separatist-controlled areas where local governing structures have exercised effective control over territory and managed to gain a degree of legitimacy through an ideological narrative centered on Kyiv’s victimization of Donbas and pro-Russian irredentism.<sup>4</sup> This makes untenable any propositions that would bar current separatist officials from participating in politics or serving in public offices. Any acceptable bargain from the separatist standpoint would need to provide both legal protection for these individuals and guarantees of their access to the political process or public service jobs. Similarly, attempts to replace direct representatives of self-declared republics with their “civic” proxies as “consultation” partners lack both practical and political sense. They will likely backfire domestically and add another layer of redundant complexity to the bargaining format.

Second, the Zelensky formula, similarly to Poroshenko’s plan, is based on an unrealistic assumption about the possibility of successful sequencing of security and political steps

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<sup>4</sup> One 2019 survey of Donetsk and Luhansk residents found that 45 percent of respondents wanted their territories to be part of the Russian Federation; see: Gwendolyn Sasse and Alice Lackner, “[Attitudes and Identities Across the Donbas Front Line: What has changed from 2016 to 2019?](#),” ZOIIS Report, No. 3, August 2019.

in the conflict resolution process. The “sequencing” proposition is meant to minimize possible voter intimidation and interference in the electoral process to ensure a free and fair vote. However, it overlooks the sense of insecurity that it would normally generate on the part of separatist authorities. Hence, successful rebel disarmament can be achieved only with [third-party security guarantees](#) that the separatists would view as sufficiently credible to agree to disarm unilaterally. Russia is likely the only actor who could offer such a guarantee, but its withdrawal from Donbas is one of the security preconditions of the Zelensky formula. Hence, the conditioning of elections on full disarmament of armed separatist formations without measures to minimize resulting insecurity creates an insurmountable barrier to finalizing any agreement on elections.

Third, the president’s plan fails to acknowledge the centrality of adopting an explicit power-sharing arrangement in the absence of which no peace agreement on Donbas is possible or sustainable. Territorial power-sharing provides expanded powers only to contested territories and in specific policy domains, such as law enforcement, judiciary, education, trade, or cultural politics. Its constitutional recognition is meant to reassure the separatist side that these expanded powers would not be unilaterally revoked at a later point. It also [allows](#) for the resolution of multiple incompatibilities regarding the interests of the center and the Donbas region that gave rise to the conflict in 2014. However, none of these issues can be effectively addressed within the decentralization framework as the Zelensky plan suggests, especially given the authorities’ continued commitment to an ethnocentric nation-building project in educational and cultural spheres.

Despite the contradictions of the so-called Zelensky formula, it will be increasingly difficult for the Ukrainian president to amend his position. His earlier embrace of the “red line” demands means that any major policy reversal will serve as a pretext for another anti-incumbent mobilization. With his popularity already in decline, Zelensky finds himself far more vulnerable to opposition pressures now than he was at the start of his presidency. Given that the president had to reshuffle his government and replace the prime minister just six months into their tenure, his control over the executive appears tenuous. The pro-presidential, single-party majority in the parliament shows high volatility due to internal defections and conflicting loyalties of its members.

Under these circumstances, costly policy shifts that the progress in Donbas talks requires could further destabilize Zelensky’s power and produce a major political crisis. At the same time, another proposed alternative – the construction of a separation fence along the contact line – would only serve the interests of the president’s opponents who [advocate](#) for the “freezing the conflict” and postponing reintegration attempts for the indefinite future. It would also become a public recognition of the president’s inability to fulfill his key campaign promise and alienate many among his core constituents in southeastern Ukraine. While either strategy involves political risk, Zelensky’s ultimate political obligation remains to his voters. Persistently strong majority support for accommodation over Donbas within Ukrainian society should serve as a powerful incentive for Zelensky

to broaden his bargaining range well beyond what the hardline opposition dictates.<sup>5</sup> This requires forceful articulation of the new parameters of a compromise and cross-regional mobilization of the president's voter base on its behalf. His docile acquiescence to the status quo, by contrast, would mean that Zelensky's legacy on the principal issue for Ukraine's future will ultimately be defined by the very people he once ridiculed so well.

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<sup>5</sup> According to a Democratic Initiatives Foundation [November 2019 poll](#), 73 percent of respondents in Ukraine favor negotiating a compromise agreement with Russia and separatist leaders to achieve peace in Donbas, while 16 percent advocate using force to gain peace through a decisive military victory.