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Relocation to Istanbul: Are Moscow and Kyiv closer to peace?

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Summary

After three meetings in Belarus and a few weeks of online communication, the Russia–Ukraine negotiations moved to Istanbul. There, in Turkey, the parties announced they had made some progress. However, a peace agreement is nowhere in sight yet. The difficulties the two parties are having are not exclusive to the bargaining table — the parameters of the tentative agreement will encounter some serious hindrances both inside Ukraine and internationally.

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On 29 March, the fourth round of face-to-face peace talks between Russia and Ukraine was held in Istanbul. Although the parties originally had planned for the negotiations to take several days — the Ukrainian negotiators had spoken about a three-day meeting (28-30 March 28–30), while the Russian party had mentioned two days (29-30 March) — they only lasted about three hours.

Istanbul opening

Turkey replaced Belarus as the new venue for negotiations. Ukraine's chief negotiator David Arakhamia referred to the relocation as "Ukraine's first victory," while emphasizing that Turkey was "a friend and a partner." The change had been expected in a lot of ways, as Ankara seeks to maintain a neutral stance towards the warring parties (while remaining one of the largest suppliers of weapons to Ukraine and, similarly to Belarus, having no status as a neutral country). Turkey is a NATO member, and initially Russia believed this was reason enough for it to turn down any proposals to organize negotiations in that country.

Behind relocation is Ankara's increased diplomatic effort and President Erdoğan's personal interference. It even seems that this endeavour has gone beyond mere "good offices," i.e., providing the venue and ensuring both logistics and security, and already shows some features of true mediation. Symbolically, Erdoğan himself opened the Istanbul round of negotiations, whereas during the current weeks, high-ranking Turkish officials have actively commented on the results of the president's regular telephone conversations with his Ukrainian and Russian counterparts. It is therefore safe to assume that Turkey's support for the negotiation process will be much more public and active than that offered by Belarus — both recently and back in 2014–2020.

Further, the relocation of the venue for negotiations may serve as an indication that Russia would not mind strengthening Turkey's position. Moreover, Ankara's NATO membership can play into Moscow's hands, because Turkey is able to block some of the Alliance's resolutions that Russia will consider to be most dangerous and least favourable — provided there is will and capabilities. In a broader sense, Moscow may by default benefit from a politically and diplomatically strong NATO member, which tends to disagree with its allies on quite a lot of issues. In addition, the status of a peace broker/negotiation venue will protect Turkey from pressures from Western countries, which urge Ankara to join their economic sanctions against Russia. Finally, the Istanbul relocation will probably contribute to the international legitimacy of the negotiation process and thereby somewhat improve Russia's image in the long run.

Contours of an agreement or still a starting position?

We noted in our latest issue of the Last Monday podcast that the relocation of the venue for negotiations to Istanbul amid Turkey's increased diplomatic effort caused an emotional backdrop and additional prerequisites for making progress on certain issues. This assumption seemed to be confirmed by the comments made by the negotiators during the first hours after the talks. Many media outlets, including those Russian, appeared to cover the meeting with obvious positivity.

However, no agreements were reached following the fourth round of the face-to-face negotiations, which was evidenced by their relative brevity. The meaningfulness mentioned by the Russian party came down to the "clearly phrased [Ukraine's position] to be incorporated into the agreement" delivered to the Russian negotiators. Although, judging by available information, most of Ukraine's proposals had already been voiced during the previous rounds of talks in one form or another. They were indeed formulated for the first time both in public space and systemically in writing, which accounts for the initial media frenzy around the Istanbul talks. The media briefing of the

Ukrainian negotiators even caused some confusion first: are we talking about the contours of specific agreements, which are being discussed in detail, or is it still about Kyiv's starting position? It turned out that it was about the latter.

The proposals voiced by Ukraine boil down to the following:

- Ukraine's commitment to give up its NATO membership ambition, declare a permanent neutral and non-nuclear status, and not deploy foreign bases and military contingents in its territory is conditional on the requirement to execute an international treaty to create an effective multilateral mechanism to ensure Ukraine's security;
- Once the proposal on the mechanism of international security guarantees has been adopted, military exercises will only be held in Ukraine with consent of the guarantor countries;
- Security guarantees will not apply to territories with unsettled status, i.e. Crimea and Donbass. At the same time, the Ukrainian side recognizes its territory exclusively within the borders as of the end of 1991;
- To reach a final agreement on the status of Crimea and Sevastopol, a 15-year deadline is proposed for Ukraine and Russia to negotiate without the use of force;
- Kyiv proposes to decide the future of Donbass separately during a meeting between Volodymyr Zelensky and Vladimir Putin;
- The future treaty must not prevent Ukraine's possible accession to the EU, whereas the guarantor states should help accelerate this process;
- The following modality is envisaged for signing and implementing the treaties (apparently there will be two — the bilateral and multilateral agreements): details will be elaborated and texts will be coordinated by the negotiating teams — the foreign ministers of Russia and Ukraine will initial the agreements — the heads of state of Russia and Ukraine will sign them — a multilateral conference on international security guarantees will be arranged — a referendum will be conducted in Ukraine — the international treaty on security guarantees will be ratified by the parliaments of guarantor states and Ukraine.

International security guarantees and challenges of Ukrainian proposals

Perhaps the main issue with Kyiv's starting position, which immediately catches the eye, is its complexity and intricacy. Many of the proposals may be of interest to future discussions on a new regional security system. They do not look realistic in the context

of a large-scale war, though, and the current frontline situation is still not conducive to reaching stable agreements.

Moreover, according to representatives of the Ukrainian delegation, the above points are "the most fundamental demands" that Kyiv "will not give up in any case." The way this matter is presented to the public does not inspire optimism that the talks will progress fast, either.

As expected, international security guarantees captured the main attention in Kyiv's proposals, as they formalize the broad internationalization of the Russia–Ukraine conflict. Moreover, when illustrating its idea, the Kyiv delegation drew parallels with nothing less than Article 5 of the North Atlantic Treaty, which implies collective defence. Moreover, Kyiv's ideas go even further: in case of military aggression against Ukraine, it is proposed to impose a three-day deadline for consultations of the guarantor states on the forms and methods of their assistance. In case no diplomatic resolution of a conflict follows during the indicated period, the guarantor states will have to provide Ukraine with military assistance, supply arms and possibly even establish a no-fly zone.

These proposals clearly seek to rectify the shortcomings of the Budapest Memorandum at a time when the NATO membership alternative is unavailable. Therefore, it is emphasized that guarantees must be "clear and legally binding." However, if most NATO countries appear to be unwilling to commit to Ukraine's collective defence within the politico-military bloc, it is even less likely that they will be ready to meet Kyiv's demands within the confusing and risk-laden guarantee mechanism. This is what the first public reactions of the countries that Ukraine would like to see as security guarantors are all about. Therefore, either the guarantee mechanism will have to be simplified as much as possible and made safe for the prospective guarantors themselves, or it will never be put in place at all.

For now, the list of possible guarantors is already a mess. Head of the Ukrainian delegation named the permanent members of the UN Security Council, Turkey, Germany, Canada, Italy, Poland, and Israel at a media briefing in Istanbul. He also suggested that other countries wishing to join the mechanism should be provided a legal way to do it. Previously, representatives of Ukraine also said during non-public discussions that the inclusion of all of its neighbours, Belarus being one of them, in the list of guarantors, was an important precondition. This confusion implies that not only a conceptually elaborated vision is missing, but also systemic consultations with the potential guarantors on the list. Oleksandr Chalyi, a representative of the Ukrainian

delegation, said that consultations with those countries had already started, while David Arakhamia noted that "some countries have already given preliminary consent" to become guarantors, but "we are still expecting them to make official statements."

Another problem with the modality of Kyiv's proposals is obvious — the referendum. Ukraine's representatives refer to the provision that according to the applicable law, a referendum cannot be held during wartime. Therefore, to organize it, the state of martial law must be lifted. This means that Russian troops must first be withdrawn from the territory of Ukraine, and only after that can a referendum be held. It is virtually inconceivable that after everything that has happened, Russia will simply agree to withdraw its troops hoping that the people of Ukraine will support the signed treaty at the referendum (especially given the eight-year epic with the implementation of the Minsk agreements). Even more so, this modality leaves too many more technical questions unanswered.

The proposal to "diplomatically suspend" the status of Crimea for 15 years is an unsuitable option for Moscow, even assuming that it is ready to show some flexibility when it comes to the wording of the peace treaty.

Neither Ukraine's proposals nor the Russian representatives' comments mentioned the other previously voiced challenges: demilitarization, denazification, and the status of the Russian language. It is highly unlikely that Moscow is willing to give up on them altogether. The demilitarization demand will obviously be pegged to the agreements on neutrality and international security guarantees. Therefore, its detailed elaboration will only be possible after an agreement on these latter issues has been reached. The status of the Russian language probably also remains a matter of principle for Moscow, but it will hardly demand something like absolute language equality in the format of two state languages or a state and an official languages. Denazification remains the most abstract issue, but by all appearances Russia intends to insist on having a provision in the peace treaty prohibiting the activities of Nazi and neo-Nazi organizations in Ukraine.

Kyiv track and the U.S. position

Publicly available expert comments focusing on the outcomes of the fourth round of negotiations are mainly centred on the difficulties encountered by the delegations at the bargaining table. This analysis implies *a priori* that the only challenges for the parties are first to have their opponents agree to acceptable wording in the agreement and then to strictly comply with it. In other words, the analysis proceeds from the assumption that the Russia–Ukraine negotiating track is the only one within the scope of the conflict. However, in reality this is not the case. As shown above, the internationalization

of the negotiations through the sought-for security guarantees automatically leads to the emergence of many new negotiation tracks — de facto, with each potential guarantor state. But conventionally speaking, the most important one is the Kyiv track.

The loud media declaration of the Ukrainian delegation, as well as the complex design of the agreements proposed by Kyiv are apparently caused by the understanding that for the Ukrainian party complications are not limited to the negotiating table with the Russians. Ensuring support for the agreements inside the country is a comparable, if not a bigger challenge. This is where the narrative of victories at and around the bargaining table will come in handy. This is the reason behind the public rhetoric of the Ukrainian delegation.

Kyiv insists that the treaty can only be approved by popular vote at a referendum, because it will call for constitutional changes. This modality itself also rules out the possibility of sustainable peace in the near future. Most Ukrainians who have not directly encountered active hostilities will hardly be inclined to vote for a treaty that does not look equitable or even winnable, let alone those political forces in Ukraine that will refer to any treaty as surrender. It is even more difficult to imagine public acceptance of such a treaty amidst the narrative of inevitable military victory that prevails in the Ukrainian media scene. Therefore, even assuming that the negotiating teams manage to find the wording that will pave the way for a ceasefire, the problem of the “Kyiv track” puts in question the sustainability of the agreements.

The situation is further complicated by the fact that the United States remains undecided on both the parameters of a possible agreement that it will be willing to support and its long-term goals in the context of the Russia–Ukraine confrontation. Washington is making a tactical bet on maintaining Ukraine’s defensive capabilities while trying to smother Russia with sanctions. At the same time, military aid supplied to Kyiv is kept at a level that will not allow a qualitative change in the course of the hostilities. In practice, this means additional turns of the war spiral and thus a more distant prospect of a ceasefire. There are obviously many stakeholders genuinely interested in this approach and lobbying it in the United States. Washington’s position may change later under the influence of strategic and humanitarian considerations; however by then the scale of the tragedy in Ukraine will have been completely different.

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