

Civil Society Dialogue Network

Background Paper

The challenge of inclusiveness in the peace processes in Ukraine

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Civil Society Dialogue Network

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Contents

I. Introduction	3
II. Current state of play – peace process architecture	3
<i>Internal dimension – actors & challenges in the negotiations format.....</i>	<i>4</i>
<i>Key challenges for the peace process – internal dimensions and lack of inclusive approaches</i>	<i>4</i>
<i>Lack of capacities and culture of dialogue.....</i>	<i>6</i>
<i>Key challenges for the peace process – international dimensions and lack of coordinated approaches.....</i>	<i>7</i>
III. Inclusion – a solution to tackle the deadlock or a box-ticking exercise exercise?	7
IV. Options for inclusion – against all odds	8
<i>Options for inclusion in Ukraine.....</i>	<i>9</i>
<i>Options for inclusion at an international level.....</i>	<i>10</i>

I. Introduction

When analyzing the peacemaking efforts conducted in and around Ukraine for the past three years, a simple look at the evolution of the official negotiations is not enough. An overall understanding of the difficult process of transition and state building in the country after the Soviet system's collapse is necessary.

By the same token, it is important to understand that the Ukrainian peace process was designed in extreme circumstances with an international community not only poorly equipped to respond to the multiple tensions in the region³ but also struggling to find its feet after the diplomatic shock caused by the Crimean peninsula's annexation. In fact, the Panel of Eminent Persons of the Organisation for Security Cooperation in Europe (OSCE) established in 2015 to reflect on how Europe could reconsolidate its security as a common project and look at the lessons to be learned from the Ukraine crisis concluded that "it would not make sense to discuss architecture while the house is burning: such discussions can begin seriously only when the Minsk agreements have been implemented" and that "the scene has been set by acts of military force; diplomacy has been ineffective so far, or is used as cover for military action"⁴. However it is not in the scope of this paper to delve into the international dimensions of the Donbas conflict.

This paper attempts to shed some light on a number of challenges in designing strategies for inclusion in the peace process in Ukraine by analyzing how official actors *in Ukraine* have approached the talks, how they have engaged with society at large on the topic of the settlement of the crisis in and around Donbas and how internal dynamics in the country and a flawed peace process architecture have influenced the international efforts for mediation. While describing briefly the regional and international dimensions of the peace process, the paper will aim to explain how in-country exclusion, international insistence on the secrecy of the talks, and an overall resistance to multi-track dialogues has contributed to a dead-lock in the official talks. It will argue that national and international inclusion strategies are best applied selectively with design frameworks that take into account the "parties" need to commit to a peace process while simultaneously undertaking enormous tasks pertaining to their polity building and nation building agendas. Finally, the paper will advance a series of recommendations aimed at informing practitioners who are engaged in supporting the peace process to design targeted inclusion initiatives that could potentially open up spaces for broader participation in this context.

II. Current state of play – peace process architecture

The official negotiation process addressing the conflict in and around Ukraine is currently in a deadlock, perceived by many actors in Ukraine as "an instrument 3 years old, no longer useful, or applicable"⁵. The security components of Minsk-2 have not been successfully implemented, with basic ceasefires adhered

³ International mediation in the post-Soviet space, mainly conducted in an OSCE framework, has been at its best effective only at suppressing armed confrontation, making it perhaps an acceptable conflict management mechanism, but has struggled systematically to achieve conflict resolution by delivering comprehensive agreements and sustainable political settlements in the region. Conflict negotiations in post-Soviet Europe have been conducted for decades according to process design frameworks originating in the early 1990s, with a prevalence of conflicting interests between mediating states and proxy relationships between international and local actors.

⁴ Final Report and Recommendations of the Panel of Eminent Persons on European Security as a Common Project, November 2015 <http://www.osce.org/networks/205846?download=true>

⁵ Interview with Ukrainian former negotiator, February 2017

to for a maximum of several weeks, and usually no more than days, at a time. Political components have not been implemented either, albeit their sequencing necessitating implementation of security components first. This lack of progress in implementing any substantial part of Minsk-2 has occurred despite ongoing efforts chiefly by Germany and to some extent France at facilitating political negotiation at the level of advisers to the top leadership of Russia and Ukraine and at times the top leaders themselves. For several months in 2016 these efforts also enjoyed the active support of the US State Department, under the guidance of the Obama White House and the US attention was renewed with the appointment of Special Envoy Kurt Volker in July 2017.

Mediators and negotiators have informally expressed that **the current substance of the regular talks in Minsk focuses on the search by all sides for technical arguments to justify why political compromise is impossible. The missing ingredient from all sides is political will**, with the presence of which, most of the issues on table as part of the Minsk Package of Measures are resolvable.

Internal dimension – actors & challenges in the negotiations format

On the Ukrainian side the lack of political will is driven by the **electoral unattractiveness of political compromise in the peace process and the lack of public and political support for dialogue and reconciliation**. In fact, the compromise towards conflict resolution in Donbas suggested by the Minsk Agreements is not supported by the majority of Ukrainians. The results of polls show that 71% of the population are against the local elections in Non-Government Controlled Areas (NGCA), 68% are against an amnesty for the armed formations of the so called *“DNR”* and *“LNR”*, while 55% are against Constitutional changes granting a *“special status”* to the NGCA⁶. The low support for the peace process is particularly evident in the electorate of the governing coalition, as well as several political parties in opposition, broadly oriented at the Centre/West electorates.

The current domestic political situation in Ukraine is not as volatile as in late 2015 and early 2016, although instability and the possibility of early elections still exists. Approval ratings of key leadership figures in the country do not exceed 15% for any one individual, limiting the political manoeuvrability of President, government and parliamentary opposition, and underscoring their inherently weak positions. **In the context of the peace process, this translates to an unwillingness to accept any political compromises in negotiations with Russia, and NGCA representatives, due to the inability to “sell” any such deal to the electorate, and in particular to the broad Central and Western Ukrainian electorates** on which the President and governing coalition rely as their voting base.

Key challenges for the peace process – internal dimensions and lack of inclusive approaches

Since the beginning of the talks in the TCG and Normandy Four, **the official process was a closed affair**, isolated from the wider public and reserved exclusively for the negotiators, government representatives and selected diplomats. Negotiators were strictly restricted in communicating about the content of the talks in Ukraine *“through media or other channels*. Secrecy of the talks and the inability to engage in substantive two-way expert consultations with civil society or the Parliament crippled the negotiators’ ability to operate in an effective way.⁷ As one of the Ukrainian negotiators put it bluntly: *“The process is killed by the fact that it is isolated. It is not possible in the 3rd millennium to carry out closed negotiations”*⁸.

⁶ Ilko Kucheriv Democratic Initiatives Foundation, Razumkov Centre, Opinion Polls, 16-20 December 2016 <http://dif.org.ua/article/maybutne-okupovanikh-teritoriy-donbasu-mozhlyvi-varianti>

⁷ Interview with Ukrainian current negotiator, February 2017

⁸ Interview with Ukrainian former negotiator, February 2017

The Ukrainian negotiators in the TCG subgroups were not only limited in their capacity to transparently discuss and consult with civil society and expert community in the country on the issues on the negotiation table ó they also lacked executive authority and decision making power - since most of them had an ambiguous status in the Ukrainian legal framework. With some exceptions, most of the TCG negotiators were former officials but held no executive role at present. öLook at the lack of status of the negotiators: ex-president, ex-premier, ex-Head of Department.ö⁹

Informally, most of the current and former negotiators would mention the lack of negotiatorsø authority, the irregular communications between the executive and parliamentary branches, business and civil society and the lack of spaces for political actors to engage in cross-partisan dialogue about the content of Minsk talks as fundamental flaws in the peace process design. öThose of us who presented some results were portrayed as traitors and enemies. Everyone who tried to initiate something at a formal level was branded as an enemy of the countryö.

A public information gap and a lack of forums for inclusion outside of the negotiating table have thus translated into widening the gap between the countryø executive, and the public constituencies of the country, including institutions such as the Parliament as well as civil society. MPs themselves refer to a vicious cycle of public opinion affecting MPsø ability to support constructive compromise positions, and their own public communications about their lack of support for the Minsk talks in turn affecting the public opinion itself. **Most MPs do not have a clear strategic understanding of the peace process** and do not have clearly formulated positions in relation to it. When debating and voting on issues relating to Minsk, most MPs vote either according to fractional positions imposed on them by their leadership and based on short term political calculus, rather than the countryø strategic interests, or based on an overall impression of the particular issue being discussed, without assessing the issues within a clear analytical framework. The OSCE mediators and high level international diplomats have faced stiff resistance when engaging confidentially with MPs in Ukraine regarding the parliamentø role in supporting the peace process. The results of the unconstructive and inexperienced engagement of parliamentary actors in the Ukrainian peace process has been in part the lack of progress on negotiating and implementing key aspects of the Minsk Package of Measures.

The key driver which may change this positioning of the majority of MPs in relation to the peace process would be a shift in public opinion, demonstrating a **greater electoral demand for peace in Ukraine**, to which MPs would need to respond for reasons of their own political relevance. öUkraine needs to hear and understand itself first ó then it can help Donbasö.¹⁰ However, the current trends in society do not show any particular reason for optimism. Hardening of positions and cementing a strong resistance in the society to a compromise settlement has been exacerbated by an increased focus on Russia as the sole perpetrator of violence. “What we see is not purely an escalation of the conflict. There is a sense from the Russian side that what is happening is a hybrid war ó simmering conflict. Russia is using international instruments, while waiting for destabilization of UA as a whole.ö¹¹.

Large parts of civil society in Ukraine have, since the second half of 2015, increasingly shown a strong reluctance and distrust to any decisions coming from the Minsk talks which would involve dignified dialogue, compromise and reconciliation. öInside Ukraine, the topic of peaceful coexistence has its controversies. People fail to understand fully the consequences of full implementation of Minsk in the current form. We all want peace but we fail to understand what would Ukraine look like after a peaceful settlement is reached with Donbasö¹². Civil society voices emphasizing the need for dialogue in different

⁹ Interview with Ukrainian former negotiator, February 2017

¹⁰ Interview with think tank representative, Ukraine, February 2017

¹¹ Interview with think tank representative, Ukraine, February 2017

¹² Interview with civil society representative, Ukraine, February 2017

forms are present, yet largely marginalized. “We are not dealing only with terrorists in the east. Active in the region, from an amnesty point of view are Russian armed forces are pro-Russian separatists who are Ukrainian citizens. The remaining part of population ó 80% - is people of pre-retirement or retirement age. A special category is those individuals who work in the local enterprises and pay taxes in Ukraine.”¹³

Public debates do not gravitate around the burning issues of “What is the future of Ukraine as a whole when trying to resolve the conflict?” or “How to find ways to understand better the situation in the east and start building channels for communication?”¹⁴ but are heavily heated by a number of political forces advocating for conflict resolution by use of military force or isolation of the territories outside Ukrainian government control, and by expert opinions **portraying the official peace process as a deceitful forum unable to generate any meaningful benefits for Ukraine.**

Lack of capacities and culture of dialogue

Over its first 23 years of independence, Ukraine has benefited from a relatively peaceful environment with little exposure to violent conflict manifestations. By consequence, the country did not accumulate **substantive knowledge on how to deal with conflict resolution, managing violent transitions, peace negotiation, national dialogue or reconciliation.** In-country understanding of such phenomena and the experience in developing appropriate methods to engage key actors, communicate constructively about the peace process and build public support are lacking in Ukraine. By the same token, there is very little understanding on how women’s groups could play an important and constructive role in the reconciliation process.¹⁵

The country in general, and all official institutions more specifically, are “learning by doing” and, as in all learning processes, they are encountering obstacles and difficulties in moving the peaceful settlement process forward. One of the main challenges is the **lack of quality information and knowledge on what a comprehensive peace process is and how its multi-track communication and public engagement aspects should be managed,** in order to achieve support from both public opinion and the full range of public institutions ó essential stakeholders for enabling a settlement and ensuring its future implementation and sustainability. The quality of information disseminated through media channels is inconsistent and often creates negative perceptions in the wider audience. All these factors are undermining any progress achieved in the official talks, weakening the negotiating position of Ukrainian representatives in the TCG and its subgroups, as well as reducing the impact of other dialogue attempts undertaken by civil society and expert community, aimed at generating support for the process. Despite all these constraints and challenges, several civil society actors and opinion makers in Ukraine are insisting on their right to participate in the process and act as constructive agents that could bring about a meaningful settlement of the conflict.

¹³ Interview with civil society representative, Ukraine, February 2017

¹⁴ Interview with civil society representative, Ukraine, February 2017

¹⁵ On 24 February 2016 the Cabinet of Ministers of Ukraine adopted the National action plan on implementation of United Nations Security Council Resolution 1325 “Women, Peace and Security”. The plan should be implemented by 2020. It aims to promote women’s equal and full participation as active agents in the prevention and resolution of conflicts, peace building and peacekeeping, as well as to incorporate gender perspective in all areas.

<http://zakon3.rada.gov.ua/laws/show/113-2016-%D1%80>. It was developed by the Government of Ukraine, in close consultations with the UN agencies and civil society. According to the initial assessment of the plan’s implementation there is a lack of coordination between central, regional authorities, civil society and international development community, as well as a lack of monitoring and accountability mechanisms. <http://eca.unwomen.org/en/news/stories/2016/09/joint-efforts-needed-to-implement-ukraine-s-women-peace-and-security-agenda#sthash.u10U2VII.dpuf>

Key challenges for the peace process – international dimensions and lack of coordinated approaches

The TCG format is criticised for its exclusive nature ó also when it comes to international actors. In particular, many in Ukraine question the lack of involvement of US representatives in the Minsk talks. An important trend has developed since the summer-autumn of 2016, in that much of **the substantive negotiation shifted to the Normandy Four, leaving the TCG and its subgroups as a legitimate format but with little substance.**

By the beginning of 2017, all actors close to the peace process informally agreed that the Minsk process in its current design and content could not lead to any progress in the settlement of the conflict or tackle any of the contentious issues to the mutual satisfaction of the parties involved. Regardless of this öinformal consentö on the deep flaws in the process, it was also clear that the current framework of the talks was the only mechanism that prevented significant violent escalations to (re)occur in Donbas.

III. Inclusion – a solution to tackle the deadlock or a box-ticking exercise?

From an inclusion point of view (öthe extent and manner in which the views and needs of conflict parties and other stakeholders are represented and integrated into the process and outcome of a mediation effortö¹⁶) there are three fundamental flaws of design in the Donbas peace process that prevent any meaningful participation of actors beyond the official negotiation tables.

First, as explained above, the process was designed from the very beginning as a mechanism aimed at stopping the hostilities and the violence in Donbas. The focus was always placed on **developing and enforcing a ceasefire agreement** as the first priority of both negotiators and mediators and since then negotiations have failed to evolve and tackle the comprehensive settlement of the conflict. Considerations about the lack of trust in the overall Minsk & Normandy processes aside, most in Ukraine do not see the current negotiations process as the starting point to design the future of the country and strengthen the social contract between the state and its citizens. They see it as a mediation process first and foremost aimed at putting an end to the Russian aggression and the ongoing violence in the east of Ukraine. The logic of engagement in the process is based on the assumption that negotiations should follow a segmented and linear temporal frame which puts security as a precondition for any other political or social discussions. This logic justifies broad public participation exclusively for phases of post agreement and post-conflict social reconstruction (not for pre-agreement phases) and **divorces inclusion strategies of relevant stakeholder groups from the secretive deal making talks - reserved only for the parties taking part in the armed component of the conflict.**

Second, **priority has been given since the beginning of the process to dealing only with bilateral** (or multilateral) **horizontal differences between the “official” conflict parties.** Which party should talk to another is still today a matter of contention ó dependent on geopolitical understandings of the conflict. The need to enable a bottom-up or a top-down dialogue between people and institutions both within and outside Ukraine has been seen and it is still perceived today as peripheral, to be conducted (if deemed necessary) only after a ceasefire is enforced and maintained and after a formal settlement at Track 1 is

¹⁶ The United Nations Guidance for Effective Mediation - an annex to the report of the Secretary-General on Strengthening the role of mediation in the peaceful settlement of disputes, conflict prevention and resolution (A/66/811, 25 June 2012).

[http://peacemaker.un.org/sites/peacemaker.un.org/files/GuidanceEffectiveMediation_UNDPA2012\(english\)_0.pdf](http://peacemaker.un.org/sites/peacemaker.un.org/files/GuidanceEffectiveMediation_UNDPA2012(english)_0.pdf)

reached and the legal status of all actors clarified. A lack of understanding of the conflict as a systemic crisis where the lines between internal processes and external ones are overlapping and blurred, where national and regional dynamics undermine efforts taken at a local level and where sporadic and localised local violence influences any avenues for compromise at a national or international level has been endemic. In this context, there are only a few examples of platforms or forums for dialogue that tried to go beyond the simplistic binary understanding of the conflict either as an internal crisis or a Russia-Ukraine war. With the exception of a series of initiatives mainly promoted and conducted behind closed doors by private diplomacy actors and specialized think-thanks¹⁷, **no multi-track dialogue has been encouraged on the topic of the content of the Minsk negotiations.** By consequence, massive information gaps have eroded the already weak capacity of larger segments of society ó at the national, regional and local levels - to understand the value of dialogue as valuable and necessary process before, during and after an official settlement and to take a constructive role in supporting compromise in the official talks.

Finally, a mediation and negotiation approach that has **ignored the deep fragmentation within the different parties** present at the official tables has led to misinformed and ill-designed strategies of engagement with all the relevant actors who could affect change in the conflict. The current process is in fact one that promotes fragmentation rather than inclusion or coalescence. We have amply described above how the hermetic nature of the talks has deepened divisions in the Ukrainian political (both governing coalition and opposition) and civil society and has resulted in an acute resistance to compromise solutions. In addition to this, both Ukrainian and international actors currently have major difficulties in discerning what is really happening in the east of the country ó in the areas outside of the Ukrainian control. There is little understanding of the various groups of actors present in Donbas, of their interests or allegiances or of their potential role in the peace process. The anti-terrorist operations and the general labelling of all actors across the contact line as enemies is currently dragging any potential for opening channels of communication with the NGCA into illegitimacy and has led to analysing the various stakeholders with the same common denominator: as perpetrators of violence, spoilers of peace and a threat to the Ukrainian state sovereignty. This uncertainty as to who is relevant or not, coupled with the perceived lack of legitimacy of the representatives of the self-declared óDNRö and óLNRö in Minsk, has inhibited the Ukrainian government's capacity to reach out and enable inclusion or try to re-establish a constructive form of engagement. In exchange, coercive measures have been prioritized at an official level¹⁸ while at an informal level, with different armed groups emerging in competition with each other, with competing economic incentives and initiatives, and with internal political struggles for authority, a process of further fragmentation is ongoing.

IV. Options for inclusion – against all odds

Good practice in international peace mediation suggests that inclusion can often be advanced by a sophisticated mediation strategy and by the mediator (or his or her team) ó based on a thorough conflict analysis that is aimed at identifying whose ownership is necessary and facilitating ownership of the process beyond people in positions of power. When it comes to the Normandy or the Minsk processes, the mediation options are restricted. Some would argue that these processes can't be defined as mediation endeavors in the first place. The Normandy Four format doesn't have a legal basis. The OSCE is

¹⁷ See Crisis Management Initiative <http://cmi.fi/our-work/regions-and-themes/eurasia/>, HDC <https://www.hdcentre.org/publications/annual-report-2014/>, ICPS & Interpeace, <http://icps.com.ua/en/our-projects/current-projects-icps/the-launch-of-the-national-dialogue-in-ukraine/>

¹⁸ See suspension of any economic relations between GCA Ukraine and NGCA (including social benefits, energy supply, direct purchases of coal etc.)

mandated to mediate only in the TCG format. When it comes to the latter, limitations are imposed both by the limited role that the OSCE and its appointed representatives can play in the process, and by the multiple and ambiguous influence the different supporters of the peace process exercise. The OSCE as a multilateral consensus based organization always risks being overtaken by its participating states' interests – as most of the conflicts with which it is dealing in an official mediation capacity involve crucial geopolitical interests of participating states. An additional complicating factor in the Ukraine case is Russia's ambiguous role in the negotiations – while Russia presents itself as a mediator in the process, the other actors present at the tables perceive it to be a conflict party.

As analyzed above, the architecture of the negotiations itself is complicated and unstructured. The focus of mediators and negotiators alike has been excessively directed at the negotiation tables as the only locus of settlement discussions. Like in any other negotiation format attempted in the post-Soviet context¹⁹, no single facilitator/mediator has the legitimacy, capacity or mandate to centralize the mediation design and pursue inclusive and strategic avenues for the negotiations – especially when the norm of inclusivity is incompatible with the definitional norm of consent²⁰. In the current peace process in Ukraine, expanding the format of negotiations to include potential relevant actors – even indirectly through parallel forums – is rejected by the main parties as illegal, irrelevant or untimely. Concerted effort and strategic mediation design in this context appears at a first sight a utopic aspiration.

However, inclusion strategies that can address the gaps and challenges underlined above and avoid the costs and risks of further destabilization or national and regional turmoil could be pursued, provided they have clear objectives and implementation designs.

Options for inclusion in Ukraine

At a national level, inclusiveness has the potential to instill progress in the peace process if it is focused on educating and explaining the need for compromise to the wider society and the hardline groups in society. However, inclusion strategies cannot be addressed as a public relations exercise, simply by manipulating public opinion with the help of a well-executed communications strategy. **Parallel forums for discussions** could be created to **enable a qualitative exchange between the executive branch, parliamentary actors and specialized civil society organizations**. These actors need to be enabled to play a more active and constructive role, with a key input to this being exposure to lessons learnt in the contexts of other peace processes internationally.

Broadening the space for all interested and affected groups to define and consider the settlement and have a say in the process is not an option in the current political climate in Ukraine. **Sequenced inclusion processes – with clear selection criteria, objectives and facilitation methodologies – that will focus first on small and targeted consultations with expert communities, political actors, opinion makers and civil society organizations with experience in peacebuilding or dialogue - are advisable**. A thorough mapping exercise and selection criteria that will enable the participation of actors with sufficient influence and ability to affect positive change in the process are necessary. It is important to understand

¹⁹ When the states involved are ready to strike a deal, the OSCE is not necessarily needed by them as they prefer talking directly – negotiations, not mediation; when they are not ready for a deal, then they use OSCE to keep the conflict in a 'holding pattern', preventing uncontrolled escalation and perhaps dealing with non-geopolitical issues of immediate relevance to local populations but not important enough to upset the balance of interests. See the Transnistrian settlement process and the 5+2 negotiations, the OSCE Minsk group on the Nagorno-Karabakh conflict, the Geneva International Discussions on the Georgia crisis.

²⁰ The UN Guidance considers consent by the parties to be an essential component for effective mediation engagements, as without consent the process would be imposed and therefore not mediation at all.
[http://peacemaker.un.org/sites/peacemaker.un.org/files/GuidanceEffectiveMediation_UNDPA2012\(english\)_0.pdf](http://peacemaker.un.org/sites/peacemaker.un.org/files/GuidanceEffectiveMediation_UNDPA2012(english)_0.pdf)

that an approach of “multiple tables” and dialogue spaces is needed and that talking to individuals in a separate manner – a current practice by international diplomats and national actors alike – will bring little added value to creating public buy-in for the peace process. In addition, capacity building (peer exchanges with actors from other conflict contexts) and transfer strategies – making sure that the inputs of different actors are delivered to the mediators and negotiators – could complement consultative local forums or workshops. The OSCE Project Co-ordinator in Ukraine and the UNDP Ukraine could play a stronger role in this regard.

By the same token, **understanding better the situation in Donbas and mapping the potential avenues for engagement** with those stakeholders who can deliver something valuable for the mediation process could open up spaces for further inclusion and participation. In this regard, recent initiatives undertaken by the Ministry for Temporarily Occupied Territories and Internally Displaced Persons of Ukraine should be supported.²¹ This support should be coupled with a concerted encouragement and recognition by the international community – that every group representing genuinely held views about differing legitimate needs, interests and aspirations merits to be included somehow and to some degree in the process.²²

Political parties should not be underestimated in their influence either. **Dialogue between political parties**, if facilitated in a strategic manner, could go beyond the current debates – where people can compete over who has the strongest patriotic views or who manages to express it louder and stronger²³. Initial steps have been taken by an **initiative of the European Parliament**²⁴ to strengthen political party dialogue within the Parliament – *Verkhovna Rada* – of Ukraine: “Informal political dialogue platforms, drawing on the experience of trusted third parties, should be established on strengthening inter-party and intra-coalition dialogue with the leaders of the political parties or other factions’ representatives.” Though a sensitive topic for the majority of the actors involved, informal and structured avenues should be explored to introduce the notion of the **role of parliamentary actors in peace processes** as a regular topic for discussions in or outside the *Rada*.

Options for inclusion at an international level

Strengthening inclusion awareness among mediators as well as negotiators – both in the TCG and the Normandy formats – can be a first step in ensuring international support for opening additional spaces for dialogue at a national and international level. **Exposing official actors to best practices on inclusion in peace processes conducted worldwide is a “low risk” option that could be explored without altering or upsetting the fragile balance of the current format of the negotiations.** Given the current purpose of the negotiations and the format of the talks, it is clear that mediators and by-supporters of the process have limited leverage in advancing content related inclusion strategies (content refers to what might – and might not – be negotiated during a mediation process, and what will eventually figure in the final peace

²¹ <http://mtot.gov.ua/ministr-vadym-chernysh-predstavlyv-plan-zahodiv-shhodo-nepidkontrolnyh-terytorij-poslam-krayin-partneriv/> The Cabinet of Ministers of Ukraine has passed on 17 January 2017 an Action Plan – aimed at the implementation of certain fundamentals of domestic policy regarding certain areas of Donetsk and Luhansk regions, where state authorities temporarily do not exercise their power. Under Point 13 para. 3, the Action Plan foresees an engagement with third parties experienced in mediation to “start dialogue among persons residing in uncontrolled and controlled territory.”

²² John Packer, CSDN paper, “Challenges and opportunities of Inclusivity in peace processes” http://peacemaker.un.org/sites/peacemaker.un.org/files/ChallengesOpportunitiesInclusivity_Packer_2013.pdf

²³ Interview with Member of Ukrainian Parliament, November 2016.

²⁴ European Parliament’s Needs Assessment Mission to the Verkhovna Rada of Ukraine led by Pat Cox, President of the European Parliament 2002-2004 <http://www.europarl.europa.eu/resources/library/media/20160229RES16408/20160229RES16408.pdf>

agreement)²⁵. Agenda setting limitations aside, mediators could ó if aware of the international norms and various options at their disposal ó have a direct influence on how the **mediation process is planned and conducted**. This could eventually lead to international community supporting wider inclusion of actors in dialogue platforms beyond, and at various degrees of distance from the official negotiation table.

Opening up communication channels between peacebuilding organisations or specialized actors in Ukraine and Russia (with participation of international experts and organisations) and supporting expert dialogue on potential solutions to the crisis in and around Ukraine is an option that should be further explored. Good examples of similar initiatives already exist²⁶ although further efforts could be invested in providing dialogue spaces on topics which will build a future basis for rapprochement once the conflict will deescalate and possibility of dialogue will appear on all levels in both countries.

²⁵ http://www.swisspeace.ch/fileadmin/user_upload/Media/Publications/The_Role_of_Norms_in_International_Peace_Mediation.pdf

²⁶ See CMI track 1.5 activities on “Domestic and international dialogue in Ukraine” http://cmi.fi/wp-content/uploads/2016/06/CMI_AR_FULL_FINAL_web.pdf and Swisspeace “Fostering civil society dialogue between Russia and Ukraine” <http://www.swisspeace.ch/activities/spaces-for-dialogue.html>