



# *How to make civil society inclusion in inter-state peace mediation meaningful: Lessons from the Minsk Negotiation Process 2014-2021*

Tetiana Kyselova

**THIS BRIEF EXPLORES** lessons from the inclusion of civil society at the negotiation table in the Minsk negotiation process in 2014-2021. By examining how the process was received by Ukrainian civil society and attempts to restart it after 2019, the brief shows that from its inception, the Minsk process was characterized by many dysfunctions, in particular regarding the question of who the conflict parties were. These dysfunctions in turn led to direct civil society inclusion at the negotiation table becoming an extension of the battlefield. Thus, the brief shows how direct civil society inclusion can be counterproductive in inter-state mediation efforts.

To make the inclusion processes in inter-state mediation more productive, the brief makes the following recommendations.

## HOW TO REFER TO THIS BRIEF:

Kyselova. 2023. How to make civil society inclusion in inter-state peace mediation meaningful: Lessons from the Minsk Negotiation Process 2014-2021. *Joint brief series: Improving Mediation Effectiveness*. Stockholm: Folke Bernadotte Academy & ACCORD  
DOI: <https://doi.org/10.61880/DAJQ2447>

## Policy recommendations



1. In inter-state peace mediation efforts, indirect modalities of inclusion should be considered rather than having civil society 'at the table'.
2. Civil society can only be meaningfully included at the negotiation table when conditions are such in the countries concerned that civil society organisations have genuine freedom to mobilize and coordinate their activities.
3. International actors must take the basic conditions of civil society into account and not uncritically push for inclusion.
4. Mediators must have strong procedural mandates that allow for meaningful inclusion of civil society and not let parties manipulate the process.

# Introduction

The 2022 full-scale unprovoked invasion of Ukraine by the Russian Federation has changed the landscape of the world security architecture and the hopes for peace globally. We are seeing a return of the interstate wars of aggression and the need to rethink and readjust conflict resolution approaches that have been developed mostly in the context of the civil wars. Irrespective of the ultimate outcome of the Russian-Ukrainian war, the question of sustainable peace and societal buy-in of that outcome is relevant. This brief analyses the direct civil society inclusion in the previous negotiation process between Ukraine and Russia in the Minsk negotiations of 2014-2021 that preceded the full-fledged invasion. Although there were some attempts at indirect inclusion of civil society, this paper focus on the most salient inclusion attempts of civil society representatives as members of the official delegations sitting at the negotiation table 2020-2021.

The inclusion of civil society in peace mediation is generally viewed as normatively desirable and pragmatically necessary for process effectiveness.<sup>1</sup> As shown by Nilsson et al. in the present FBA Research Brief Series, an engaged civil society can also lead to greater inclusion in peace processes.<sup>2</sup> However, the inclusion of civil society can also be problematic.<sup>3</sup> This brief argues that initiative of the Ukrainian government to include four representatives of the civil society in the official delegation in spring 2020 was an attempt to shift the narrative in its favor. The Ukrainian government imposed an inter-state war narrative by asking Russia to include their civil society in the official delegation. The Ukrainian attempt was unsuccessful because Russia did not mirror the inclusion step. Russia instead prompted their proxies to include their civil society representatives, thus shifting to a narrative of a civil war where the warring parties are the Ukrainian government, and the breakaway regions and Russia is the mediator.

Thus, by including civil society at the table, both negotiating parties sought to empower themselves and disempower the opponent. This is very far from ‘giving voices to people’, the universally accepted goal of civil society inclusion.<sup>4</sup> This difference eventually contributed to the collapse of the negotiation process in Minsk.

## ***The Minsk Process 2014-2021 and its dysfunctionalities***

In 2014, high-level diplomacy between France, Germany, Russia, and Ukraine (known as the Normandy Four) led to the establishment of the Trilateral Contact Group (TCG), comprised of Ukraine, Russia, and the Organization for Security and Cooperation in Europe (OSCE), to develop and implement a peace plan. The result was the Minsk agreements. However, they were never fully implemented, and shelling continued throughout 2014-2021.<sup>5</sup> The Minsk process was structured so that genuine civil society inclusion was not possible. The obstacles included not just scant references to civil society inclusion in the agreements, but a process that was bedevilled by ambiguity and different interpretations of key elements.

First, the process and the agreements were unclear on the main issue – who the parties to the conflict were. The representatives of the breakaway regions – the so-called ‘Donetsk and Luhansk people’s republics’ (DPR/LPR) were not recognized as parties to the conflict by the Ukrainian government and took part in the TCG meetings in a very unclear ‘representative capacity’. Russia took part both in the Normandy Four format and TCG but with an ambiguous status: Ukraine’s government treated Russia as party to the conflict but Russia referred to itself as a mediator, doing everything possible to legitimize the status of the breakaway regions and to force Ukraine to talk directly to them. The Minsk agreements’ language was ambiguous in that it did not allow for the

identification of the signatories, let alone their obligations, which brought the political settlement to a standstill.<sup>6</sup>

Second, researchers suggest that the Minsk agreements were constructed on Russian terms because Ukraine at the time of its signing did not have any realistic alternatives. Unsurprisingly, according to sociological polls, the Minsk process was seen in Ukraine as a failure that lacked societal trust. The majority of Ukrainians felt that the Minsk agreements were imposed on Ukraine against its interests and therefore that they should be renegotiated.<sup>7</sup>

Finally, and most importantly for present purposes, the entire process was not designed for civil society inclusion. There was only one explicit possible opening for inclusion: a reference to the need to conduct “consultations on local elections with the representatives of certain areas of the Donetsk and Lugansk regions in the framework of the Trilateral Contact Group”.<sup>8</sup>

To sum up, the dysfunctionalities of the process where civil society was meant to be included were so considerable that even if there had been more room for genuine civil society inclusion at the table, it is unlikely that the process would have yielded significantly greater success. Similar dysfunctionalities are evident in the analysis of the civil society on all sides of the conflict.

### ***Civil Society in the Parties to the Conflict***

It is usually assumed that civil society is always willing to connect to peace processes, which was not the case in the Minsk process. Ukrainian mainstream civil society generally opposed the Minsk process and was not willing to connect to it, while genuine civil society in Russia and the breakaway regions was non-existent or irrelevant to the Minsk process.

### ***Civil society in Russia***

Although Russia did not consider itself a party to the conflict at the time, it was considered as such by Ukraine and its western partners, which makes the status of civil society in Russia important to analyze. During Putin’s rule, the space for genuine civic activism has shrunk tremendously due to

the legislation on “foreign agents” for individuals and non-governmental organisations (NGOs) who receive funding from abroad. In such a repressive context, peacebuilding civil society organisations have not emerged as viable actors. Some civil society initiatives that can functionally be seen as peacebuilding ones were operational as human rights defenders or women’s right groups at a grassroots level. Examples include initiatives of soldiers’ mothers, supported by international organizations in the context of Russian wars against Chechnya 1994-1996 and 1999-2000.<sup>9</sup> Some civil society groups that dared to get involved with peacebuilding and relationships with Ukrainian colleagues were prosecuted even before 2021.<sup>10</sup> In contrast to a genuine civil society, the Russian government has developed government operated non-governmental organisations (GONGOs) that were used as a part of Russian soft power abroad and as a weapon in the hybrid warfare against Ukraine.<sup>11</sup> In short, insofar as the point of civil society inclusion is to give voice to perspectives and interests different from those of the state party, there was no genuine civil society in Russia that could be included in the negotiations to meet this goal. We also do not know how the general public in Russia related to the Minsk negotiation process, because no opinion polls were publicly released on this issue. Moreover, the process was neither discussed publicly in Russia nor in the Russian-occupied Ukrainian territories.

### ***Civil society in the occupied areas***

The conditions for civil society in the areas of Donetsk and Lugansk regions, that were occupied by Russia between 2014-2021 and since 2022 annexed by the same, have been even more challenging than for civil society in Russia. Most Ukrainian NGOs that used to operate in these areas fled to Ukraine-controlled areas during 2014-2015. Some civil society organizations remained active in the occupied areas, but most of them were controlled by the *de facto* authorities. Some individual activists have also remained, upholding connections to their colleagues in the Ukrainian government-controlled areas, mostly concentrating on humanitarian aid. In sum, civil society in the occupied areas was and remains nearly non-existent. The representatives that eventually got the seat at the table during the Minsk process were totally dependent on Kremlin.

### ***Peacebuilding civil society in (government-controlled) Ukraine***

Ukraine has a highly professional, independent, and vibrant civil society. Beyond the traditional measures of formal membership in organizations, Ukrainian civil society also comprises informal associations that are united around a sense of community, common actions, and responsibility. Such associations can mobilize when the threat is existential.<sup>12</sup> The 2014 conflict invasion resulted in the societal mobilization for war. This mobilization was focused on providing aid to the Ukrainian army and gave rise to a very distinct movement of military volunteers. During the fighting against Russian aggression, peace as a concept was extremely controversial in Ukraine, seen as a form of treason or as only possible through Ukraine's total victory. Within this general context of "peace avoidance", civil society organizations that were directly or indirectly involved in peacebuilding remained fragmented and marginal.<sup>13</sup>

Furthermore, there was a high level of distrust on part of Ukrainian society towards the Minsk agreements signed by the Ukrainian government.<sup>14</sup> Given such distrust, there was no societal consensus on the need to connect civil society to the Minsk negotiations, with certain civil society groups actively opposing the Minsk process. Indeed, research shows that Ukrainian civil society did not want to have "anything in common with Minsk", except perhaps a few NGOs or individuals.<sup>15</sup>

In sum, although Ukrainian civil society was more vibrant and active in peacebuilding than its counterparts in Russia and the occupied areas in 2014-2021, it did not mobilize for inclusion in peace negotiations. It lacked a peace agenda and did not want to be part of a negotiation process without popular legitimacy.

## ***Civil society at the negotiation table in 2020-2021: was it inclusion?***

**A RANGE OF ATTEMPTS** were made to include civil society and concerns of the broader public into the work of Trilateral Contact Group by mediators, international NGOs and the Ukrainian government indirectly (through expert inputs, reports, track two-dialogues and studies of public opinion). However, the discussion below of the 2020-2021 period focuses solely on the direct inclusion of civil society as members of official negotiating delegations since spring 2020.

Ukraine's government had discussed internally for some time how to fulfil the specific requirement of the Minsk agreement to consult "representatives of certain areas of the Donetsk and Lugansk regions" within the framework of the TCG. The definition of these representatives became a hotly contested issue. Russia saw the *de facto* heads of DPR/LPR as such representatives, while Ukraine suggested that Ukrainian IDPs who fled from Donetsk and Lugansk

after 2014 to the government-controlled territories were the proper representatives.

In 2020, Russia proposed that a Consultative Council should be established under the Trilateral Contact Group. It would include representatives of Ukraine and DPR/LPR as well as the supporting entities – OSCE, Russia, Germany, and France. Ukraine provisionally signed the document, but there was a backlash from Ukrainian civil society: many groups claimed that recognition of DPR/LPR through the Council was a "trap for Ukraine" and "the gravest mistake of the official Kyiv".<sup>16</sup> Similar opinions were expressed by the international community.<sup>17</sup>

Eventually the Ukrainian government abandoned the idea of the Consultative Council, yet still included civil society representatives in the official Ukrainian delegation. In the end, four civil society representa-

tives – IDPs from Donetsk and Lugansk residing at Ukraine-controlled territories – were included in the official Ukrainian delegation. These four representatives were included following a unilateral decision by the Ukrainian government without prior public consultation or reference to the selection criteria. Initially all four were men but, at the request of UN Women and women’s NGOs, a woman from the reputable human rights NGO Vostok SOS was included in the working group as well.<sup>18</sup> Likewise, representatives of DPR/LPR included people in their delegation with the unclear status of “invited experts/societal advisors”. Notably, Russia did not reciprocate, thereby reinforcing once again their strategy of portraying itself as mediator and not as a party to the conflict.

Thus, the underlying question of who the parties to the conflict are also impacted the inclusion process. If the basic characteristics of a conflict – its parties – remains highly contested, the question of civil society inclusion will also be contested. Indeed, after the civil society representatives were officially included in the negotiating delegations, most of the talks disputed the legitimacy of these representatives. Ukraine denied the legitimacy of the DPR/LPR societal advisors because they were Russian citizens, and also because criminal charges of terrorism against one of them (Maya Pirogova) were being investigated by Ukrainian courts.<sup>19</sup> In response to the court case against Pirogova, the *de facto* authorities of DPR/LPR initiated a similar criminal investigation against Denys Kazansky, a blogger included as a part of the Ukrainian official delegation, arguably aimed at challenging his legitimacy.<sup>20</sup>

For its part, Ukrainian civil society viewed inclusion of civil society representatives in the official delegation as a better tactical step than the Consultative Council. This was not primarily because inclusion was seen to give voice to the people, but rather because it strengthened the position of the Ukrainian government not to implement Minsk agreements. The Ukrainian civil society representatives saw themselves as watchdogs that would not allow the government to surrender the interests of Ukraine by implementing the Minsk agreements on Russian terms.

“

*If the basic characteristics of a conflict – its parties – remains highly contested, the question of civil society inclusion will also be contested.”*

One positive outcome of the inclusion of civil society representatives in Ukrainian negotiation delegations pertained to the distribution of information about the Minsk negotiations within Ukraine. Two bloggers were continuously informing the wider public about the content of the talks.<sup>21</sup> However, the published information was strictly controlled by the Ukrainian government. Furthermore, the civil society representatives remained passive observers with no say at the negotiation table, thus depending completely upon their official delegations.

To conclude, civil society inclusion in the Minsk process was instrumentalised by the parties and resulted in manipulation and distortion of the idea of inclusion. Inclusion was transformed from the goal of giving voice to the conflict-affected population into tactical games of the parties to retain exclusive control over the negotiation process and delegitimise each other.

# Policy recommendations

THIS BRIEF HAS explored how to make civil society inclusion in peace mediation between two sovereign states meaningful, drawing on a case study of the Minsk negotiation process 2014-2021. Because direct inclusion of selected individuals at the negotiation table is not likely to remedy the discussed deficiencies of the process but instead can be actively misused by the parties and harm the process and the civil society, the following recommendations are made:

***In inter-state peace mediation efforts, indirect modalities of inclusion should be considered rather than having civil society ‘at the table’.*** Where interests of both nations are at stake, it is unrealistic to expect civil society to be independent of their respective governments. Moreover, in conflicts between authoritarian and democratic governments, where the authoritarian government controls its civil society, this pattern of control is likely to be imposed upon the other parties too. In such cases, indirect modalities of inclusion (track two-dialogues, problem-solving workshops, studies of public opinion, informal consultations etc.) have better prospects of succeeding.

***Civil society can only be meaningfully included at the negotiation table when conditions are such in the countries concerned that civil society organisations have genuine freedom to mobilize and coordinate their activities.*** Where civil society organisations are not genuinely free to organise and collaborate and exist merely as GONGOs, which is the case in authoritarian regimes, including them at negotiation table will undermine the process. It will delegitimize civil society inclusion as such and give the authoritarian government a veneer of democratic legitimacy.

***International actors must take the basic conditions of civil society into account and not uncritically push for inclusion.*** When the conditions for genuine inclusion of civil society are absent yet mediators still insist on inclusion, this insistence might be to ensure that the process remains the only available ‘game in town’, or to meet a norm of inclusion mandated by UN documents and international frameworks. In the latter case, inclusion might simply be a ‘ticking the box’-exercise. Moreover, in a culture where women enjoy rights and opportunities at the societal level (such as in Ukraine), it harms the very idea of inclusion to invite a woman at the negotiation table solely to comply with norms of gender inclusion if she does not have a procedural mandate and substantive influence.

***Mediators must have strong procedural mandates that allow for meaningful inclusion of civil society and not let parties manipulate the process.*** In the case of the Minsk process, numerous deficiencies – for example weak mediation mandate and lack of political will – turned the question of civil society inclusion into an extension of the battlefield and a venue for tactical games to delegitimize the opposing party.

# Endnotes

This study is funded by the EU Horizon EMBRACE project, and Swiss National Science Foundation.

- <sup>1</sup> The 2030 Agenda and the Sustainable Development Goals, Goal 16, the UNSC Resolution 1325 on Women, Peace and Security (WPS); the UNSC Resolution 2250 on Youth, Peace and Security, the UN Prevention Agenda including both the UN Sustaining Peace Resolutions and others.
- <sup>2</sup> Desirée Nilsson, Isak Svensson and Utami Sandarayani, Nilsson et al. 2023. "Civil society protests and inclusive peace talks". *Joint brief series: Improving Mediation Effectiveness*. Stockholm, Sweden: Folke Bernadotte Academy & ACCORD.
- <sup>3</sup> Isa Mendes. "Inclusion and Political Representation in Peace Negotiations: The Case of the Colombian Victims' Delegations," *Journal of Politics in Latin America* 11, no 3, pp. 272-297, 2019; Philip Gamaghelyan, "Towards an Inclusive Conception of Best Practices in Peace and Conflict Initiatives: The Case of the South Caucasus." *International Negotiation* 26, no 1, pp. 125-150, 2020.
- <sup>4</sup> Esra Cuhadar, Making Peace Possible: *Understanding resistance to Inclusive Peace Processes*, 2020. [www.usip.org](http://www.usip.org)
- <sup>5</sup> Orysia Lutsevych, Ukraine Stands Firm, but its Allies must Do Likewise, December 2021, <https://www.chathamhouse.org/2021/12/ukraine-stands-firm-its-allies-must-do-likewise>
- <sup>6</sup> Kristian Åtland, "Destined for deadlock? Russia, Ukraine, and the unfulfilled Minsk agreements." *Post-Soviet Affairs* 36, no 2, pp. 122-139, at p. 134, 2020.
- <sup>7</sup> Sociological Group Rating, Opinion Poll, December 2021, <https://suspilne.media/207756-kozen-patij-ukrainec-ne-nae-zmistu-minskih-ugod-ponad-60-hocut-ih-pereglanuti-opituvanna/>; Razumkov Center and Democratic Initiatives Fund, Sociological Poll, May 2021, <https://dif.org.ua/article/yak-zminilasya-dumka-ukraintsiv-pro-rosiysko-ukrainsku-viynu-za-dva-roki-prezidenstva-zelenskogo>
- <sup>8</sup> Package of Measures for the Implementation of the Minsk agreements, paragraph 12, [https://peacemaker.un.org/sites/peacemaker.un.org/files/UA\\_150212\\_MinskAgreement\\_en.pdf](https://peacemaker.un.org/sites/peacemaker.un.org/files/UA_150212_MinskAgreement_en.pdf)
- <sup>9</sup> Metta Spencer. *The Russian Quest for Peace and Democracy*, Lexington books, 2012.
- <sup>10</sup> Currently, for example, the CivilMPlus platform <https://civilmplus.org/en/> that mobilizes international civil society to deal with the armed Russian-Ukrainian war, include only one Russian NGO - "Women of Don" that was under criminal investigation in Russia already for several years.
- <sup>11</sup> Orysia Lutsevych, *Agents of the Russian World: Proxy Groups in the Contested Neighbourhood*, London: Chatham House, 2016. <https://www.chathamhouse.org/sites/default/files/publications/research/2016-04-14-agents-russianworld-lutsevych.pdf>
- <sup>12</sup> Kateryna Zarembo and Eric Martin, "Civil Society and Sense of Community in Ukraine: from Dormancy to Action," *European Societies*, pp. 1-27, 2023.
- <sup>13</sup> Tetiana Kyselova and Andrii Moseiko. *Mapping of Dialogue and Peacebuilding Organizations and Initiatives in Ukraine*. 2021. <https://md.ukma.edu.ua/wp-content/uploads/2021/07/Mapping-of-Peacebuilding-and-Dialogue-Actors-2021-ENG.pdf>
- <sup>14</sup> Kristian Åtland, "Destined for deadlock? Russia, Ukraine, and the Unfulfilled Minsk Agreements." *Post-Soviet Affairs* 36, no 2, pp. 122-139, 2020.
- <sup>15</sup> Tetiana Kyselova, *Mapping Civil Society and Peacebuilding in Ukraine: Peacebuilding by Any Other Name*, Inclusive Peace and Transition Initiative & Mediation and Dialogue Research Center, Geneva-Kyiv, 2019. <https://md.ukma.edu.ua/wp-content/uploads/2019/10/ENG-Ukraine-Mapping-Civil-Society-Report-2019.pdf>
- <sup>16</sup> Maria Zolkina, What Reloading of Minsk will Change? Pluses and Risks of the New Idea by Yermak, Yevropeyska Pravda, 2020. <https://www.eurointegration.com.ua/articles/2020/05/7/7109619/>
- <sup>17</sup> Vladimir Socor, "Kozak-Yermak Plan on Donbas" *The Fine Print Publication: Eurasia Daily Monitor* 17, no 40, 2020. <https://jamestown.org/program/kozak-yermak-plan-on-donbas-the-fine-print/>
- <sup>18</sup> To hear Donbas. Donetsk and Luhansk will be Represented in Minsk by four IDPs. Liga. Novosti. 2020. <https://news.liga.net/politics/news/nazvany-pereselentsy-kotorye-stali-peregovorschikami-ot-ordlo>
- <sup>19</sup> Ukraine Snubs Russia's Attempts to Let Proxy Forces' Representative, Convicted Terrorist Join Donbas Talks, UNIAN Information Agency, 2021. <https://www.unian.info/war/ukraine-snubs-russia-s-attempts-to-let-proxy-forces-representative-convicted-terrorist-join-donbas-talks-11356468.html>
- <sup>20</sup> Russian Proxies Seek to Have Member of Ukraine Delegation in TCG Recalled, UNIAN Information Agency, 2021. <https://www.unian.info/politics/donbas-russian-proxies-seek-to-have-member-of-ukraine-delegation-in-tcg-recalled-11386918.html>
- <sup>21</sup> See, for example, Facebook page of Denys Kazansky <https://www.facebook.com/den.kazansky/>; and blog posts about TCG by Serhiy Garmash, <https://news.obozrevatel.com/politics/minskij-tupik-rossiyane-v-tkg-molchat-kak-partizanyi.htm>

## Author biography

**Dr. Tetiana Kyselova**, associate professor at the National University of Kyiv-Mohyla Academy, Department of International Relations; senior fellow (Mediation) at swisspeace, director and founder of the Mediation and Dialogue Research Center at Kyiv-Mohyla Academy. Dr. Kyselova holds a DPhil from the University of Oxford and a PhD from the Academy of Sciences of Ukraine. She was certified as a mediator by the Search for Common Ground and as a business mediator by the IHK Academy Munich and Upper Bavaria. She has been working with peacebuilding civil society and professional community of mediators in Ukraine since 1990s advising them on the strategies of peacebuilding, self-regulation, training, methodology of mediation and dialogue. She is currently an advisor to the peacebuilding network 'Ukrainian Community of Dialogue Practitioners'. She has co-authored a Ukrainian Law on Mediation and served as an advisor to the Ministry of Reintegration of Temporality Occupied Territories of Ukraine and many international organizations. Her research interests include conflict resolution and transformation, peacebuilding, mediation and dialogue.

### JOINT BRIEF SERIES: THE PERFORMANCE OF PEACKEKEEPING

This research brief series is the outcome of a joint initiative by the Folke Bernadotte Academy (FBA) and the African Centre for the Constructive Resolution of Disputes (ACCORD). The aim of the series is to contribute to policy development by bringing cutting-edge research on key issues within mediation to the attention of policy makers and practitioners. The topics to be explored in the series were selected during joint discussions within the FBA initiative "Improving Mediation Effectiveness" throughout 2021-2023. The Initiative brought together policymakers, practitioners, and researchers within the mediation field to discuss challenges and opportunities for greater effectiveness in mediation. The editorial committee has consisted of Dr. Niklas Hultin, Agnes Cronholm, Dr. Johanna Malm and Maja Jakobsson from FBA, and Andrea Prah from ACCORD. We would like to thank the members of the Mediation Support Network for comments. The views and opinions expressed in the brief series are those of the author(s) and do not necessarily reflect the official policy or position of the collaborating partners.

**The Folke Bernadotte Academy (FBA)** is the Swedish government agency for peace, security and development. FBA has since 2005 supported research primarily through its international Research Working Groups. These are composed of well-merited scholars from universities and research institutes worldwide who conduct scientific research on issues related to FBA's areas of expertise.

**ACCORD** is a civil society organisation working throughout Africa since 1992, to bring creative African solutions to the challenges posed by conflict on the continent. We impact political developments by bringing conflict resolution, dialogue and development to the forefront as an alternative to protracted conflict. As part of its strategic objectives, ACCORD aims to generate, document, and share knowledge that positively impacts on conflict prevention, management, resolution and transformation.