

Ukraine considers a referendum on new Donbas agreements

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On 21 May the head of the Presidential Administration, Andriy Bohdan, said during an interview with the pro-Russian television station 112 that President Volodymyr Zelenskyy's team is considering the possibility of "organising a referendum on reaching an agreement with Russia on peace in the Donbas". These words provoked negative comments from the outgoing authorities, and have been criticised by, among others, the parliament speaker Andriy Parubiy, who named them a path to capitulation.

In turn, the Kremlin's spokesman Dmitri Peskov said that holding a possible referendum was an internal matter for Ukraine. However, he stressed that the form of words used required further explanation, because Russia is not a party to the conflict in Ukraine, which is a "civil war". He recalled that Moscow still expects the Ukrainian authorities to implement the Minsk agreements, "regulate the problems in south-east Ukraine" and take steps to normalise relations with Russia, which Kyiv does not so far appear to be doing.

Commentary

- At present, it is difficult to judge to what extent Bohdan's words are a trial balloon representing Zelenskyy's real intentions, possibly appealing to public opinion as to how an agreement with Russia could be reached; and how much they are calculated to simply increase the president's popularity further. According to a poll conducted by the Centre for Social Monitoring, the Ukrainian Oleksandr Yaremenko Institute for Social Research and the Rating Group, which was published on 16 May, 49.2% of respondents favoured holding a referendum on the future status of the breakaway Donetsk and Luhansk People's Republics, and 65.3% were for finding a compromise to restore the country's peace and territorial integrity; in the east and south of Ukraine the figures are 75-80%. In addition, 75% of the population is in favour of a direct dialogue between the presidents of Russia and Ukraine (84-87% in the east and south). In addition, 54% of respondents would support Kyiv launching direct talks with the separatists on the ceasefire and the recovery of the Donbas (70-77% in the east and south). According to the same survey, 48.9% of Ukrainians would agree to granting the so-called Donetsk and Luhansk People's Republics autonomous status within Ukraine (33.5% are opposed, and 17.6% have no opinion).
- Zelenskyy advocated holding direct talks with President Putin to reach a compromise on the suspension of hostilities and the fate of the Donbas at an early stage of his election campaign. In recent weeks the oligarch Ihor Kolomoyskyy – who until recently was Andriy

Bohdan's employer – has also spoken in a similar spirit, calling the Donbas conflict a civil war and speaking about the need to include the separatist republics' representatives in the negotiations. In turn, the idea of taking certain decisions after consultation with the public was one of Zelenskyy's plans for cleaning up political life and restoring confidence in the government.

- Currently Ukraine lacks any clear laws defining how referendums should be held. Although there are relevant provisions in the Constitution, there is no law regulating all the issues related to the organisation of referendums. The existing law on national referendums from 2012 was declared unconstitutional by the Constitutional Court in April 2018, and no new law has been voted on since then.
- Both direct dialogue between Kyiv and the Russian-controlled separatists in the Donbas (which would legitimise them) and giving autonomy to the region (especially in the context of the country's broader decentralisation) would suit Russia's narrative and political demands, and Moscow could take advantage of such moves to try and influence the political situation in Ukraine in accordance with its own interests.