



By: TA | AP Insight

Why can't Ukraine accept Trump's proposal for a land swap with Russia?



A peace deal that requires Kyiv to accept **swapping** Ukrainian territory with Russia would not only be deeply unpopular. It also would be illegal under its constitution.

That's why President Volodymyr Zelenskyy has categorically rejected any deal with Moscow that could involve ceding land after U.S. President Donald Trump suggested such a concession would be beneficial to both sides, ahead of his **meeting** Friday with Russian President Vladimir Putin in Alaska.

Zelenskyy said over the weekend that Kyiv "will not give Russia any awards for what it has done," and that "Ukrainians will not give their land to the occupier."

The remarks came after Trump said a peace deal would involve swapping of Ukrainian territories by both sides "to the betterment of both."

For Zelenskyy, such a deal would be disaster for his presidency and spark public outcry after more than three years of bloodshed and sacrifice by Ukrainians.

Moreover, he doesn't have the authority to sign off on it, because changing Ukraine's 1991 borders runs counter to the country's constitution.

For now, freezing the front line appears to be an outcome the Ukrainian people are willing to accept.

A look at the challenges such proposals entail:

Russia occupies about a fifth of Ukraine

Russia occupies about a fifth of Ukraine, from the country's northeast to the Crimean Peninsula, which was **annexed** illegally in 2014.

The front line is vast and cuts across six regions — the active front stretches for at least 1,000 kilometers (680 miles) — but if measured from along the border with Russia, it reaches

as far as 2,300 kilometers (1,430 miles).

Russia controls almost all of the Luhansk region and almost two-thirds of Donetsk region, which together comprise the Donbas, as the strategic industrial heartland of Ukraine is called. Russia has long coveted the area and illegally annexed it in the first year of the full-scale invasion, even though it didn't control much of it at the time.

Russia also partially controls more than half of the Kherson region, which is critical to maintain logistical flows of supplies coming in from the land corridor in neighboring Crimea, and also parts of the Zaporizhzhia region, where the Kremlin seized Europe's largest nuclear power plant.

Swapping Ukrainian controlled territory in Russia, however minuscule, will likely be the only palatable option for Kyiv in any land swapping scenario

Russian forces also hold pockets of territory in Kharkiv and Sumy regions in northeastern Ukraine, far less strategically valuable for Moscow. Russian troops are gaining a foothold in the Dnipropetrovsk region.

These could be what Moscow is willing to exchange for land it deems more important in Donetsk, where the Russian army has concentrated most of its effort.

"There'll be some land swapping going on. I know that through Russia and through conversations with everybody. To the good, for the good of Ukraine. Good stuff, not bad stuff. Also, some bad stuff for both," Trump said Monday.

Ukrainian forces are still active in the Kursk region inside Russia, but they barely hold any territory there, making it not as potent a bargaining chip as Kyiv's leaders had probably hoped when they launched the daring incursion across the border last year.

Swapping Ukrainian controlled territory in

Russia, however minuscule, will likely be the only palatable option for Kyiv in any land swapping scenario.

Conceding land risks another invasion

Surrendering territory would see those unwilling to live under Russian rule to pack up and leave. Many civilians have endured so much suffering and bloodshed since pro-Moscow forces began battling the Ukrainian military in the east in 2014 and since the full-scale invasion in 2022.

From a military standpoint, abandoning the Donetsk region in particular would vastly improve Russia's ability to invade Ukraine again, according to the Washington-based think tank Institute for the Study of War.

Bowing to such a demand would force Ukraine to abandon its "fortress belt," the main defensive line in Donetsk since 2014, "with no guarantee that fighting will not resume," the institute said in a recent report.

The regional defensive line has prevented Russia's efforts to seize the region and continues to impede Russia's efforts to take the rest of the area, ISW said.

Ukraine's constitution poses a major challenge to any deal involving a land swap because it requires a nationwide referendum to approve changes to the country's territorial borders, said Ihor Reiterovych, a politics professor in the Taras Shevchenko National University of Kyiv.

"Changes in territorial integrity can be done only by the decision of the people — not the president, the cabinet of ministers or the parliament can change it," he said. "In the constitution it is written that only by referendum can changes to Ukraine's territory be conducted."

He's got approval to go into a war and kill everybody, but he needs approval to do a land swap? - Donald Trump

If during negotiations Zelenskyy agrees to swap territory with Russia, "in the same minute he will be a criminal because he would be abandoning the main law that governs Ukraine," Reiterovych said.

Trump said he was "a little bothered" by Zelenskyy's **assertion** over the weekend that he needed constitutional **approval** to cede to Russia the territory that it captured in its unprovoked invasion.

"I mean, he's got approval to go into a war and kill everybody, but he needs approval to do a land swap?" Trump added. "Because there'll be some land swapping going on. I know that through Russia and through conversations with everybody."

Oksana Markarova, Ukraine's ambassador to the U.S., brought a copy of her country's constitution to her interview on Sunday with CBS' "Face the Nation," and described how the president is "the guarantor of the constitution" and cannot give away land under Article 133.

Zelenskyy is still trying to regain the people's trust that was damaged when he reversed course on a law that would have diminished the independence of Ukraine's anti-corruption watchdogs.

The move was a red line for those citizens who are protective of the country's institutions and are suspicious of certain members of Zelenskyy's inner circle.

Freezing the conflict seems a lesser evil for Ukraine

Analysts like Reiterovych dismiss a land swap as a distraction. Freezing the conflict along the current front line is the only option Ukrainians are willing to accept, he said, citing recent

polls.

This option would also buy time for both sides to consolidate manpower and build up their domestic weapons industries.



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Ukraine would require strong security **guarantees** from its Western partners to deter future Russian aggression, which Kyiv believes is inevitable.

Still, freezing the conflict will also be difficult for Ukrainians to accept.

Along with the illegal annexation of Crimea in 2014 and the partial occupation of Luhansk and Donetsk after that, it would require accepting that the Ukrainian military is not able to retake lost territories militarily.

Kyiv accepted its inability to retake these territories but never formally recognized them as Russian. A similar scenario could unfold in the new regions taken by Russian forces. It also is not a viable long-term solution.

“It is the lesser evil option for everyone and it will not provoke protests or rallies on the streets,” Reiterovych said.