Can Conflict Resolution Principles Apply in Ukraine?

Hugh Miall

Introduction

The Russian invasion of Ukraine on 24 February 2022 marked a catastrophic return of great power war to the continent of Europe. Until recently, peace and conflict researchers have focused particularly on civil wars, which have been the main source of armed conflicts for many years. Now the kind of warfare between states that characterised the middle and start of the twentieth century is back. The war has become a deadly affair, consuming lives on both sides at a heavy rate. The Russian invasion caused a refugee crisis with eight million Ukrainians fleeing abroad and a third of the population displaced. Its economic shockwaves have affected living standards around the world, especially in the poorest countries.

How can the tradition of ideas and practice about conflict resolution be applied to this conflict? It is vital to try to bring the conflict to an end, to avert the obvious risks of the conflict widening and escalating. Yet at the time of writing there are few expectations of an early peace and the conflict seems highly resistant to resolution.

One reason why conflict resolution seems difficult is that the stakes appear existential to both sides. Ukraine is threatened by an overwhelmingly larger and more powerful state which seems intent on ending Ukraine's independent existence. The Russian plan was to overthrow the Ukrainian government and put its leaders on trial, on the pretext of an anti-fascist purge. Given the wilful attacks on Ukrainian cities and Ukrainian civilians, it is easy to see why, for the Ukrainians, this appears to be an existential conflict. For President Putin

and the ex-KGB clique that surrounds him, the stakes are equally high. Having formed their political views during the Cold War, they see the West as intent on weakening Russia, absorbing its assets, excluding it from international institutions and bringing about regime change. As Putin said in his televised address on 24 February 2022: 'For the United States and its allies, it is a policy of containing Russia, with obvious geopolitical dividends. For our country, it is a matter of life and death, a matter of our historical future as a nation.' For President Biden, the conflict is one of values, with the US supporting freedom and democracy against Putin's autocracy and aggression. The US and its allies see the stakes as the defence of the rules-based international order. European leaders see themselves as defending European values and principles, including the taboo against acquiring territory by force, which has helped to keep the peace in Europe for many years. With the stakes so high on both sides, what room is there for compromise?

Even if a compromise of some kind between the West, Ukraine and Russia were possible, each side would have difficulty in trusting the other to abide by it. Since Putin made it clear at the beginning of the war that his intention was to overrun all Ukraine, any settlement that gives Russia control of part of Ukraine would be seen by Ukrainians as a prelude to further dismemberment. Similarly, it may be hard for Putin to take seriously a pledge of Ukrainian neutrality, since the NATO countries directly supported Kyiv with weapons even before the start of the invasion. The US wants to see Russia weakened, the Defense Secretary Lloyd Austin has said. And Biden said that the US wanted to punish Russian aggression to avoid the risk of future conflicts. Such statements tend to confirm Putin in his view that he is in a fight to the finish with the United States.

Both sides have committed to maximalist war aims, with little common ground between them. However, Putin scaled back the aims of his 'special military operation', from occupying all of Ukraine to seizing the Donbass, and the land bridge in the south connecting the Donbass to Crimea. Russian ambitions still outran their actual control, when in late September Putin declared the annexation of Kherson, Zaporizhzhia, Luhansk and Donetsk.

For the Ukrainians, as President Zelensky said, 'Ukraine is all of Ukraine. All 25 regions, without any concessions or compromises.' Western leaders supported the Ukrainian aim of winning back all its lost territory. The State Department declared that the US would support Ukraine's decisions at the negotiating table – there would be no 'agreement without Ukraine.' The US and its Western partners thus tied themselves to Ukraine's terms. With the positions so far apart, at the time of writing few observers hold much hope of an immediate settlement. They expect a long war.

A further obstacle lies in the very different ways in which the sides frame what the conflict is about. Putin claims that Ukraine is not a separate nation, Russians and Ukrainians are one people, and it is the West, and specifically the US, NATO and the EU, that have driven a wedge between them. "I am confident that true sovereignty of Ukraine is possible only in partnership with Russia…. For we are one people.' [1] For most Ukrainians, however, the war has resolved any

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[1] 'Article by Vladimir Putin on the Historical Unity of Russians and Ukrainians' July 12 2021, <http://en.kremlin.ru/events/president/news/66181>.

doubt about this question. 'We are the free people of independent Ukraine', said Zelensky.[2] Equally, the Western countries and Putin take diametrically opposed views of the conflict, and the gulf between their perceptions has grown wider as the war continues. Putin sees the war as a necessary response to NATO aggression, Ukrainian genocide in the Donbass, and an attempt by the West to use Ukraine as a means to attack and ultimately dismember Russia. In contrast the West sees the war as a result of Russian aggression, regards it as an attempt to attack and dismember Ukraine, and considers intervention necessary to protect Ukrainians from Russian genocide and to halt further Russian expansionism. The positions are similar and diametrically opposed, and each side is convinced that the other is cynical and belligerent. It is an example of what Oliver Ramsbotham calls a 'radical disagreement', with the parties defending their positions in ways that are linguistically intractable.[3]

As the war has continued, the two sides have grown more locked into their incompatible positions. As the losses, horrors and casualties mount, the perceptions of the wrong done by the other side grow, and compromise seems ever less tolerable. The war crimes committed by Russian troops in Ukraine, the killing of civilians and the huge damage to property put any settlement short of victory out of consideration for many on the Ukrainian side and in the West. The Russian elite has a similar narrative of Ukrainian war crimes in the Donbass and elsewhere, and still retains its view that it is fighting against 'nazification' and NATO aggression. As a result, neither side is willing to compromise or back down.

Options For Conflict Resolution

Is the application of conflict resolution completely hopeless in these circumstances? Certainly, the prospects for an agreement at the time of writing could not be more challenging. Nevertheless, we claim that conflict resolution principles could be applied if the parties were to move away from their current positions.

Conflict resolution can be understood in two senses – as an outcome, and as a process. When we ask, 'how can this conflict be resolved', we are exploring possible outcomes that might transform, dissolve or mitigate the issues that are at the root of the conflict. Even though the parties are currently pursuing objectives that are incompatible, the underlying issues in the conflict may become tractable if the aims and behaviour of the parties change and if a series of steps starts to unravel the knot of conflicting issues. Conflict resolution aims to explore alternatives to continuing or intensifying the conflict. In this sense, it is not about exploring the likeliest lines of development, but about analysing and advocating alternative futures, which could feasibly be brought into being.

There also needs to be a feasible process leading from the present towards the desired outcome. The claim conflict resolution makes is that, <u>if</u> the parties made changes in how

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[2] 'Speech by President Volodymyr Zelenskyy on Independence Day of Ukraine', 24 August 2022, <https://www.president.gov.ua/en/news/privitannya-prezidenta-volodimira-zelenskogo-z-nagodi-dnya-n-77265>.

[3] Ramsbotham, O. 2010, *Transforming Violent Conflict: Radical Disagreement, Dialogue and Survival.* London: Routledge.

they approach the conflict, the issues in conflict could be modified and a path towards their resolution could be found.

It is helpful to analyse the conflict, and the prospects for conflict resolution, at three inter-related levels. The first is the conflict over the future of Ukraine. The second is the issue of Russians outside Russia – how the Russian-speakers will live together with other ethnicities and language groups in the former Soviet Union. The third is the wider question of long-term relations between Russia, the European states and the United States, which touches on the European security architecture, the European international order as a whole and the nature of global order in the international system.

An approach to conflict resolution begins with an analysis of the rival parties' goals. Which of these goals are absolutely essential for the survival and the wellbeing of the parties, and which are not? Ending the occupation of the parts of Ukraine which are not held by rebels is essential for the survival and wellbeing of the Ukrainian population. It is not clear however that re-establishing Ukrainian rule over Crimea and the rebel-held parts of the Donbass is necessarily essential for the Ukrainians' survival. Having Ukraine in NATO is not an essential goal for the populations in NATO countries. Occupying Ukraine is not an essential goal for Russians, especially if the threat of NATO membership for Ukraine is removed. It would seem therefore that a resolution is there to be had.

In brief, we will argue as follows. A reasonable outcome is one that meets the needs of the people or peoples involved in the conflict(s). A reasonable outcome for Ukraine thus has to meet the needs of both the Ukrainian-speakers and the Russian-speakers who live in Ukraine, including those who do and those who do not accept the rule of the Ukrainian government. We shall assume the validity of the European norm that borders cannot be changed by force and can only be changed with the mutual agreement of the states involved. This is a principle to which all European states, including Russia, have given their consent in numerous international protocols. Within these constraints, a possible resolution to the conflict in Ukraine could occur if Russia withdrew to the positions of before February 24, Ukraine agreed to accept an enhanced autonomy arrangement or independence for the regions of the Donbass held by rebels, and Ukraine and Russia agreed to a dual citizenship, co-sovereignty model or an autonomy arrangement, or independence for Crimea. Strong protections for minorities and inclusive language rights and educational policies should be adopted and overseen by the Organization for Security and Cooperation in Europe (OSCE). In principle, both sides should agree to cooperate in setting up war crimes tribunals and abiding by their results. Both sides should agree to compensate civilians, businesses and municipalities for the damage their forces have inflicted as a result of fighting since 2014. But if this makes a deal unattainable, it may need to be left aside, in which case the EU and other outside donors should assist Ukrainians in rebuilding their lives.

A resolution to the conflicts over Russians outside Russia and also of non-Russian minorities inside Russia could be developed on the basis of existing OSCE and Council of Europe provisions for minority protection, and this should be monitored and upheld by the OSCE or an equivalent body. The EU and Russia should agree to uphold and enforce strong minority protections in the areas under their jurisdiction. To manage future relations between Ukraine and the Russian Federation, the two sides should agree to demilitarise

their borders and accept an international peacekeeping force to stand between them. Ukraine and the Russian Federation should also offer guarantees against attacks on Ukraine or on autonomous or independent regions within Ukraine, and these could be supported by international guarantees, so long as the guarantees fall short of a NATO-like alliance.

A resolution to the wider conflicts between Russia and the Western powers should be developed through consultation on a new framework for the European security architecture and wider reforms to global governance. At the level of norms, European states including Russia should reaffirm the principles and international laws that have been the basis of peace in Europe. At the level of institutions, new frameworks should be developed to provide for consultation and coordination between European and Eurasian states. At the level of security, drastic cuts in nuclear weapons, de-alerting, withdrawal of offensive forces on both sides from areas bordering Russia and NATO countries, re-establishment of crisis management machinery and re-commitment to transparency on military movements and no-first-use policies should be among the measures required to avoid the risk of deliberate or inadvertent war. Wider reforms to global governance might include widening the Security Council's membership and changing its veto rules, as well as strengthening the General Assembly, to make the UN work better, and making other international institutions more internationally representative. In the longer-term restrictions on the doctrine of unlimited state sovereignty may be needed to reflect the interdependence of the world's peoples.

Some of these proposals may seem far-fetched or remote, and the warring parties have each rejected similar proposals for Ukraine in the past. While each side pursues maximalist aims, a mutually acceptable resolution will not be found. Failing to agree however has already caused massive and unacceptable loss of life and damage on both sides and threatens to continue to exact unbearable costs in human lives. The situation is also primed with risks of escalation and widening of the conflict.

A process is therefore needed to go from the present impasse towards negotiations. It is suggested that as a stimulus to talks, and as a means of undermining the Russian rationale for its intervention, the Western and Ukrainian side should do what they arguably should have done before the invasion began, namely stop NATO enlargement and accept that Ukraine will not be a NATO member and will instead declare its neutrality. Russia should agree to withdraw its forces to their positions before February 24th, and negotiations should start on a peace settlement.

This is not the most likely outcome. The more likely outcome is a continuation of war and gradual escalation. There are two scenarios that could follow from continued fighting. One is a de facto partition of Ukraine, with the dividing line dependent on the balance of military forces. The other is a further escalation of the war, which risks NATO and Russia being drawn into direct fighting and the possible use of nuclear weapons.

In the following sections, we explore the conflict resolution options in more detail, considering first the failure of conflict prevention to stop the war before it started.

The Failure of Conflict Prevention

The first stage at which conflict resolution applies is in the attempt to avert a conflict in the first place. We know that this has failed in the case of Ukraine, but it is worth briefly reviewing why it did. Usually in the lead up to any conflict there are lost opportunities which might have been taken to avoid the course events took. Conflicts can often be prevented by the actors being careful about the goals they develop, sensitive to clashes with others, and willing to discuss problems.

At the end of the Cold War, this sense of care was present. In discussions over the unification of Germany, President Gorbachev was consulted about the extension of NATO to cover East Germany. In 1990, Secretary of State James Baker assured Gorbachev that 'not an inch of NATO's military jurisdiction will spread in an eastern direction', though this promise was not written into a firm agreement, and the US later claimed that Baker's comments were intended to apply only to East Germany, a view which the Russian side has strongly disputed.

After the disintegration of the Soviet Union, this sense of care was lost. Western leaders celebrated their 'victory' in the Cold War and saw no need to accommodate Russia's demands. The Russian side voiced increasingly loud objections to NATO enlargement, but nevertheless NATO pressed on, admitting Poland, the Czech Republic and Hungary in 1999 and ten more countries between 2004 and 2019. Analysts in Russia saw this as a real security threat, especially when NATO expanded right up to the Russian borders by taking in the Baltic States. Putin denounced the enlargement in 2007. Georgia's wish to join NATO provoked Russia into war. Ukraine's wish to join had the same result. As Sakwa has written (and as George Kennan predicted in his 1998 interview with Thomas Friedman[4]), 'In the end, NATO's existence became justified by the need to manage the security threats provoked by its enlargement'.[5]

Arguably, NATO turned Russia into the enemy that NATO planners always assumed it would be. Putin's colleagues from the KGB believed in the same Cold War narrative. For some of them, the Cold War had never really ended, and their fear and hatred of the West in turn made the West into a real enemy. The problem of enemy images in the Cold War never went away, and it returned to spark this new conflict. In this sense, the Cold War left behind burning embers, which if left unquenched still risk a conflagration.

There is not space for a detailed account of the lost opportunities for conflict prevention here. Much of the story has been told elsewhere.[6] The West and Russia together failed to agree a new security architecture. The OSCE could have been strengthened for this purpose, but its role remained limited and the 'hard security' organisations on both sides were prioritised. In the 1997 'Founding Act on Mutual Relations, Cooperation, and Security between NATO and the Russian Federation', the two sides had agreed that 'NATO and Russia do not consider each other as adversaries; the Founding Act is the expression of an enduring

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[4] Friedman, Thomas, 'Foreign Affairs: Now A Word From X', *New York Times*, 2 May 1998.

[5] Sakwa, Richard, 2015. *Frontline Ukraine: Crisis in the Borderlands*, p.4. London: I.B.Tauris.

[6] Sakwa, Richard, 2023, *The Lost Peace,* Yale University Press [in press]; Short, Philip, 2022, *Putin: His Life and Times*, London: Bodley Head.

commitment, undertaken at the highest political level, to build together a lasting and inclusive peace in the Euro-Atlantic area.' Unfortunately, this aspiration came to nothing. Russia was unwilling to join either the EU or NATO from what it saw as a position of inferiority, thus losing the opportunity to use these structures to transcend the security divisions of Europe. And Putin made the conditions for an enduring peace with Western partners increasingly difficult, through the brutality of his military interventions in Chechnya, Georgia, and Syria, his treatment of the domestic opposition in Russia and abroad, and his flagrant interventions in Western elections. On the Western side, it was clear that some of the leading policymakers still considered Russia as an adversary and acted on that basis. President Bush's 'axis of evil' speech in 2002 had left no doubt where he stood, and his lieutenant Dick Cheney 'wanted to see the dismantlement not only of the Soviet Union and the Russian empire, but of Russia itself, so it would never again be a threat to the rest of the world.'[7] The Russian annexation of Crimea in 2014 marked a turning point for most Western leaders. It led to sanctions on Russia and a deep freeze of relations between Russia and the West. Jake Sullivan's view as National Security Adviser to Biden in 2022 was not so different from Cheney's. The US goal was 'a free and independent Ukraine, a weakened and isolated Russia and a stronger, more unified West.'[8]

The break-up of the Soviet Union left many minorities living outside their countries, with 25 million Russians outside Russia, and large numbers of other nationalities outside their national borders. The OSCE had made significant progress in mediating between national governments and minority groups, for example in Estonia, where the OSCE High Commissioner on National Minorities helped to avert a declaration of independence in Narva which might well have led to fighting. For some years the OSCE was able to use the carrot of EU entry as a means of gaining the cooperation of the newly independent states. In the end, however, the EU pushed enlargement ahead without waiting for the implementation of full minority protection, and these issues continued to fester. In the Ukraine, where the High Commissioner met with less success, the status of the Russian-speakers became a sore point in Ukrainian politics.

Despite this, the EU pushed ahead with its offer of an Association Agreement to Ukraine. President Yanukovych of Ukraine wanted an Association Agreement but was also worried about the implications for Ukraine's trade with Russia, so he sought eventual membership of both the EU and the Eurasian Economic Community. The President of the European Commission, Jose Manuel Barroso, said that Ukraine would have to choose between these options. Angela Merkel advised against this move, which proved to be a mistake, forcing Yanukovych to choose between the two. He opted against the Association Agreement and that precipitated the Maidan uprising.

Putin perceived this as a coup d'etat—this was a drastic misreading of a popular uprising—and responded by sending his 'little green men' to occupy Crimea. Not long afterwards, fighting broke out in eastern Ukraine between Ukrainian nationalists and Russian-speakers.

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[7] Robert Gates, *Duty: Memoirs of a Secretary at War* (London, W. H. Allen, 2014), p. 97, cited in Sakwa, *Russia against the West*, Cambridge University Press, 2017, p48.

[8] *Washington Post,* April 17, 2022, cited by Short, *Putin*, 2022, p.660.

A survey carried out by the Kyiv International Institute of Sociology showed that only a minority of the Donbass population supported separatism. They were unhappy with the government in Kyiv, but most saw some form of autonomy as the answer. They wanted Russian to be a second state language and hoped for some kind of federal system in Ukraine. The hardliners in Donbass, however, seized the opportunity to start an armed rebellion. Nationalists were in charge in Kyiv, too, and they were in no mood to compromise on a second language or on autonomy, especially when an armed breakaway was threatened. The war in the Donbass began and raged for several years. The Minsk Treaty, agreed at a moment when it was clear that neither the rebels nor the government were winning, promised to bring the fighting to an end, laying a basis for an autonomy agreement that could have been agreed before the fighting began, as well as allowing the use of Russian in Ukrainian state institutions. The treaty guaranteed the territorial integrity and independence of Ukraine. The rebels sought close links with Russia and the treaty allowed this, but Putin made it clear that it was out of the question for Russia to take over the Donbass. Nationalists in Kyiv however prevented the implementation of the language reforms, and Ukraine appealed to the US for military support, a plea that fell on receptive ears in Washington, where the Donbass rebellion was viewed as a Russian proxy war.

NATO had opened the door to Ukraine in principle in 2008. At the Bucharest Summit they pledged that Ukraine and Georgia would eventually become members, without setting a date for accession. In May 2021, NATO stated that Ukraine could join if it met the criteria for entry – though since one of them was the absence of territorial disputes and fighting on Ukrainian territory, this seemed a long-term prospect. In 2021, the US signed a Charter for Strategic Partnership with Ukraine, which offered support for Ukraine's ambition to become a NATO member. It was these steps which convinced Putin that he needed to act to block what he saw as a mortal threat to Russia's security. After the war began, these commitments to Ukraine were reinforced. The east European states declared in October 2022 that they would back a fast-track route to NATO membership for Ukraine. Jan Stoltenberg said in 2022:

> [W]e have demonstrated that NATO's door is open and that it is for NATO allies and aspirant countries to decide on membership. This is also the message to Ukraine. And we have reiterated the decision we made back in 2008, in Bucharest, at the Summit there. That Ukraine will become a NATO member… The way to help to move Ukraine towards membership is to work with them, both on the political partnership and on the practical support. And that's exactly what we do. [9]

Shortly after NATO enlarged to admit its first east European members, in 1999, NATO forces bombed Belgrade, a traditional Slav ally of Russia, in order to force Serbian withdrawal from Kosovo, a part of Serbia in international law. The lesson was not lost on Putin. From the Russian point of view, the US was intent on imposing its will in Europe over Russian objections and was willing to use force to change European borders. Putin would say he had not been the first to indulge in this practice.

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[9] NATO - Opinion: Pre-ministerial press conference by NATO Secretary General Jens Stoltenberg ahead of the meetings of NATO Foreign Ministers in Bucharest, 25-Nov.-2022

Combined with the armed conflict in Ukraine and the tensions over NATO enlargement, new developments in the strategic arms race destabilised relations between Russia, the West and NATO, in a way that brought all three issues together. In response to alleged Russian violations of the INF Treaty, the US announced it would withdraw from the INF Treaty in 2019 and formally withdrew in 2020. Part of the US purpose was to deploy new long-range and precise conventional missiles in NATO, which the US side thought would give it a strategic advantage. Russia responded by declaring that it would assume a strike by any missiles was a nuclear strike. Russia's proposal of August 2020 for a ban on the deployment of new intermediate and short-range missiles in Europe could have been another opportunity for opening serious negotiations.[10]

There were, therefore, opportunities for avoiding the conflict. Before Russia invaded, it was by no means certain that NATO would have agreed to admit Ukraine, and the invasion makes the prospect more likely rather than less. The war happened because Putin would not believe that the rising against Yanukovych was a home-grown, popular movement and that NATO did not intend to destroy Russia. Although Putin is responsible for the horrific events unleased by his invasion, the West is responsible for provoking a reaction by planning to admit Ukraine when this was a clear red line for Russia, even though it was unlikely to happen in the near term.

Contours of a Settlement

(1) A settlement for Ukraine

One of the key aims of conflict resolution is to learn from what has worked in previous conflicts and try to apply the lessons to current and new conflicts. Neo Loizides,[11] director of the Conflict Analysis Research Centre at the University of Kent, came up with the following set of proposals for a settlement of the Ukraine conflict. They draw on elements of peace proposals and settlements that have been tried in other conflicts. This set of ideas would no doubt have to be modified in practice, in the light of what has happened and will still happen since they were drafted. Some elements of it, such as the proposal to pay for Ukraine's reconstruction through gas supplies, seem less plausible now than when they were drafted. The plan has the merit, however, of meeting the key underlying interests of both sides, even though the current positions and framings of the parties would have to change for it to be accepted. It indicates that serious conflict resolution options for a settlement are available even in such an intractable conflict as the war in Ukraine.

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[10] Brennan Deveraux, 'Why Intermediate-Range Missiles Are a Focal Point in the Ukraine Crisis', War *on the Rocks: Texas National Security Review*, 28 January 2022.

[11] Neophytos Loizides is Professor in International Conflict Analysis at the University of Kent and Director of the Conflict Analysis Research Centre.

Ukraine's Peace Settlement: A Comprehensive Set of Ideas

(includes relevant precedents in hyperlinks)

Pre-conditions:
- Immediate ceasefire and gradual transition to pre- 24/02/2022 lines
- Commitment to broadly inclusive multi-region, multi-ethnic Ukraine (and S/RES/1325)
- Multi-party cross-issue negotiations aiming for a comprehensive peace settlement

Membership in International Organizations:
- EU: fast-truck application within next 3-5 years (immediate access to free movement)

Reconstruction funds (700 billon in Euros paid via 'global 30-year mortgage'):
- 100k for each displaced Ukrainian household plus infrastructure paid in next five years
- 20 percent insurance top-up on gas imports from Russia for 30 years to reach (400 billon)
- Taxes on emissions & Russian reserves, Ukraine trade logo and private donors (300 billion)

Territorial arrangements:
- Donetsk and Luhansk (autonomous status for 24/2/2022 areas within Ukraine or to be negotiated in the next five years with interim ad hoc status arrangement as per Kosovo).
- Surrounding municipalities to be permitted to join new Donetsk and Luhansk regions via municipal referendums and once autonomous status is agreed (Spanish autonomy model)
- Crimea (co-sovereignty with strong economic links to Ukraine modelled as Republic of Ireland/ Northern Ireland – dual citizenship and free travel/trade).
- Principle of consent i.e., Crimeans to decide to re-join Ukraine in a future referendum (e.g., in 15 years following an invitation from Ukraine's parliament and political authorities.)
- Russian co-sovereignty in Crimea to be acknowledged by EU countries (not Ukraine)
- Constitutional referendum will not be required in the short-term as Crimea will not be relinquished in Ukraine's constitution (and e.g., federal terminology can be avoided)

Security and Policing:
- UN peacemaking mission with extensive powers ([Bosnia](#)) by mutually acceptable countries
- Ukraine will be able to arm itself as it sees fit (demilitarization in areas surrendered by Russia and reasonable limits in the import of offensive weapons- e.g. [Annan 5 on Cyprus](#))
- No new Western security guarantees (e.g., NATO membership) for Ukraine but reiteration of existing ones (Budapest memorandum) and political guarantees (via EU membership)
- Donetsk and Luhansk to have own mixed-ethnicity security/police forces (e.g., US/Iraq)
- Police membership e.g., 50/50 in regions with 30% Russians and vice versa ([N. Ireland)](#)
- [East-West](#) Cooperation and Security Council including NATO, Ukraine, EU, Russia

Governance (inclusive peace approach toolkit & 'Café para todos' formula):
- Gender quotas in peace talks, government positions, and supreme court (50% across posts)
- Constitutional convention to debate a more inclusive political system either presidential with [vote pooling east-west incentives](#), or consociational [parliamentary (PR)](#) or [semi-presidential](#).
- Choice of level of autonomy for all Ukrainian oblasts 'coffee for everyone/ *Café para todos''* formula as in [Spanish model](#) (use of Minsk II terminology)
- [Asymmetrical in nature](#) with more powers for regions with significant ethnic minorities but also for each oblast/region in Ukraine to opt whether to keep current status or more autonomy
- Broadly inclusive d' Hondt style executives (executive seats calculated automatically on basis of votes) as per Northern Ireland, Copenhagen (for cities), or [McGarry & Loizides (2016)](#)
- Arbitration powers in constitutional court ([foreign judges](#)) and ICJ (e.g. [Prespa Agreement](#))

Language recognition and representation of the past:
- Bilingual: Ukrainian/Russian ([Canada model](#)) & Joint [Cultural Heritage Committee](#)
- Joint Holocaust Commission and ban on Nazi parties/symbols ([German legislation](#))

A number of other peace plans are in circulation, of lesser and greater degrees of detail. The billionaire Elon Musk offered a less detailed outline for a peace settlement in October 2022. In his proposed settlement, Ukraine would cede Crimea to Russia. There would be new UN-supervised referendums to determine the future of the Donbas. And Ukraine would become neutral. The Kremlin welcomed Musk's proposal. Kyiv denounced it.

The Italian government proposed a four-point plan to end the conflict, which was presented to the UN Secretary General in May 2022. The plan called for (1) a ceasefire (2) Ukrainian neutrality and EU accession (3) autonomy agreements for the Donbass and Crimea (4) a treaty on European security, involving Russian withdrawal to the lines pre-February 24, and Western sanctions relief on Russia. The plan was dismissed by both the Ukrainian and the Russian sides and the Italian foreign minister said the 'time was not ripe', and withdrew the proposal.[12]

Another major proposal is the University of Cambridge Lauterpacht Centre on International Law's draft Ukraine settlement which draws on existing precedents and international law.[13] This includes terms for proposed security guarantees for a settlement.

The Ukrainian government proposed a 10-point peace plan on March 29, 2022, in the Istanbul talks.[14] Ukraine would accept neutrality, and nonalignment with any alliance, in return for international security guarantees. It would not host foreign troops or bases. There would be no military exercises on its territory without the consent of the guarantor powers. Ukraine and Russia would hold bilateral talks over the future of Crimea and the Donbass, with a view to resolving these issues over 15 years.

Zelensky withdrew the plan following the discovery of the massacre at Bucha. But it remains significant in setting out elements that the Ukrainian government at one time considered acceptable.

In July, the UN Secretary General successfully negotiated a grain deal that protected the supply of food to countries in the Arab world, Africa, India and Asia. The deal indicated that the views of the developing countries and the rest of the world could have a significant influence on the conflict parties.

The Russian Federation has repeatedly stated that it wants a negotiated settlement, but its terms so far include retention of territories that Russia has annexed. This is a flagrant violation of international protocols and remains unacceptable to Ukraine and to most of the international community.

The ideas in these peace plans mostly relate to the issues that were in dispute at the start of the conflict. However, in the course of the conflict, new issues have emerged. In particular, there is the matter of Russia's liability for civilian loss of life, civilian displacement, war crimes and massive property damage, and on a smaller scale Ukraine's liability for civilian loss of life in the Donbass, attacks on Russian territory, and damage to Russia's bridge connecting Crimea to the mainland. Both sides have wreaked heavy losses on each other's military personnel and equipment. These issues manifest themselves as demands for reparations and war crimes tribunals. In order to meet the needs of justice, it seems right

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[12] Not Yet Time for Diplomacy. Lessons from Italy's Ill-Conceived Peace Plan for Ukraine | IAI Istituto Affari Internazionali

[13] Draft settlement | Lauterpacht Centre for International Law (cam.ac.uk)

[14] Ukraine's 10-point plan Journalist Farida Rustamova obtained the full list of Kyiv's proposals to Moscow on March 29 — Meduza

that war crimes tribunals should operate and that both sides should be held to account for war crimes they have committed. The same principle applies to other states which have intervened directly. For example, the destruction of the Nordstream gas pipeline should be investigated by an international commission, and any states found responsible should be required to pay for the damage. However, the demands of peace and the demands of justice often have to be balanced in peace settlements, and more typically donors meet the costs of reconstruction, to avoid the risk of reparations starting new wars.

Peace plans are often constructed slowly and piecemeal, after many reverses. If there is a peace settlement in this conflict, it may follow a similar fitful course. Willingness to settle, and a gradual arrival at mutually acceptable terms, is a key part of the process.

According to Zartman, conflicts are ripe for resolution when there is a mutually hurting stalemate.[15] There appears to be a strategic stalemate now. Ukraine seems unlikely to be able to win against a much more populous state armed with nuclear weapons. Russia also seems unlikely to be able to defeat and occupy Ukraine, a vast country determined to resist. Both sides are hurting each other badly. However, neither side has yet reached the point where its perceived costs of continuing the war are greater than its perceived costs of settling. Both sides still expect to prevail eventually, and the nature of a mutually acceptable settlement has yet to be adequately explored between them.

(2) A modus vivendi for Russians outside Russia

The roots of the European and Ukrainian crisis lie in the break-up of the Soviet Union, in the context of the rise of nationalist movements in the former Soviet republics. The dissolution of the Soviet Union left large numbers of former Soviet citizens scattered in republics under the control of a different majority nationality. Initially, the OSCE addressed these issues through its High Commissioner on National Minorities, who averted the crisis in Estonia and advised the governments of Latvia, Lithuania and Ukraine on their language laws and citizenship provisions. However, the EU decided to admit these states before the minorities' status had been fully protected, and in Latvia, for example, half a million Russian residents, who could not speak Latvian, remained as 'non-citizens', denied full political rights.

For years, Putin has highlighted what he sees as the tragic fate of these 25 million ethnic Russians who found themselves living outside Russia in newly independent states when the Soviet Union collapsed in 1991.

In September 2022 Putin approved a new foreign policy doctrine based on the idea of the 'Russian World'. The doctrine says that Russia should 'protect, safeguard and advance the traditions and ideals of the Russian World … The Russian Federation provides support to

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[15] Zartman, I.W., ed. *Elusive Peace: Negotiating an End to Civil Wars*. Washington DC: Brookings Institute, 1995.

its compatriots living abroad in the fulfilment of their rights, to ensure the protection of their interests and the preservation of their Russian cultural identity.'

The West has got itself into an uncomfortable position by extending NATO membership to states which still fail to adequately respect the rights of the significant Russian minorities. Requiring these states to fulfil the recommendations of the OSCE should be an element of a larger settlement, aimed at improving the long-term relationship between Russia and the West. Reciprocally, Russian Federation should commit to OSCE standards on the protection of its own minorities. OSCE members should strengthen the organisation's capacity to monitor and assist on minority issues.

(3) A new security architecture

Following the Russian invasion of Ukraine, most discussions of security in the West have assumed that Russia will now pose the greatest threat to European security, and call for Russia to be defeated, economically isolated and sanctioned. Similarly, the Russian security establishment sees the West as expansionist, hegemonic, and threatening towards Russia. Each side is therefore arming itself against the other. The security dilemma is being more acute. It is unclear that there can be a peaceful way out if the confrontation continues to intensify.

The alternative is to draw back, return to UN Charter principles, which both sides claim to uphold, and adopt a cooperative security order instead. This would mean reducing the political weight given on the Western side to NATO and on the Russian side to the military and security forces controlled by the *siloviki*. There should be move towards an agreed new security order. This could be discussed at a security conference of all the OSCE member states.

In December 2021, Russia proposed a 'Draft Treaty between the United States of America and the Russian Federation on Security Guarantees'. It was offered on a take-it-or-leave-it basis not long before the invasion.[16] While many aspects of this proposal are one-sided and were unacceptable to the West, and not considered seriously, some elements in it could be included in a new international settlement.

The treaty begins by recalling the principles of the United Nations, the Helsinki Final Act, the Manila Declaration on the Peaceful Settlement of Disputes, the 1999 Charter on European Security, and the 1997 Founding Act on Mutual Relations, Cooperation and Security between the North Atlantic Treaty Organization and the Russian Federation. It seems entirely appropriate to base a new European security arrangement in these historical precedents.

Article 1 commits the parties to avoid measures that could undermine the security of the other party. Article 2 commits the parties to ensure that alliances, organisations and

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[16] Treaty between The United States of America and the Russian Federation on security guarantees - Министерство иностранных дел Российской Федерации (mid.ru) - for a Brookings analysis of this see (Russia's draft agreements with NATO and the United States: Intended for rejection? (brookings.edu)).

coalitions in which they take part adhere to the principles of the UN Charter. Article 3 stipulates that neither party should use the territory of another state to launch an attack on the other party. All these seem acceptable principles. Article 3 could be extended to a commitment that neither party should use the territory of another state to launch an attack on any state.

Article 4 departs from language affecting both parties and stipulates that the United States should prevent further eastward expansion of the NATO alliance and deny accession to the alliance to states of the former Soviet Union. It would be preferable to declare that both parties will abstain from expansion of military alliances of any kind.

Article 5 prohibits either party from deploying bombers or warships outside their national territory and territorial waters to positions from which they could attack the other party. It reaffirms the need to restore dialogue to avoid dangerous incidents at sea or in the air. NATO would not find this provision acceptable since it would undermine extended deterrence, but it is compatible with a move beyond a deterrence policy, which would ultimately be necessary in a common security order. It points to the immediate need for military disengagement and some kind of demilitarized zone between Russia and NATO territory.

Article 6 requires each party not to deploy short-range or intermediate-range nuclear missiles outside its national territory. This measure also tends to favour Russia, given its geographical proximity to Europe. A better step would be to ban intermediate range nuclear missiles altogether and not to deploy short-range missiles where they could hit the cities of the other party and its allies.

Article 7 requires the return of all nuclear warheads to the national territory of each party. This would be a desirable step in the course of a process of mutual nuclear disarmament.

A more even-handed treaty should aim for genuine demilitarisation and demilitarised zones in Europe, with de-escalation, de-alerting and withdrawal from forward siting of military forces.

A cooperative security order will mean consulting Russia, as well as other states in Europe and Eurasia, and the rest of the world, on the nature of that order. It has always been a grievance of Russia that it is not consulted. The EU claimed to organise the whole wider Europe region under its rules and its *acquis*, but paid little attention to Russian concerns. The 'rules-based order' that the US and Europe claimed to defend was seen by states outside the West as a neoliberal order that enshrined the power and privileges of the white, the rich and the powerful.[17] President Clinton had had the insight that the US might do well to shape a world order in which it would feel comfortable when it was no longer the largest economy and the pre-eminent power, but neither he nor his successors made much progress in this direction.

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[17] Thakur, Ramesh, 'Ukraine as a Proxy War: Issues, Parties, Possible Outcomes and Lessons.' Toda Peace Institute, Tokyo, Policy Brief No. 147, 2023.

It was easy, therefore, for Putin to claim to be working in a wider interest when he claimed to be defending a multi-polar order against a hegemonic power. Instead of a Europe dominated by Western Europe, with NATO providing its security through American forces based in Europe, Russia wanted to see a 'greater Europe', some version of a 'common European home' or a Europe 'whole and free', from the Atlantic to Vladivostok. Exactly how this would operate was not spelled out. But some version of this and some version of a more equitable rules-based global order are still required to turn back the page on the Cold War and the disastrous current direction of events.

The Ukraine conflict has brought the danger of nuclear weapons to everyone's attention. Putin made explicit nuclear threats, such as his chilling remark on the day of the invasion, threatening 'consequences … such as you have never seen in your entire history.' However, as the Austrian diplomat Alexander Kmennt points out, the threat to use nuclear weapons is implicit in the deterrence doctrine of all the nuclear-armed states. The risk that the taboo on nuclear weapons might break down or that they might be launched inadvertently is increasing as international tensions rise, warning times get shorter, more states get nuclear weapons, and more threats of their use are made. It is only by ending reliance on nuclear deterrence and getting rid of all nuclear weapons that this existential threat can be lifted. The UN Treaty for the Prohibition of Nuclear Weapons offers the most hopeful way of responding to this danger. If all states, including nuclear states, signed up to it, the unacceptable risk of escalation to nuclear conflict arising from the Ukraine and conflicts like it could be averted.[18]

In summary, although the Ukraine conflict and the larger contest over the international order in which it is embedded are daunting challenges, it is possible in principle to find outcomes that could address the three issues that are intertwined in this conflict

Conclusion: The Process of Conflict Resolution

We have argued that if NATO committed to stopping enlargement and if Ukraine accepted neutrality, the stated reason for the Russian invasion would fall away, and the Russian Federation could withdraw its forces from Ukraine.

Both sides could also stop escalating the military conflict and start to de-escalate. Ceasefires could then be agreed and open the way to negotiations.

While the fighting continues, third party mediators could explore prospects for a settlement, through a multi-track process. Ultimately Ukraine needs a national dialogue as well as a deal agreed by the warring parties.[19]

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[18] Kmennt, Alexander, 'Confronting the Threat and Use of Nuclear Weapons. The UN Treaty on the Prohibition of Nuclear Weapons: How it Was Achieved and Why it Matters' Science and Global Security. Princeton University. Lecture Given on 25 October 2022. Princeton: Princeton University, November 2022.

[19] Is Peace Mediation in Ukraine Possible, and How? | Conciliation Resources (c-r.org)

The peace talks that opened in Istanbul in March 2022 stalled in April. There were signs that Putin wanted to revive them in October 2022. The Turkish president has said that Putin wants a grand bargain, a new deal with the West. However, it is clear that while Putin holds on to the four annexed provinces in Ukraine, an agreement will not be possible. In September, Zelensky signed a decree asserting the 'impossibility of holding negotiations with Putin.'

However, there could be political advantages to Ukraine in offering a reasonable compromise agreement along the lines of the Loizides Plan. Offering such a plan together with an agreement to halt NATO expansion would undercut the basis for Russia's fight against Ukraine. The main audience for this move is seen not as Putin himself but the Russian people, especially those parts of the Russian elite who are concerned about Russia's long-term security, prosperity and integrity. Given that the war is already unpopular and unsuccessful and costly, why would the Russians wish to continue it if the justifications for Putin's action were kicked away? This could be the 'off ramp' needed to allow a reversal of the annexation. Putin could then retire and make way for a new leader who could negotiate the agreement.

The Author

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