CONFLICT
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TRUTH
CHINA
SERBIA
AGREEMENT
JUSTICE
MEDIATOR
ICC
NEGOTIATIONS
NAGORNO-KARABAKH
WAR
PEACE
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RECONCILIATION
UKRAINE
TRIBUNAL
RUSSIA
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RESOLUTION
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- **PEACE PLAN**
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UA: UKRAINE ANALYTICA

PEACE

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RUSSIA-UKRAINE CONFLICT: DIPLOMATIC PATHS TO PEACE USING THE HARVARD METHODOLOGY

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This article explores a potential pathway to peace through negotiations that could end Russia's war in Ukraine, by answering the question: How can past negotiation frameworks inform a pathway to peace in the Russian-Ukrainian conflict? Utilising a hybrid approach, the article draws on lessons from diplomatic histories and negotiation methodologies, including the Dayton Accords, and the Helsinki Final Act, alongside the Harvard Method of negotiation. By synthesising historical precedents with contemporary strategies, this framework aims to guide diplomatic negotiations towards a peaceful resolution.

Pathway towards Peace

The Russian-Ukrainian conflict, which erupted in 2014 with Russia's annexation of Crimea, has since escalated following Russia's fully-fledged invasion of Ukraine in 2022. The war represents one of the most pressing geopolitical challenges of the 21st century, whereby a nuclear armed state now represents a wider threat to the rules-based international order. According to Amnesty International, Russian acts of aggression have left thousands of Ukrainians dead and millions displaced[1]. This conflict has not only resulted in significant human suffering and displacement, but has also disrupted regional stability and global security. The war within European frontiers – led by a nuclear

power – is pushing the world towards realignment by sabre-rattling towards the North Atlantic Treaty Organisation (NATO), the European Union (EU) and the United Nations (UN), forcing countries to take sides in ways that have led to escalating tensions and diplomatic shifts.[2]

The peace talks that were initiated in 2022 resulted in a stalemate, because of the opposing baselines of Russia and Ukraine. The terms proposed by Moscow in April 2022 would have left Ukraine severely weakened and virtually helpless against further rounds of Russian aggression,[3] because the agreement would have meant ceding land to Russia, condemning millions of Ukrainians to permanent Russian

1   Amnesty International, Ukraine 2023, 2023, https://www.amnesty.org/en/location/europe-and-central-asia/eastern-europe-and-central-asia/ukraine/report-ukraine/

2   S. Neuman & A. Hurt, "The ripple effects of Russia's war in Ukraine continue to change the world." NPR, 22.02.2023, https://www.npr.org/2023/02/22/1157106172/ukraine-russia-war-refugees-food-prices.

3   M. Bielieskov, "Peace is impossible until Ukraine is safe from future Russian aggression." 14.03.2024, https://www.atlanticcouncil.org/blogs/ukrainealert/peace-is-impossible-until-ukraine-is-safe-from-future-russian-aggression.

occupation, drastically reducing the strength and size of the Ukrainian army, and preventing the country from entering into any military cooperation with the West. These conditions are non-negotiable for Ukraine, as they compromise its sovereignty, security, and territorial integrity. While the Russian President Vladimir Putin said that any kind of peace deal would have to "reflect the reality on the battlefield".[4] His demands contradict any terms that would solidify Ukraine's sovereignty. This 'reality' involves Russian troops continuing their major cross-border offensive into Ukraine, undermining the very essence of Ukraine's independence and territorial integrity.

> **The peace talks that were initiated in 2022 resulted in a stalemate, because of the opposing baselines of Russia and Ukraine**

This article aims to explore a potential pathway to peace that respects Ukraine's territorial integrity, leveraging insights from historical diplomatic negotiations and using the Harvard Methodology. Calls by Western experts and politicians to reach a settlement rest on a common belief: that wars should, and usually do, end in negotiations and some kind of compromise.[5] By focusing on these principles, we can aim to bring an end to Russia's war in Ukraine in a manner that upholds justice and sovereignty.

The central question guiding this analysis is: how can past negotiation frameworks inform a possible pathway to peace to resolve the Russian-Ukrainian conflict? The article draws on lessons from important historical negotiations: the Dayton Accords (1995), and the Helsinki Conference (1973-1975).

While the Helsinki Final Act of 1975 and the Dayton Accords of 1995 emerged from different contexts, they offer valuable lessons for the Russian-Ukrainian conflict, through their approaches to diplomacy, security guarantees, and human rights. The Helsinki Final Act was the outcome of the Conference on Security and Cooperation in Europe (CSCE), a diplomatic effort to improve East-West relations during the Cold War.[6] Although it was not the direct result of a military conflict, the principles agreed upon – security guarantees, human rights, and economic cooperation – provide a model for building trust and collaboration between adversarial states. The Dayton Accords, on the other hand, resulted from a domestic, ethnic-religious conflict in Bosnia and Herzegovina.[7] Despite the different nature of the conflict, the Dayton Accords provide critical insights into negotiating peace in a deeply divided environment. The accords successfully implemented a clear and monitored ceasefire, decentralised governance, and provided extensive international oversight, all of which could be adapted in any peace process between Russia and Ukraine.

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4   M. Murphy & J. Waterhouse, "Force Russia to make peace, Zelensky urges the West." 27.05.2024, https://www.bbc.com/news/articles/c722e7j2x5no.

5   T. Ash, A. Bohr, K. Busol, K. Giles, J. Lough, O. Lutsevych, J. Sherr, S. Smith, K. Wolczuk, How to end Russia's war on Ukraine Safeguarding Europe's future, and the dangers of a false peace, 27.06.2023, https://bit.ly/3Zios56

6   US Department of State, Helsinki Final Act, 1975, https://bit.ly/3MD7gQ3

7   L. R. Fuller, Bosnia Peace Operation: Progress Toward Achieving the Dayton Agreement's Goals. 1998, p. 3.

Such negotiations could be a hybrid approach that encompasses elements from the Dayton Accords and the Helsinki Conference. Furthermore, the Harvard Method of negotiation, known for its focus on principled negotiation and problem-solving, could be integrated into this framework in order to offer a comprehensive strategy for peace. By synthesising historical precedents with contemporary negotiation strategies, this article seeks to establish a pathway to peace rooted in diplomatic negotiations. Through detailed analysis and realistic policy recommendations, this paper also aspires to contribute to the broader discourse on conflict resolution and peace building.

Historical Diplomatic Paths to Peace

One of the key tenets of both the Helsinki Conference and the Dayton peace process was the importance of strong diplomatic leadership, the willingness to compromise, and the use of strategic pressure to break stalemates and achieve significant peace agreements. During the Helsinki Conference, a stalemate arose over the issue of human rights and fundamental freedoms. [8] Western nations insisted on including these in the final document, but the Soviet Union initially resisted, fearing it would lead to interference in their internal affairs. The deadlock was broken through intense diplomatic negotiations and compromises, leading to the inclusion of human rights provisions in exchange for Western recognition of post-World War II borders.[9] Similarly, during the Dayton negotiations, an impasse involved the territorial division of Bosnia and Herzegovina, and the status of Sarajevo. The stalemate was broken by the determined mediation of US negotiator Richard Holbrooke, and strategic pressure on the conflicting parties, culminating in the signing of the accords.[10]

Diplomatic negotiations between Ukraine and the Russian Federation would require the same determination, considering the complexities of the conflict. Kyiv holds significant cultural and historical importance, with roots dating back to the Kievan Rus. This early Slavic state played a crucial role in the development of modern Russian, Ukrainian, and Belarussian identities. However, Russia uses this historical narrative to assert cultural and historical claims over Ukraine, influencing its actions and policies, including its territorial ambitions and political interventions. The case of Kyiv has similarities to the territorial issues found in the Dayton Accords. Just as the status of Sarajevo was a contentious point requiring careful negotiation, Kyiv's significant cultural and historical importance has been used by Russia to justify its actions in Ukraine. Russia's narrative seeks to assert historical claims over Ukraine, leveraging the cultural significance of Kyiv, to bolster its territorial ambitions and political influence.

In line with the Dayton Accords' approach to addressing regional divisions, the negotiation framework for Ukraine would need to include protections for minority rights, and assurances of cultural autonomy. Unlike the clear ethnic divisions in Bosnia

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8   D. C. Thomas, The Helsinki Effect: International Norms, Human Rights, and the Demise of Communism. Princeton University Press, 2001. p.60

9   ibid.

10 R. Holbrooke, To End a War: The Conflict in Yugoslavia -- America's Inside Story -- Negotiating with Milosevic. Modern Library, 2011, p. 265

and Herzegovina, Ukraine's conflict is not based on ethnic factors but this has been exacerbated by external intervention and political manipulation. The narrative of "Russian-speaking regions" needing protection is often used by Russian propaganda. In reality, many Ukrainians are bilingual, and there has been no prohibition on the use of the Russian language in private life. The focus should be on ensuring inclusive governance and protecting the rights of all citizens, rather than creating artificial divisions.

> **Any negotiated settlement of the conflict would require the introduction of power-sharing measures that would guarantee local governments control over issues of most concern to the communities**

The Helsinki Conference emphasised security guarantees, human rights, and economic cooperation, providing a model for building trust and collaboration between the adversaries.[11] Since the annexation of Crimea in 2014, international humanitarian laws have been grossly violated, with civilian infrastructure systematically targeted. Russia's withdrawal from the Black Sea Grain Initiative was accompanied by strikes on critical infrastructure, including grain storage and export facilities.[12] These actions have exacerbated the humanitarian crisis, and this highlights the urgent need for a negotiation framework that will, ultimately, pave the way for a sustainable peace agreement.

Adaptable Key Elements from the Dayton Accords & the Helsinki Final Act

Decentralised Governance

The model of decentralised governance should extend beyond just the Donetsk and Luhansk regions to encompass the entire country, aligning with Ukraine's ongoing decentralisation process that began in the early 2010s. This approach would grant various regions a certain level of autonomy within a unified Ukrainian state, thereby promoting local governance and addressing regional needs more effectively. It is essential to ensure that these provisions do not undermine the sovereignty and territorial integrity of Ukraine, particularly in light of the illegal annexation of Crimea by Russia. The status of Crimea remains a critical issue, and any comprehensive peace framework must affirm the reintegration of Crimea into Ukraine. It should be noted that the current dynamics of the conflict present significant challenges in addressing these issues, given the complexities and escalations over the past three years, Ukraine has made significant decentralisation reforms which have put local governments in charge of education and healthcare services, and increased their fiscal power through new tax allocation rules.[13]

Any negotiated settlement of the conflict would require the introduction of power-sharing measures that would guarantee local governments control over issues of most concern to the communities, e.g. self-governance powers, the right to design educational and cultural policies, and to choose historical preservation priorities. However, territorial or economic power-

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11 S. B. Snyder, Human rights activism and the end of the Cold War: a transnational history of the Helsinki network. Cambridge University Press, 2011, pp. 2-3.

12 Amnesty International, Ukraine 2023, 2023, https://bit.ly/4efqxmz

13 V. Romanova, and A. Umland, Ukraine's Decentralization Reforms Since 2014: Initial Achievements and Future Challenges, The Royal Institute of International Affairs, Chatham House. 2019. p. 26.

sharing should not supersede Ukraine's overall foreign policy. The regions have to remain under the Ukrainian government's rule.

> **The clear and monitored ceasefire arrangements established by the Dayton Accords could serve as a blueprint for ensuring that hostilities between Russia and Ukraine**

Mr. Putin has set as a precondition to talks that Ukraine hand over four regions which the Kremlin has declared part of Russia and drop its NATO aspirations.[14] This precondition fails to take into consideration Ukraine's territorial integrity. The issue could end in a deadlock if the actors do not come to an amicable understanding on their set preconditions. However, the concept of decentralised government should not be used as leverage to minimise Ukraine's sovereignty, as Russia did with the Minsk agreements.

Security Guarantees

The Helsinki Conference emphasised the inviolability of frontiers and the territorial integrity of states, principles that are crucial in the current conflict.[15] Based on the long history of agreeing to Russian demands and then seeing commitments reneged upon, Ukraine no longer trusts Russia. For example, in 1994, Ukraine signed the Budapest Memorandum, giving up its nuclear weapons and agreeing to further disarmament in exchange for security guarantees from the US, the United Kingdom, and Russia.[16] However, the signatories understood their commitments differently, so that while Ukraine considered them 'guarantees', the three other states regarded them as no more than assurances. Through formal declarations by key global powers and international organisations, such as the United Nations and the OSCE, these bodies could oversee compliance of the security guarantees and report violations back to the international community. The security guarantees can be extended beyond the original signatories of the Budapest Memorandum to include a broader coalition of countries, especially those in the EU and NATO.[17] The inclusion of non-Western parties such as India and China could ensure a balance of interests and provide additional pressure on Russia to comply. This would create a more robust and diversified guarantee system, making it harder for any single country to renege on its commitments. The negotiations cannot be faced again with what Allan has described as the 'Minsk conundrum': is Ukraine sovereign, as Ukrainians insist, or should its sovereignty be limited, as Russia demands?[18] Ensuring strict adherence to the principle of non-interference in internal affairs and the security guarantees will forestall external attempts to influence Ukraine's political processes or territorial integrity.

Ceasefire and Military Separation

The clear and monitored ceasefire arrangements established by the Dayton Accords could serve as a blueprint for

14 A. Troianovski, A. Entous and M. Schwirtz, Ukraine-Russia Peace is as Elusive as Ever. But in 2022 They Were Talking. 15.06.2024. https://bit.ly/4gbFfN4

15 H. J. Heintze, Contradictory principles in the Helsinki Final Act. OSCE Yearbook, 2004, p.290.

16 Reuters, Explainer: What is Zelenskiy's 10-point peace plan? 28.12.2022, https://www.reuters.com/world/europe/what-is-zelenskiys-10-point-peace-plan-2022-12-28/.

17 J. Drennan, How Territorial Issues Could Impact Security Guarantees to Ukraine, 27.04.2022, https://www.usip.org/publications/2022/04/how-territorial-issues-could-impact-security-guarantees-ukraine.

18 D. Allan, The Minsk conundrum: Western policy and Russia's war in eastern Ukraine. *Chatham House*, 2020, p 10.

ensuring that hostilities between Russia and Ukraine are effectively halted, and that violations are promptly addressed. The Dayton Accords mandated an immediate cessation of hostilities, the establishment of demilitarised zones, and the separation of warring factions, which are relevant to the current conflict.[19] While historical agreements offer valuable lessons, solutions must be adapted to current realities. The Minsk Agreements had such a provision but faced significant challenges in implementation. However, the Dayton Accords provide valuable lessons in establishing ceasefires, and demilitarised zones, and separating warring factions. These principles, while needing adaptation, can still offer a framework for addressing similar challenges in the Russian-Ukrainian conflict. This article, while addressing the specific dynamics of the current conflict, takes into consideration the failures of past agreements and the evolving geopolitical factors. The lessons learnt from the failures of previous ceasefire agreements are valuable.

The ceasefire arrangements in the Dayton Accords included deploying international monitors to oversee the ceasefire and verify compliance, which can be mirrored in Ukraine by involving personnel from international organisations such as the Organization for Security and Co-operation in Europe (OSCE) or the UN. International ceasefire monitors have been used in peacebuilding operations since the inception of the UN; it is not a unique phenomenon. To increase the probability of a negotiated ceasefire agreement between Russia and Ukraine, each party should lower its reservation point – meaning, they both become willing to accept a deal they had thus far rejected – or one of the parties will have to make major concessions at the negotiating table rather than walk away without a deal.[20]

There is an impasse at the moment which could only be broken by lowering reservation points. The prolonged conflict has resulted in significant economic, human, and political costs for both Russia and Ukraine. These mounting pressures, including economic hardship, loss of life, and international isolation, may compel both sides to reassess their positions and consider concessions, to mitigate further losses and stabilise their respective situations. This can be attained by applying a phased approach which would facilitate the process of the lowering of reservation points and the making of significant concessions. Initial confidence-building measures, such as localised ceasefires or mutual steps to de-escalation, could help build trust between the parties. These incremental agreements can serve as stepping stones, gradually leading to broader and more substantive concessions over time. This method allows for a more manageable and gradual transition from entrenched positions to a comprehensive ceasefire.

International Oversight

Effective international oversight has been a crucial component in various successful peace agreements, and can be applied to the Russian-Ukrainian conflict, to ensure the implementation and sustainability of peace efforts. The Dayton Accords established a strong international presence through the Office of the High Representative, which oversaw the agreement's implementation and facilitated compliance.[21] This model highlights the importance of having an

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19 L. R. Fuller, Bosnia Peace Operation: Progress Toward Achieving the Dayton Agreement's Goals. 1998, p. 4.

20 A. Bell and D. Wolf, Is a Ceasefire Agreement Possible? A Negotiation Analysis of the Russia-Ukraine War, 12.03.2022, https://daviscenter.fas.harvard.edu/insights/ceasefire-agreement-possible-negotiation-analysis-russia-ukraine-war.

21 L. R. Fuller, Bosnia Peace Operation: Progress Toward Achieving the Dayton Agreement's Goals. 1998, p. 4

authoritative body to monitor and enforce the terms of the peace agreement. Similarly, the Helsinki Final Act's success was partly due to its comprehensive framework for ongoing international cooperation and monitoring,[22] which can be replicated in the current situation, to ensure continued engagement and support from the international community. It should be noted that the Minsk Agreements also involved the OSCE in monitoring ceasefires and verifying troop withdrawals.

Inclusive Negotiation Process

An inclusive negotiation process is essential for achieving sustainable peace. The Dayton Accords showcased the importance of involving multiple stakeholders, including the primary warring parties and international mediators, which ensured that diverse perspectives and interests were considered.[23] The Helsinki Final Act emphasised multilateral diplomacy and broad participation from East and West, which helped to build consensus and trust among nations with divergent interests.

> **The Harvard Method may help consolidate negotiating parties within trust-building mechanisms. However, a significant hurdle is the lack of trust between the parties**

Drawing on these experiences, the peace process should incorporate a wide range of participants, including Ukraine and Russia, representatives from the occupied regions, and key international stakeholders. Engaging civil society, minority groups, and other non-state actors in the dialogue can also enhance the legitimacy and comprehensiveness of the negotiations.

Human Rights and Fundamental Freedoms

The Helsinki Final Act placed a strong emphasis on human rights, promoting respect for fundamental freedoms, including the rights to speech, assembly, and religion, as essential to improving East-West relations during the Cold War.[24] However, the impact of these human rights provisions was multifaceted. On one hand, the Act's commitment to human rights contributed to increased dialogue and collaboration between adversarial states, as it encouraged transparency and a shared commitment to certain norms. This aspect of the Act was aimed at reducing tensions and creating a more predictable and stable environment for negotiations. On the other hand, the human rights provisions of the Helsinki Final Act also had significant implications for the internal dynamics of the USSR and its allies. The emphasis on human rights and fundamental freedoms exposed deficiencies in the Soviet system and provided a platform for dissent and criticism. This, in turn, contributed to internal pressures within the USSR and its satellite states, which were already experiencing economic and political strains. Similarly, the Dayton Accords included provisions for the protection of human rights and the return of refugees and displaced persons, illustrating the importance of addressing humanitarian issues to achieve lasting peace. The Minsk Agreements also highlighted the need for humanitarian assistance and the protection of civilians, although implementation was a challenge.

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22 H. J. Heintze, Contradictory principles in the Helsinki Final Act. OSCE Yearbook, 2004, p.299.

23 L. R. Fuller, Bosnia Peace Operation: Progress Toward Achieving the Dayton Agreement's Goals. 1998, p. 4.

24 H. J. Heintze, Contradictory principles in the Helsinki Final Act. OSCE Yearbook, 2004, p.292.

The Harvard Method may help consolidate negotiating parties within trust-building mechanisms. However, a significant hurdle is the lack of trust between the parties. Ukraine's distrust towards Russia has been exacerbated by incidents following the signing of Minsk II, such as ongoing hostilities and violations of ceasefire agreements. The perception that Russia has not honoured past commitments, and its actions in Crimea and Eastern Ukraine have led to deep-seated scepticism about Russia's intentions, making trust-building a challenging component of the negotiation process. The Minsk Agreements provide a cautionary example of the need to ensure Ukrainian interests are not side-lined, and to include Ukraine in any negotiation format both in the spirit, and to the letter, of "nothing about Ukraine without Ukraine."[25]

Hybrid Negotiation Framework

A hybrid negotiation framework can follow the above-mentioned key elements, and could be conducted under the precepts of the Harvard Method. The Harvard Method of negotiation, developed by the Harvard Negotiation Project, is a principled negotiation approach that emphasises mutual gains, objective criteria, and a focus on interests rather than positions.[26] This method can be used in the peace process due to its structured framework, which can help to manage the complex dynamics and diverse interests involved. Aspects such as The Zone of Possible Agreement (ZOPA) and the Best Alternative to a Negotiated Agreement (BATNA) need to be identified first. This helps negotiators to understand the limits and opportunities of the peace process. This clarity can facilitate more realistic and effective negotiations, ensuring that the resulting agreement is seen as both fair and feasible for all parties.

Determining the *ZOPA* involves identifying the overlap between what Russia and Ukraine are ready to accept in a peace agreement. This zone is defined by the parties' interests and their minimal acceptable outcomes. As of early March 2022, the zone of possible agreement between Ukraine and Russia was extremely narrow.[27] This is due to the configuration of their reservation points – that is, to the way in which the worst possible deal from a Ukrainian perspective compares to the worst possible deal from a Russian perspective.[28] For example, President Zelenskyy reiterated that the primary interest was restoring Ukraine's territorial integrity and Russia reaffirming it according to the U.N. Charter, which President Zelenskyy said was "not up to negotiations,"[29] while Russia's interest was that Ukraine adopt a geopolitically neutral status and not join NATO, limit the size of its armed forces and grant a special status to eastern Ukraine – all things which the Ukrainian President has made clear he opposes.[30] There is a current divergence between the two parties which makes identifying the ZOPA impossible at this

25 T. Paffenholz, A. Bramble, P. Poppelreuter, and N. Ross, Negotiating an End to the War in Ukraine, 2024, p. 5.

26 R. Fisher, W. L. Ury, and B. Patton, Getting to Yes 3rd ed. Random House Business Books, 2011, p. 6.

27 A. Bell and D. Wolf, Is a Ceasefire Agreement Possible? A Negotiation Analysis of the Russia-Ukraine War, 12.03.2022, https://daviscenter.fas.harvard.edu/insights/ceasefire-agreement-possible-negotiation-analysis-russia-ukraine-war.

28 A. Bell and D. Wolf, Is a Ceasefire Agreement Possible? A Negotiation Analysis of the Russia-Ukraine War, 12.03.2022, https://daviscenter.fas.harvard.edu/insights/ceasefire-agreement-possible-negotiation-analysis-russia-ukraine-war.

29 Reuters, Explainer: What is Zelenskiy's 10-point peace plan? 28.12.2022, https://www.reuters.com/world/europe/what-is-zelenskiys-10-point-peace-plan-2022-12-28/.

30 Reuters, Aborted peace deal could be basis for Ukraine talks, says Kremlin, 13.04.2024, https://www.reuters.com/world/europe/aborted-peace-deal-could-be-basis-ukraine-talks-says-kremlin-2024-04-12/.

juncture in the conflict. For the ZOPA to be clear, Ukraine and Russia must be willing to reach a point of consensus through middle-of-the-road policies.

Understanding each party's *BATNA* is equally critical. The strength of each party's "best alternative to a negotiated agreement," depends on the outcome if the counterparts do not reach an agreement.[31] For Ukraine, a BATNA might involve continued Western support and sanctions against Russia, while Russia's BATNA could include reinforcing its military presence in occupied regions or pursuing alternative alliances. Recognising the BATNAs allows both parties to understand their fall-back options if negotiations fail, which can help in evaluating the attractiveness of the proposed agreement within the ZOPA.

However, it should be noted that for both parties, resuming the war can be considered a BATNA under certain conditions. For Ukraine, if negotiations fail, Ukraine might view resuming military operations as a way to reclaim territory or improve its bargaining position. Continued conflict might also be seen as a means to leverage further international support or to pressure Russia into more substantial concessions. For Russia, resuming the conflict could be a strategy to solidify its territorial gains, exert further pressure on Ukraine, or test the limits of Western support. Russia might calculate that continued conflict could lead to a more favourable geopolitical outcome, or weaken Ukraine's negotiating stance. It could be argued that the war is in a state of impasse for these reasons, and that the conflict has not reached a ripe moment that could force either side to the negotiation table.

Principled Negotiation: The Harvard Method

The parties will need to *separate people from the problem*. This principle emphasises addressing the underlying issues, without letting personal animosities and historical grievances derail the negotiations.[32] In the case of the Russian-Ukrainian conflict this could constitute a challenge, considering the deep-seated mistrust, and historical tensions which form the basis of the conflict. While the methodology advocates for a separation, in a situation like this it would be important for parties to leverage these historical grievances so as to reach a resolution. Conflicts with historical underpinnings require an acknowledgement of the underlying issues to facilitate a process that can resolve the issues or at least create an environment where the parties can create a trust-building framework based on truth and reconciliation, as was implemented in South Africa after Apartheid. The prolonged conflict has caused significant suffering and trauma among Ukrainian civilians. Acknowledging this pain is crucial in negotiations. Negotiators can start by recognising and expressing empathy for the hardships faced by civilians, thus creating a compassionate atmosphere. Both states have strong national identities and pride. Negotiators should validate the sentiments that each side holds. For example, acknowledging Ukraine's right to self-determination and security concerns, while recognising that Russia's security concerns can help depersonalise the conflict. It should be noted that Russia's security concerns have been addressed through the intense negotiations with Ukraine and the West that had happened prior to the 2022 invasion, which leads most commentators to question

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31 A. Bell and D. Wolf, Is a Ceasefire Agreement Possible? A Negotiation Analysis of the Russia-Ukraine War, 12.03.2022, https://daviscenter.fas.harvard.edu/insights/ceasefire-agreement-possible-negotiation-analysis-russia-ukraine-war.

32 R. Fisher, W. Ury, and B. Patton, Getting to Yes 3rd ed. Random House Business Books, 2011, p. 14.

Russia's underlying motives. Drawing on the Dayton Accords' ceasefire arrangements, the Harvard Method can help design clear and monitored ceasefire protocols that are enforceable.

Focusing on interests, not positions, would ensure parties are not side-tracked by miscellaneous issues. A position is something one has decided upon, while interests are what caused one to decide.[33] For example, Russia's position is to demand recognition of its annexation of Crimea, driven by its interest in maintaining strategic control over the Black Sea, and ensuring its national security and regional influence. A quote from Vladimir Putin's speech on the annexation of Crimea illustrates Russia's position on this issue: "Crimea is part of Russia because Crimea is Russian land," President Putin said in a speech marking the anniversary of Crimea's annexation. He emphasised the fact that maintaining control over the region is crucial for Russia's national security and regional influence, particularly in the strategic Black Sea area. This statement reflects Russia's interest in maintaining strategic control over the Black Sea and ensuring its national security and regional influence. Additionally, Putin emphasised the historical and cultural ties between Russia and Crimea, further justifying the annexation from Russia's perspective.[34]

Conversely, Ukraine's current position is focusing on the restoration of its territorial integrity, reflecting its interest in upholding sovereignty, ensuring national security, and maintaining international support and legitimacy. This stance is deeply rooted in Ukraine's experience with Russian aggression, which has eroded trust and highlighted the need for robust security assurances. Its position on joining NATO is rooted in its interest in securing stronger security guarantees. Furthermore, Russia's objection to Ukraine joining NATO stems from its interest in preventing NATO's expansion to its borders, which it perceives as a threat to its security. This concern about NATO expansion is historically significant, yet it is noteworthy that Russia did not react similarly to Finland and Sweden's recent moves towards NATO membership, indicating an evolving stance on the issue. While Ukraine had a non-block status and limited public support for NATO integration in 2013, these dynamics have shifted dramatically due to the ongoing conflict and Russia's aggressive actions.

> **Focusing on interests, not positions, would ensure parties are not side-tracked by miscellaneous issues**

Focusing on the underlying interests of each party rather than its stated positions is crucial. For example, negotiators can frame discussions around common goals, such as economic development and regional security. By identifying the underlying interests of each party, negotiators can find common ground, and develop solutions that satisfy the core concerns of all stakeholders.[35] The focus should be on generating options for mutual gain based on interests. Focusing on positions can lead to conflicts and misunderstandings, as it often results in parties entrenching themselves and neglecting the underlying interests. Since the parties' main problem appears to be a conflict of positions, and since their goal

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33 R. Fisher, W. L, Ury, and B, Patton, Getting to Yes 3rd ed. Random House Business Books, 2011, p. 23.

34 B. Dreyfuss, Full Text and Analysis of Putin's Crimea Speech, 18.03.2014,
    https://www.thenation.com/article/archive/full-text-and-analysis-putins-crimea-speech/.

35 R. Fisher, W. L. Ury, and B. Patton, Getting to Yes 3rd ed. Random House Business Books, 2011, p. 23.

is to agree on a position, they naturally tend to think and talk about positions—and in the process often reach an impasse.[36] The focus should be on generating options for mutual gain. Negotiations must develop multiple options that benefit all parties involved. Encouraging creative problem-solving and generating multiple options can lead to innovative solutions that address the needs of all parties.

The negotiation framework must encourage using objective criteria. People involved in a negotiation rarely sense a need to have many options, which is usually a result of four major obstacles: (1) premature judgement; (2) searching for the single answer; (3) the assumption of a fixed pie; and (4) thinking that "solving their problem is their problem."[37] The negotiations should be based on fair and objective criteria that facilitate mutual gain. Encouraging creative problem-solving and generating multiple options can lead to innovative solutions that address the needs of all parties. Relying on objective standards and criteria for decision-making can help to reduce biases and ensure that agreements are fair and enforceable. This principle can be applied to ensure fair implementation of security guarantees, ceasefire arrangements, and human rights protections. Objective criteria for monitoring human rights abuses and mechanisms for accountability can be established, to ensure compliance and to build trust among the parties. This can include clear mechanisms for monitoring and enforcement, involving international observers and peacekeeping forces.

Policy Recommendations

Engage in interest-based negotiation: All parties should prioritise interest-based negotiation over positional bargaining. This approach encourages understanding the underlying interests behind each party's demands, economic interests, and national sovereignty. By focusing on mutual gains and shared benefits, parties can identify solutions that address the core issues driving the conflict.

Implement structured negotiation frameworks: Utilise structured negotiation frameworks like the Harvard Method to guide discussions. This involves separating the people from the problem, focusing on interests rather than positions, generating options for mutual gain, and using objective criteria to evaluate options. Such a framework helps manage the complex dynamics and diverse interests involved in the conflict.

Ensure inclusivity in negotiation teams: Each party should include a diverse range of stakeholders in their negotiation teams, ensuring representation from various sectors such as government, civil society, and minority groups. Inclusivity promotes a more comprehensive understanding of the conflict's nuances, and fosters broader support for the negotiated outcomes.

Establish clear and enforceable ceasefire arrangements: The Minsk Agreements experienced significant issues with ceasefire noncompliance and violations, undermining trust, and efforts to reduce hostilities. To ensure a more effective ceasefire, negotiations should prioritise establishing clear, enforceable, and closely monitored arrangements through international observers, and neutral parties, and provide for immediate responses to violations.

Respect sovereignty and territorial integrity: All negotiations must uphold the principle of respecting Ukraine's sovereignty and territorial integrity based on internationally

36 R. Fisher, W. L. Ury, and B. Patton, Getting to Yes 3rd ed. Random House Business Books, 2011, p. 23.

37 R. Fisher, W. L. Ury, and B. Patton, Getting to Yes 3rd ed. Random House Business Books, 2011, p. 31.

recognised borders. While there may be challenges, including potential initial resistance from Russia, maintaining this principle is essential for establishing a foundation for long-term peace and stability. This approach ensures that the negotiations are anchored in international law and norms, providing a clear framework for addressing territorial disputes and securing Ukraine's future.

> **All negotiations must uphold the principle of respecting Ukraine's sovereignty and territorial integrity based on internationally recognised borders**

International accountability for territorial integrity: Hold Russia accountable for its commitments to respect Ukraine's territorial integrity, as outlined in international agreements and norms. Develop mechanisms within international frameworks to monitor and enforce these commitments, ensuring that violations are met with diplomatic and economic consequences.

Human rights and civil society: Prioritise human rights protections and civil society engagement, drawing on lessons from the Helsinki Final Act. Ensure that any peace agreement includes safeguards for freedom of expression, assembly, and minority rights, with mechanisms for independent monitoring and accountability.

International commitment and support: Secure broad international support for the peace process, emphasising the collective responsibility of global powers and regional stakeholders, to uphold the principles of sovereignty, territorial integrity, and peaceful resolution of disputes. Encourage diplomatic initiatives that promote dialogue and cooperation among all parties involved in the conflict.

Conclusion

It can be argued that, based on the current state of the Russian-Ukrainian conflict, a negotiated peace deal would require addressing critical issues, encompassing territorial integrity, regional autonomy, security assurances, and fundamental human rights protections. The issues that would be discussed are issues that were previously to be seen in the Minsk Agreements but eventually fell apart; thus a new hybrid approach or framework is required by amalgamating successful elements from past agreements – the Dayton Accords and the Helsinki Final Act. Support for negotiations is often wrongly interpreted either as an indicator of willingness to accept Russian demands or as a lack of support for the war effort. In fact, support for negotiations primarily implies the need to stop the brutal war that has killed, devastated, displaced, and affected many people.

While there is a need for a ripe moment to be reached before negotiations can be carried out, peace processes can start to be too long drawn out. The move towards such peace processes would also involve assessing the points of mutual interest between the parties that could be used as a possible ZOPA. As with most endeavours, thorough preparation increases the likelihood of a negotiation process being designed and conducted in such a way that can increase the chances for sustainable outcomes.[38] A Russian-Ukrainian peace process hinges upon steadfast international support and oversight. The engagement of international bodies such as the OSCE,

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38 T. Paffenholz, A. Bramble, P. Poppelreuter, and M. Ross, Negotiating an End to the War in Ukraine. Inclusive peace, 2023, p. 73

NATO, and the United Nations is essential for ensuring transparency, accountability, and adherence to negotiated agreements. Their involvement reinforces the legitimacy of the peace process, and strengthens commitments made by all parties involved, thereby bolstering prospects for long-term peace and stability.

Looking ahead, the implementation of the peace process will demand continued diplomatic perseverance, flexibility, and a shared commitment to a peaceful resolution. By harnessing the lessons of history and the ideas of principled negotiation, the hybrid process holds the promise of forging a future where all communities can coexist in peace, security, and prosperity. Through sustained dialogue and unwavering international support, we can chart a course towards a region of cooperation, mutual respect, and enduring peace.

While multiple negotiation configurations are possible, a hybrid negotiating framework that uses elements from two historical agreements may be better adapted to addressing the multifaceted conflict dynamics, and thereby avoid a frozen conflict. The Dayton Accords provide valuable insights into decentralised governance models. Likewise, the Helsinki Final Act showcases the importance of strong security guarantees and respect for international borders, which is crucial for stabilising the region and preventing future conflicts.

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PEACE FORMULA AND LESSONS LEARNED FROM THE BALKANS AND NAGORNO-KARABAKH

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The full-scale invasion of Ukraine by the Russian Federation opened a new, dangerous era in international relations. Russia's aggression opened a Pandora's box and created a dangerous precedent for many other sleeping conflicts globally, including those in the Middle East and Asia. Therefore, new approaches to peacekeeping need to be developed, based on previous experience in conflict resolution. This paper will examine approaches to resolving the Russian-Ukrainian war, and possible peace agreements between Ukraine and Russia, based on experience from the Balkan wars and the Nagorno-Karabakh conflict. Finally, the article will elaborate on the role of justice and accountability in conflict resolution in the quest to secure peace and security in Ukraine and globally.

Introduction

Regardless of different views about international conflict resolution, no war or military conflict similar to one in Ukraine has been resolved only by peaceful means or negotiations. Indeed, peaceful negotiations are a part of the peace-making and peace-building process: it is not a decisive means in itself, but rather an outcome of all possible means. Depending on the complexity and scale of a conflict, its resolution requires military interventions and often the

> **The world found itself in the trap of the 'rule of force', not guided by the universally respected 'rule of law', and if the strongest wins it all without international consequences, more conflicts are expected globally**

introduction of temporary international administration/monitoring missions. The Balkans and Nagorno-Karabakh conflicts show that only a combination of negotiations that follow significant and decisive military gains achieved by one of the parties, can bring about positive results, and put an end to the violence. Additional measures such as embargoes or sanctions have a lesser effect and, usually, they can only give some results from a long-term perspective.

The full-scale invasion of Ukraine by the Russian Federation created a new precedent in international relations. A permanent UN Security Council Member, nuclear power, and security guarantor violated the UN Charter and several other international documents and attacked an EU neighbour, whose security it assured by means of a special legal document. Being a permanent UN Security Council member with a right of veto, Russia has violated international law and weakened the post-WWII international

order, and this continues to threaten international security, especially with statements warning of the use of nuclear weapons. Russia's aggression created a dangerous precedent for many other sleeping conflicts globally, including some in the Middle East, Asia, Africa and potentially even more widespread. The world found itself in the trap of the 'rule of force', not guided by the universally respected 'rule of law', and if the strongest wins it all without international consequences, more conflicts are expected globally. The UN will be unable to either prevent, or deter new wars. Therefore, new approaches to peace-making need to be developed.

Analysis of Conflicts in the Balkans and Nagorno-Karabakh

Among the recent conflicts in Europe after WWII, no single military conflict has been resolved peacefully. However, peace negotiations were used to allow for ceasefires, regrouping, and preparations for counter-offensive, or to *de facto* memorialise the war's outcome. The wars in Croatia, Bosnia and Herzegovina, Kosovo, and Nagorno-Karabakh are self-evident examples. All these conflicts were resolved only after military interventions, which were followed by peace talks and agreements. During each conflict, the parties continued to negotiate during the fighting, and concluded agreements, even if most of these negotiations were not implemented and did not bring about any significant results. The negotiations can be seen rather as probing attempts to anchor demands and conditions, which were to be included in final peace negotiations. Once brought to the negotiation table, the demands remained within the structure of the future peace agreement. This is why it was important to make strong, even extreme demands (although not expected to be successful at the preliminary stages of negotiations): the same would be a legacy 'anchor' for negotiations in the final rounds. Unfavourable demands that were supposed to be final (but where one or all parties to the conflict did not treat them as such), were accepted by a weaker party to secure peace, despite being already embedded as unnegotiable after decisive military gains achieved at some point by one of the parties.

> **The Balkan and Nagorno-Karabakh wars showed that no peace agreement is possible without the parties' willingness to negotiate and implement such a peace agreement**

Justifying his war against Ukraine, Vladimir Putin referred to the Balkan cases, particularly that of Kosovo: the bombardments by Serbia without a UNSC resolution or the protection of some ethnic group from genocide (in this respect, he makes accusations that in Ukraine, the Russian minority are oppressed)[1]. Therefore, the Balkan experience is so important for understanding the root causes and justifications used by the parties, and it can also be used to resolve the war in Ukraine.

The Balkan and Nagorno-Karabakh wars showed that no peace agreement is possible without the parties' willingness to negotiate and implement such a peace agreement. Peace talks and agreements can proceed between conflicting parties, but most of them would not bring results unless these parties are truly ready (or forced) to cease fire and resolve the conflict. Therefore, there are two

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1   J. McGlynn, "Why Putin Keeps Talking About Kosovo". Foreign Policy. 2022.
     https://foreignpolicy.com/2022/03/03/putin-ukraine-russia-nato-kosovo/

types of conflict resolution: those through military intervention (as in Bosnia and Herzegovina, and Kosovo) and those through temporary a ceasefire, allowing parties to the conflict to prepare for future operations and thereby gain military advantage.

Conflict Resolution Through Military Intervention

The best examples of conflict resolution through military intervention are Bosnia and Herzegovina and Kosovo. The war in Bosnia and Herzegovina (1992-1995) and the war in Kosovo (1998-1999) were preceded by negotiations, and ended by the Dayton Accords (14 December 1995[2]) and the Kumanovo Agreement[3] (9 June 1999) respectively. At the same time, both agreements became possible only after NATO forces attacked the positions of the Bosnian Serbs in Bosnia, and Serbia itself during the Kosovo crisis.

The Bosnian War was a complex conflict that developed along deep ethnic and religious lines. The parties had a complicated shared history and had seen centuries-long atrocities. Therefore, the collapse of Yugoslavia and Bosnia's independence, clashing with ideas of a Greater Serbia or Greater Albania[4] led to violent conflict among three groups (Serbs, Bosniaks, and Croats) in 1992. Attempts to prevent a war, including the Cutileiro Plan[5] failed. "The war started with the fighting between Yugoslav Army units in Bosnia (later transformed into the Army of Republika Srpska (VRS) and the Army of the Republic of Bosnia and Herzegovina (ARBiH), formed of Bosniaks, and the Croat forces in the Croatian Defence Council (HVO)."[6]

The arms embargo imposed by United Nations Security Council Resolution 713 on all former Yugoslav territories (25 September 1991) had little effect on the Yugoslav People's Army (JNA) and Serb forces. Weapons were supplied by the JNA or smuggled through the black market.[7]

UN peace plans (the Cutileiro Plan[8], Vance-Owen Plan[9], Vance Plan, Lisbon Agreement, and Washington Agreement[10]) also had little impact on the war. The Carrington-Cutileiro Peace Plan (Lisbon Agreement) was an attempt to prevent Bosnia and Herzegovina from sliding into war. The updated Cutileiro Plan suggested three constituent units based on national principles, and taking into account economic, geographic, and other criteria. The Vance-Owen Peace Plan

2   Dayton Peace Agreement. Organization for Security and Co-operation in Europe. 14.12.1995. https://www.osce.org/bih/126173

3   Military Technical Agreement between the International Security Force (KFOR) and the Governments of the Federal Republic of Yugoslavia and the Republic of Serbia. *United Nations Peacemaker*. 09.06.1999. https://peacemaker.un.org/kosovoserbia-militarytechnicalagreement99

4   Theories of the unification of all Serbs or Albanians in one country.

5   L. Wise, Case Study Bosnia-Herzegovina. University of Edinburgh. 2017. https://www.thebritishacademy.ac.uk/documents/2794/Navigating-inclusion-in-peace-settlements-Bosnia-Herzegovina.pdf

6   M. Bjarnason, The War and War-Games in Bosnia and Herzegovina from 1992 to 1995. 2001, pp.19-20. https://www.nato.int/acad/fellow/99-01/bjarnason.pdf

7   Resolution 713 (1991) adopted by the Security Council at its 3,009th meeting, on 25 September 1991. UN. Security Council (46th year: 1991). https://digitallibrary.un.org/record/126827?ln=en&v=pdf

8   C. Bildt, Dayton Revisited: Bosnia's Peace Deal 20 Years On. European Council on Foreign Relations. Essay. 2015. pp. 2-3. https://ecfr.eu/archive/page/-/BILDT_DAYTON_ESSAY1.pdf

9   The Vance-Owen Plan. Agreement relating to Bosnia and Herzegovina. 1993. https://ucdpged.uu.se/peaceagreements/fulltext/BA_930502_The%20Vance-Owen%20Plan.pdf

10 Framework Agreement for the Federation (Washington Agreement). UN Nations Peacemaker. 1994. https://peacemaker.un.org/bosniawashingtonagreement94

envisaged the division of Bosnia into ten semi-autonomous regions, but was rejected by the National Assembly of Republika Srpska and 96% of voters in a referendum (some believed that it was a sham). The Owen-Stoltenberg Plan of 1993 suggested dividing Bosnia into a union of three ethnic republics, with Bosnia and Herzegovina's territory divided into three parts, with 53% for Bosnian Serbs, 30% for Muslims (Bosniaks) and 17% for Croats (rejected by the Bosniaks).

In 1994, the Serbs lost momentum, and following the Washington Agreement, the Bosniaks and Croats allied against Republika Srpska and created the Federation of Bosnia and Herzegovina. Under this agreement, the territory under the control of the Croatian Defence Council (HVO) and Army of Republic of Bosnia and Herzegovina (ARBiH) was divided into autonomous cantons within the Federation of Bosnia and Herzegovina, and preliminary agreement on a confederation between Croatia and the Federation of Bosnia and Herzegovina was signed.

Only after the Srebrenica massacre in 1995, which has become the symbol of the conflict, and NATO intervention, did it become possible to negotiate a peaceful agreement and stop the war. At the request of UNPROFOR, NATO intervened and attacked Serbian military jets and a few positions of the Bosnian Serbs in 1994. In August-September 1995, NATO targeted selected positions of the Army of the Republika Srpska,[11] defeating the Bosnian Serb forces[12]. This opened the doors for negotiations, and on 26 September 1995,

the basic principles for the peace accord were reached in New York (US).

Only on 14 December 1995 did the war finally end, after the General Framework Agreement for Peace in Bosnia and Herzegovina was signed in Paris (the Dayton Accords[13] , negotiated in Dayton, Ohio (US)). The accord established special status for Republika Srpska and allowed for the demarcation of boundaries between the Federation of Bosnia and Herzegovina and Republica Srpska. It set out an election programme for BiH (a politically neutral environment; protection of voting rights; freedom of expression and the press; freedom of association), arrangements for the International Criminal Tribunal for the former Yugoslavia, and the protection of human rights.[14]

Annexes to the Dayton Agreement provided detailed regulations for various aspects of life in BiH (military, security, human rights, elections, refugees, etc.). The agreement laid down foundations for deploying a NATO-led multinational military Implementation Force (IFOR) in Bosnia-Herzegovina. A total of 80,000 units of IFOR enforced peace, provided support for humanitarian and political aid and reconstruction, helped displaced civilians return to their homes, collected arms, conducted demining operations, etc. The agreement also restricted military deployments and exercises in certain areas, disbanded special operations and armed civilian groups, ensured the monitoring of weapons manufacturing, and banned imports and limited the use of heavy weapons and ammunition, mines, military

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11 A. J. Tirpak, Deliberate Force. *Air & Space Forces Magazine*. 1997.
    https://www.airandspaceforces.com/article/1097deliberate/

12 S. B. Lambeth, Reflection on the Balkan Air Wars. Air Power History (Spring 2010), pp. 30-43
    https://media.defense.gov/2016/Mar/10/2001477403/-1/-1/0/PAGES%20FROM%202010_SPRING.PDF

13 Dayton Peace Agreement 1995. Organization for Security and Co-operation in Europe. 14.12.1995.
    https://www.osce.org/bih/126173

14 The General Framework Agreement for Peace in Bosnia and Herzegovina. Initialled in Dayton on 21 November
    1995 and signed in Paris on 14 December 1995. 1995. https://www.osce.org/files/f/documents/e/0/126173.pdf

aircraft, and helicopters.[15] Moreover, it suggested the Constitution of Bosnia, which set out the fundamentals of BiH, protected citizens' rights, and introduced a three-party Presidency (the Presidency of BiH was composed of three representatives of the Serbs, Croats, and Bosniaks). The High Representative (international) was monitoring the implementation of the peace settlement, promoting the cooperation of all parties in its civilian aspects, and coordinating the activities of the civilian organisations and agencies in Bosnia and Herzegovina.

Contrary to the Bosnian War, *the Kosovo War (1998-1999)* was an armed conflict between the forces of the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Kosovo Liberation Army, KLA. The conflict also ended only after NATO air strikes on Serbian territory (March 1999), which convinced Serbian leader Slobodan Milosevic to withdraw forces from Kosovo and allow for NATO presence.

The Kosovo conflict started even before Yugoslavia's dissolution. Kosovo was the poorest entity in Yugoslavia with autonomy status (1974-1989[16]). After it lost its autonomy, Kosovo Albanians established parallel institutions and a military structure (the Kosovo Liberation Army). From 1996 onwards, the KLA regularly attacked Serbian security personnel and the public authorities in Kosovo.[17] In response, Yugoslavia increased its regular army and paramilitary personnel in Kosovo.

The crisis escalated in December of 1997 and required the intervention of the international community. UN Security Council Resolution 1199[18] called for a political solution to the humanitarian crisis. To monitor implementation of the Resolution, the OSCE Kosovo Verification Mission (KVM) was established (October 1998 – June 1999)[19]. The Mission had a large contingent of unarmed peace monitors in Kosovo (like in Ukraine in 2014-2019), but its mandate was inadequate for the challenges, and the ceasefire was broken by both sides in December of 1998.

The Rambouillet Agreement 1999[20] was signed by the Albanian, US, and British delegations, but declined by the Yugoslav and Russian delegations. The accords called for NATO administration of Kosovo as an autonomous province within Yugoslavia, and deployment of 30,000 NATO troops to maintain order in Kosovo, the passage of NATO troops within Yugoslav territory, including Kosovo, and immunity for NATO and its agents to Yugoslav law. It allowed for the presence of 1,500 troops of the Yugoslav army for border monitoring, 1,000 troops to perform command and support functions, a small number of border police, and 3,000 local police officers[21].

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15 Heavy weapons refers to all tanks and armoured vehicles, all artillery 75 mm and above, all mortars 81 mm and above, and all anti-aircraft weapons 20 mm and above.

16 How Milosevic stripped Kosovo's autonomy – archive, 1989. https://www.theguardian.com/world/from-the-archive-blog/2019/mar/20/how-milosevic-stripped-kosovos-autonomy-archive-1989

17 KLA goals also included the establishment of a Greater Albania, a state unifying all territories with Albanian presence (Macedonia, Montenegro and southern Serbia, (similar to Greater Serbia).

18 Resolution 1199. United Nations Security Council. S/RES/1199 (1998). http://unscr.com/en/resolutions/doc/1199

19 OSCE Kosovo Verification Mission / OSCE Task Force for Kosovo (closed). Organization for Security and Cooperation in Europe. 1999. https://www.osce.org/kvm-closed

20 M. Weller, The Rambouillet Conference on Kosovo. *International Affairs*. 75, 2., 1999, pp. 211-251. https://library.fes.de/libalt/journals/swetsfulltext/5385086.pdf

21 Interim Agreement for Peace and Self-Government in Kosovo (Rambouillet Accords). *United Nations Peacemakers*, 1999. https://peacemaker.un.org/kosovo-rambouilletagreement99

The failure to sign any peace agreement and the massive killings of Albanians led to OSCE withdrawal on 22 March 1999, and to NATO intervention with air strikes on Serbian territory. The operation involved all NATO members, except Greece, and engaged about 1,000 aircraft, mainly operating from bases in Italy and stationed in the Adriatic. During military operations, NATO attacked Yugoslav units on the ground, hitting small-scale and strategic targets.

Only after military intervention did Milosevic accept the NATO presence in Kosovo and agree to the Kumanovo Agreement,[22] which was close to the Rambouillet Agreement[23] in its core elements. On 12 June 1999, the NATO-led peacekeeping Kosovo Force (KFOR) of 30,000 soldiers started to enter Kosovo. The agreement ensured the withdrawal of Yugoslavian and Serbian forces from Kosovo.

The NATO campaign was launched without gaining the approval of the UN Security Council, but it was justified as a 'humanitarian war'.[24] It was supported by many countries (the US, Egypt, Japan, Malaysia, the United Arab Emirates, Albania, Turkey, France, Germany, the UK, and the Czech Republic), because it was a war for values, protecting interests, and preventing a humanitarian disaster in Kosovo. Regardless of the absence of a UN SC Resolution, the NATO action was recognised by NATO members and allies and international law scholars,[25] as well as by UN Secretary-General Kofi Annan[26] as legitimate in the pursuit of peace. China, India, and Russia condemned the bombing, and Russia brought up the issue, stating that "unilateral use of force constitutes a flagrant violation of the United Nations Charter" before the UN Security Council. The resolution was ultimately supported by China and Namibia, as well as Russia, but not adopted.

In 1999, the UN established and deployed the United Nations Interim Administration Mission in Kosovo (UNMIK),[27] to provide an interim administration for Kosovo, including all legislative, executive and judiciary powers. In the following nine years and with the declaration of independence of Kosovo in 2008, the tasks of the Mission were transformed to promotion of security, stability, and respect for human rights in Kosovo.

The role of Serbia, which was once an industrial powerhouse in the region, and provoked aggressive wars against its neighbours, is similar to the aggressive role of Russia starting from the invasion of Crimea in 2014. No agreements or peace talks were effective until the decisive and massive airstrikes by NATO that immediately stopped the war, and more civilian casualties. Russia did not support Serbia during the NATO operations, allegedly to avoid direct

22 Military Technical Agreement between the International Security Force (KFOR) and the Governments of the Federal Republic of Yugoslavia and the Republic of Serbia. United Nations Peacemakers. 1999. https://peacemaker.un.org/kosovoserbia-militarytechnicalagreement99

23 Interim Agreement for Peace and Self-Government in Kosovo (Rambouillet Accords). United Nations Peacemakers. 1999. https://peacemaker.un.org/kosovo-rambouilletagreement99

24 E. Schroeder, The Kosovo Crisis: Humanitarian Imperative versus International Law. *The Fletcher Forum of World Affairs*. Vol. 28, No. 1, Winter 2004, pp. 179-200.

25 A. Schwabach, The Legality of the NATO Bombing Operation in the Federal Republic of Yugoslavia. *Pace International Law Review*. Volume 11. Issue 2. Fall 1999, p. 11.
https://digitalcommons.pace.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1240&context=pilr

26 Secretary-General Deeply Regrets Yugoslav Rejection of Political Settlement; Says Security Council Should be Involved in any Decision to Use Force. United Nations. Secretary-General SG/SM/6938. 24.03.1999. https://press.un.org/en/1999/sgsm6938.doc.htm

27 UNMIK Fact sheet. United Nations Interim Administration Mission in Kosovo. 2024. https://peacekeeping.un.org/en/mission/unmik

confrontation with NATO, and only offered diplomatic support through the UN and other international organisations.

The Balkan wars' resolution by decisive use of force that led to Serbia's quick defeat are very important historical precedents. Along with economic and personal sanctions, these steps should be considered again by the Western Allies, regarding Russia as a whole and Russia's senior political and military leadership, their families and proxy businesses.

Conflict Resolution through Agreements to Temporarily Cease Fire for Regrouping

Croatia and Nagorno Karabakh can be given as be examples of the temporary ceasing of fire to gain time for regrouping and taking control over the territory.

During the war for independence in Croatia, only the Vance Plan[28] brought some results. The peace plan was negotiated between the Croatian authorities and Republika Srpska and Krajna (RSK), while the Serbian leadership was regularly consulted, and made decisions on behalf of the RSK[29]. The plan was an "interim arrangement to ensure peace and security required for the negotiation of an overall settlement of the Yugoslav crisis"[30]. It set conditions for deploying UN troops and police to monitor the ceasefire and troop withdrawal or disbanding in Eastern and Western Slavonia and Krajna (territories under Serbian and Yugoslav People's Army control). The plan also allowed for the return of refugees, and created conditions for negotiations over a permanent political settlement of the war. It consisted of two agreements: the Geneva Accord and Sarajevo Agreement (implementation agreement)[31]. The Sarajevo Agreement ensured a long-lasting ceasefire under the supervision of the United Nations Protection Force (UNPROFOR).

The ceasefire stabilised the situation in Croatia, and it was officially recognised by the European Community on 15 January 1992[32]. In 1992, Croatia became a UN member under the stipulation of protecting human rights and dissidents. But the agreement was not fully implemented due to the presence of RSK forces supported by Serbia in the occupied areas[33]. The armed conflict continued on a smaller scale. The agreement allowed the Croatian army to regroup and prepare for a military operation. In 1992, the Croatian army conducted several operations to take control of some Croatian cities (Dubrovnik, Sibenik, Zadar) and the fighting was renewed at the beginning of 1993 with Operation Maslenica[34].

In 1992, the Croat-Bosniak-Serbian conflict erupted in Bosnia and Herzegovina, and

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28 The Vance Plan (UN Plan). PA-X Analytics. Peace and Transition Process Data. 1991.
    https://pax.peaceagreements.org/agreements/wgg/1173/

29 Sudetic, C. Yugoslav Factions Agree to U.N. Plan to Halt Civil War. *The New York Times*, 3.01.1992.
    https://www.nytimes.com/1992/01/03/world/yugoslav-factions-agree-to-un-plan-to-halt-civil-war.html?ref=croatia

30 The Vance Plan (UN Plan). PA-X Analytics. Peace and Transition Process Data. 1991.
    https://pax.peaceagreements.org/agreements/wgg/1173/

31 Agreement on the Reopening of the Sarajevo Airport for Humanitarian Purposes. *United Nations Peacemaker*, 1992.
    https://peacemaker.un.org/sarajevoairportagreement92

32 S. Kinzer, Slovenia and Croatia Get Bonn's Nod. *The New York Times*, 24.12.1991.
    https://www.nytimes.com/1991/12/24/world/slovenia-and-croatia-get-bonn-s-nod.html

33 UNPROFOR was officially created by UN Security Council Resolution 743 on 21 February 1992. https://bit.ly/3XBYoAr

34 Maslenica was a decisive battle. Hrvatski Vojnik, 1991. https://hrvatski-vojnik.hr/maslenica-was-a-decisive-battle/

the Croatian army intervened in Bosnia with Operation Cincar and the following Operation Winter'94 in late 1994. In response, the Security Council passed Resolution 958[35] to allow NATO aircraft to operate in Croatia (Operation Deny Flight). On 21-23 November 1994, NATO launched strikes on the Udbina airfield controlled by the RSK. Later, the Croatian army used blitzkrieg tactics to breach the Serbians' front line and surround them[36].

In 1994-1995, the Croatian Forces conducted several operations to reclaim all previously occupied areas of Western Slavonia and Knin. Operation Storm[37] allowed Croatia to recapture almost all occupied territory. The counter-offensive, involving 100,000 Croatian soldiers, was the largest land battle in Europe since World War II.

The war in Croatia ended with the signing of the Erdut Agreement[38] (1995). The agreement established a one-year transition period with the UN Transitional Administration, allowing for the deployment of international forces to maintain peace and security in the region and assist in the implementation of the agreement. It also required demilitarisation of the region for 30 days after the deployment of the international forces. The Transitional Administration had to ensure the possibility of the return of refugees and displaced persons, help re-establish the normal functioning of all public services in the region, and establish temporary professional police forces, to build confidence among all ethnic groups. Special attention was paid to human rights and fundamental freedoms, including people's right to return freely to their place of residence and security, and the restoration of property rights.

> **Croatia and Nagorno Karabakh can be given as be examples of the temporary ceasing of fire to gain time for regrouping and taking control over the territory**

The agreement also set timelines for the Transitional Administration to arrange elections to all local government bodies (including municipalities, districts, and counties) under international observation, and provided the Serbian community with the right to appoint a joint council of municipalities 30 days before the end of the transition period. The government of Croatia had to cooperate fully with the Transitional Administration and the international force. The rest of the occupied territories had to be returned to Croatia within a two-year transitional period.

Krajna remained under UN administration for a few years. The United Nations Transitional Authority for Eastern Slavonia, Baranja and Western Sirmium (UNTAES), established by UNSC Council Resolution 1037 in 1996 was terminated in 1998, and Croatia regained full control over the area.[39] The Prevlaka Peninsula remained

35 Resolution 958. United Nations Security Council. 1994. http://unscr.com/en/resolutions/958

36 D. McClellan and N. Knez, Operation Storm: Ending Humanitarian Disaster and Genocide in Southeastern Europe. *International Journal of Social Sciences*, 20.03.2021. https://bit.ly/4dW0LUv

37 Operation Storm – The Battle for Croatia, 1995.
    https://adst.org/2016/08/operation-storm-the-battle-croatia-1995/

38 Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium (Erdut Agreement). *United Nations Peacemaker*, 1995. https://peacemaker.un.org/croatia-erdutagreement95

39 United Nations Transitional Authority in Eastern Slavonia, Baranja, and Western Sirmium, UNTAES (January 1996 – January 1998). https://peacekeeping.un.org/mission/past/untaes.htm

under UNMOP aegis until 2022.[40] After successful implementation of the Erdut Agreement, relations between Croatia and Serbia gradually improved, and the two countries established diplomatic relations in August 1996.

The conflict between Armenia and Azerbaijan over the region of Nagorno-Karabakh is of ethnic and territorial origin. Nagorno-Karabakh, or the Republic of Artsakh, was a disputed region between Azerbaijan and local ethnic Armenians. The First Nagorno-Karabakh War (1988-1994), known as the Artsakh Liberation War, was an armed conflict in the enclave of Nagorno-Karabakh (southwestern Azerbaijan) between the ethnic Armenians and Azerbaijani of Nagorno-Karabakh, backed by Armenia and Azerbaijan. It started with the attempt to separate the region from Azerbaijan through the Nagorno-Karabakh referendum, and to transfer it to Armenia. It led to conflict between Armenians and Azerbaijanis, which escalated into a full-scale war in the early 1990s.

Armenia prevailed and occupied Nagorno-Karabakh, and about 9% of Azerbaijani territory outside the Nagorno-Karabakh enclave. The Russian-brokered ceasefire (Bishkek Protocol[41]), mediated by the OSCE Minsk Group, was signed in May 1994. The Protocol was a legally binding agreement, which envisaged a ceasefire, the withdrawal of troops from occupied territories, restoration of communications, and return of refugees. The CIS peace-making force was established, to work on a peaceful resolution of the armed conflict.

The clashes renewed in 2008 and continued in 2010 – 2020. UN Resolution 62/243 of 14 March 2008, demanding the immediate withdrawal of all Armenian forces from the occupied territories of Azerbaijan, did not change the situation. In 2020, the Second Nagorno-Karabakh War started as a successful large-scale Azerbaijani offensive. With Türkiye's support of new military equipment (drones, sensors, long-range heavy artillery, along with missile strikes, and military information), Azerbaijan captured Shusha, the second-largest city in Nagorno-Karabakh, and a ceasefire agreement was signed between Armenia and Azerbaijan under the mediation of Russia on 9 November 2020. According to the agreement, both sides retained control of the positions they held, and Armenia returned the occupied territories surrounding Nagorno-Karabakh (about 75% of the territories in and around Nagorno-Karabakh). Approximately 2,000 Russian peacekeepers were deployed around Nagorno-Karabakh and over the Lachin Corridor (the only passage between Armenia and Nagorno-Karabakh) with a mandate of at least five years.

Despite Russia's Federal Security Service patrolling Armenia, Azerbaijan blockaded the Republic of Artsakh and the Lachin Corridor. In 2023, the Azerbaijani government seized strategic ground around the Lachin Corridor, and Russia did not interfere. The war ended in a ceasefire agreement signed on 2 September 2023. It envisaged disarmament and withdrawal of all armed formations of the Artsakh Defence Army, and all Armenian armed formations from the region. The Republic of Artsakh was to be dissolved by 1 January 2024, and the Russian peacekeepers withdrew from the region, following an agreement between Vladimir Putin and his Azerbaijani counterpart Ilhan Aliyev.

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40 United Nations Mission of Observers in Prevlaka. UNMOP, 1996.
    https://peacekeeping.un.org/mission/past/unmop/index.html

41 The Bishkek Protocol. *United Nations Peacemaker*, 5 May 1994.
    https://peacemaker.un.org/sites/peacemaker.un.org/files/Bishkek%20Protocol.pdf

International Criminal Tribunal for the Former Yugoslavia

Personal sanctions and prosecution of the leadership and their families are effective only after diplomatic immunity is discontinued. On the other hand, the prospects of being prosecuted in the future may stimulate the inner circles of political and military leadership to negotiate favourable terms for themselves and their families, what can help end the conflict sooner.

Due to the high number of war crimes during the wars in the Balkans[42], the UNSC's Resolution 827 established an international tribunal for the prosecution of persons responsible for serious violations of international humanitarian law. Cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY) is still considered as an important obligation for Serbia, necessary for joining the European Union. The court has the power to prosecute persons responsible for serious violations of international humanitarian law, breaches of the Geneva Conventions, violating the laws or customs of war, committing genocide, and crimes against humanity committed in the territory of the former SFR Yugoslavia since 1 January 1991[43]. The ICTY prosecuted war criminals from ordinary soldiers to prime ministers, presidents, and generals. By 2014, the ICTY had issued final verdicts against the indicted Yugoslav officials who were found guilty of deportation, other inhumane acts (forcible transfer), murder and persecution, and for violations of the laws or customs of war.

The Yugoslavian leadership, like the former Deputy Prime Minister of the FRY, the former Chief of the General Staff of the Yugoslav Army, the former Commander of the Third Army of the Yugoslav Army, the former Commander of the Pristina Corps of the Yugoslav Army, and the former Head of the Serbian Ministry of Internal Affairs, were sentenced to 14-22 years in prison. The former President of Republika Srpska Radovan Karadzic and General Ratko Mladic were sentenced to life in prison for war crimes. Alija Izetbegovic, Croatian President Franjo Tudjman, Defence Minister Gojko Susak, and General Janko Bobetko were also on trial. Kosovo Prime Minister Ramush Haradinaj, Hashim Thaci, President of Kosovo, and other former KLA members were convicted of crimes against humanity and war crimes, including murder, kidnapping, persecution, and torture.[44]

Yugoslav President Slobodan Milosevic was charged with war crimes, including violation of the Geneva Conventions, crimes against humanity, and genocide. The court indicted Milosevic in 1999 when he was still in power. He was transferred to the international tribunal in June 2001, after losing the presidential elections in 2000. Regardless of the attempts of new President Vojislav Kostunica to prevent putting Milosevic before an international court, he was unable to prevent it due to strong pressure from the international community, specifically the US warning to withhold critically needed loans, and assurance to ascertain European Union membership to Serbia. After that, some sanctions on Yugoslavia were lifted. The transfer of Slobodan Milosevic to the International Tribunal is an important and historic precedent, and this example can be used in the case of Putin.

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42 Bosnia War Crimes: The International Criminal Tribunal for the Former Yugoslavia and U.S. Policy. *CRS Report for Congress*. 23.04.1998. https://sgp.fas.org/crs/row/96-404.pdf

43 International Criminal Tribunal for the Former Yugoslavia, https://www.icty.org/

44 Press statement, Kosovo Specialist Chambers & Specialist Prosecutor's Office, 24.06.2020, https://www.scp-ks.org/en/press-statement

To improve relations with neighbours and achieve reconciliation, in 2004, Serbian President Boris Tadic apologised for the crimes committed in the name of the Serb people[45]. In 2010, the Croatian President apologised for his country's role in the Bosnian War[46] and the Serbian Parliament adopted a declaration "condemning the crimes committed against the Bosniak population of Srebrenica".[47]

> ❝ *Sanctions are effective only if the sanctioned country has limited resources and does not get financial support from other countries*

By 2010, Croatia and Serbia had agreed to resolve the remaining refugee issues and the corresponding presidents visited Zagreb and Belgrade. At the same time, there remains a lack of a just settlement, which affects reconciliation among the population, particularly in Bosnia and Kosovo.

International Sanctions against the Federal Republic of Yugoslavia and Embargo

Sanctions are effective only if the sanctioned country has limited resources and does not get financial support from other countries. Strict sanctions, assets seizures, the blacklisting of banks etc. for the country under sanctions, and countries that assist it in illegal acts are all crucial.

During the Yugoslav Wars, international sanctions were imposed against the former Federal Republic of Yugoslavia. The UNSC passed over a hundred resolutions concerning armed conflicts in the former Yugoslavia. Some of them targeted Serbian entities outside the Federal Republic of Yugoslavia. The first round of sanctions was imposed in response to the Bosnian and Croatian Wars and established a UN embargo on weapons delivery (lifted following the signing of the Dayton Agreement). In 1991, after the beginning of the Croatian War for Independence, UN Security Council Resolution 713 established an embargo on weapons and military equipment supplies to Yugoslavia. In November 1991, the then European Economic Community (EEC) imposed economic sanctions against the former Yugoslav republics. The sanctions banned the importing of textiles from Yugoslavia and suspended $1.9 billion worth of EEC aid packages to Yugoslavia. In 1992, the UN Security Council banned all international trade, scientific and technical cooperation, sports and cultural exchanges, air travel, and the travel of government officials from the Federal Republic of Yugoslavia (Resolution 757). This Resolution was followed by a series of naval blockades. In 1992, the US seized all US-based assets of the Yugoslav government, worth approximately US$ 200 million at the time.[48] Resolutions 820 and 942 prohibited import-export exchanges and froze the assets of Republika Srpska.

The sanctions, except for those related to membership of international financial institutions, were lifted only after the end

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45 Serb leader apologises in Bosnia. BBC News. 6.12.2004.
    http://news.bbc.co.uk/2/hi/europe/4072949.stm

46 C. Penfold, Presidential apology. Deutsche Welle. 14.04.2010.
    https://www.dw.com/en/croatian-president-apologizes-to-bosnia-for-role-in-war/a-5467958

47 Serbia Adopts Resolution Condemning Srebrenica Massacre. BalkanInsight. 31.03.2010.
    https://balkaninsight.com/2010/03/31/serbia-adopts-resolution-condemning-srebrenica-massacre/

48 Bosnia Fact Sheet: Economic Sanctions Against the Federal Republic of Yugoslavia (Serbia and Montenegro).
    From a series of factsheets on the Bosnia Peace Process. Bureau of Public Affairs, 13.11.1995.
    https://1997-2001.state.gov/regions/eur/bosnia/yugoslavia_econ_sanctions.html

of the Bosnian War in 1996. Moreover, all sanctions were linked to cooperation with the International Tribunal.

The second round of international sanctions was imposed against Yugoslavia during and after the war in Kosovo. The sanctions were imposed by the UN, European Union, and the US. UNSC Resolution 1160 placed an arms supply embargo on Yugoslavia, and the European Union banned Yugoslav Airlines from flying to EU member states, as well as freezing Yugoslav government assets in EU member states. After NATO's bombing of Yugoslavia, the US and EU enacted trade and financial bans, including a ban on oil export to Yugoslavia (lifted in 2000). The sanctions were lifted in 2001, following the revolution in Yugoslavia and the removal of Yugoslav President Slobodan Milosevic (October 2000).

The sanctions had a significant impact on the economy and society of Serbia and Montenegro. Its GDP dropped from US$ 24 billion in 1990 to below US$ 10 billion in 1993, and US$ 8.66 billion in 2000. They also had a devastating impact on Yugoslav industry, which led to inflation, shortages in electricity, gas, medical supply, food, and fuel, and increased the number of people living at or below the poverty line. They also affected the banking system and increased transnational organised crime.

Resolving the Russian-Ukrainian War

It is obvious that no peace agreement is possible while the parties are not ready for it. The fighting parties can negotiate and develop framework documents, but they either do not sign or never implement them. Moreover, if parties are not ready for peace or do not accept the conditions of the agreement, they will not follow it up but will use it to advance the position of their military, in order to start a new war or to improve/return to their positions (e.g., Croatia and Nagorno-Karabakh). Finally, in most cases, wars are resolved by military force, and agreements only fix on paper what parties have reached on the battlefield.

> **to end the war in Ukraine and ensure security in Europe, it is important to continue to support Ukraine with military aid, financial resources, and military personnel**

Although these conflicts were not on the same scale as the Russian-Ukrainian war, the approaches to conflict resolution can be similar. The occupation of Crimea and parts of the Donetsk and Luhansk oblasts by Russia in 2014, as well as the later large-scale invasion of Ukraine in 2022, were done under the pretext of a "responsibility to protect" their own Russian population [49] (like the Serbs in the Yugoslavian case, and the Armenians in Nagorno-Karabakh). It is a very dangerous precedent, and the same justification for war can be used globally, including in any country with a significant Russian population.

Therefore, to end the war in Ukraine and ensure security in Europe, it is important to continue to support Ukraine with military aid, financial resources, and military personnel. Ukraine should be accepted as a full NATO member, regardless of all the threats from the Russian side. The western countries should develop a new strategy towards Russia, and with regard to undemocratic regimes such as China, Iran, North Korea, etc. Moreover, it

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49 H. Ashby, How the Kremlin Distorts the 'Responsibility to Protect' Principle. United States Institute of Peace. 7.04.2022.
    https://www.usip.org/publications/2022/04/how-kremlin-distorts-responsibility-protect-principle

should introduce stricter sanctions against countries and people supporting in any way Russia's war against Ukraine (funding the war, supporting the evasion of sanctions, providing the equipment necessary for weapons production or war in general, etc.). Finally, it should strengthen its military capacity and support potentially vulnerable allies (Taiwan, South Korea, etc.).

Ideal Peace Plan. The ideal peace plan should ensure resolving the Russian-Ukrainian war in a way that will establish a stable peace and security in Europe. This implies that Russia should be defeated and demilitarised; while its military and political leadership is prosecuted for crimes, and that an international oversight mechanism for Russia is established until there are open and democratic elections in Russia, and the fulfilment of Russia's commitments. The Kosovo and Bosnia and Hercegovina solution applied in Ukraine would include the following elements:

- A ceasefire and Russian troop withdrawal from all occupied territories of Ukraine to the borders of 1991, including areas occupied in 2014.

- The establishment of a demilitarised zone in Russia (Belgorod, Bryansk, Kursk, Voronezh, Krasnoyarsk, Rostov oblasts) and removal of all army personnel and heavy artillery from these oblasts, apart from police forces and border patrols.

- Ukraine's membership of NATO with or without NATO bases on its territory for 20 years (this can be a point for negotiations), and security guarantees to Ukraine from the allied countries. Ukraine is to receive military support from its partners, including air defence systems, and does not have any limitations in military personnel or weapons production. NATO membership can be replaced by the establishment of a new alliance, based on the security agreements signed by Ukraine with other countries.

- Compensation for all Ukraine's destroyed infrastructure and human losses caused by the war.

- Russia should disarm and stop production of long-range missiles and drones.

- Western sanctions can be lifted, and Russian assets unfrozen only after compensation is paid for war damage and following the transfer of the political and military leadership to the international court. Russian assets can be used to compensate for damage caused by the war in Ukraine. Sanctions related to banning exports of the technology Russia might use for making weapons have to remain in place for 20 years.

- Prosecution of all war criminals, including Russia's top political leadership, military commanders, and ordinary soldiers, responsible for committing war crimes and genocide of the Ukrainian people, by the International Tribunal for Russia

- Ensuring respect for human rights and freedoms on formerly occupied territories, the return of IDPs and refugees and guaranteeing their security; the restoration of property rights (return of any property taken by unlawful acts or compensation for property that cannot be restored).

- Establishment of an International Monitoring Mission in Russia, and the former temporarily occupied territories of Ukraine, to monitor adherence to the peace agreement.

- Holding free and fair presidential and parliamentary elections in Russia under international scrutiny, to ensure political changes in Russia. All political leaders and military personnel under trial or investigation by the International Criminal Court not to be allowed to run for office.

- Introducing changes into Russia's Constitution to decentralise power, and transfer significant powers and budgets to the local self-governing bodies.

- Introduction of the oversight of an international administration, to ensure that the transition of power is organised fairly and transparently.

To reach this type of agreement, it is required that major global powers accept that Ukraine should win the war and that they provide military support in the needed scope (weapons, including long-range missiles, military instructors and personnel, financial resources, etc.). It will also require the engagement of foreign fighters or foreign troops and the possibility of targeting military objectives on the territory of Russia (land and sea), to destroy its military potential and ability to continue the war.

Peace Plan "Temporary Ceasefire". If it would not be possible to liberate all the territories of Ukraine, the Croatian or Nagorno-Karabakh path could be applied. Ukraine could negotiate a temporary ceasefire along the existing front/engagement line. That would require an international military presence to monitor the ceasefire on both sides. The international personnel must have a military background and mandate, which allows for sufficient monitoring of the situation and possible interference.

A temporary ceasefire is acceptable, if there is an agreement between the Ukrainian authorities and Western allies on military support (weapons, military personnel, instructors) and financial support, as well as readiness to hire contractors able to recruit foreign troops with military experience, to support the future operation. The Ukrainian authorities can recruit foreigners by providing salaries and additional benefits, including citizenship.

A pause in fighting needs to be used for the Ukrainian Armed Forces to regroup, train new personnel, and arrange joint training with foreign troops, to be able to run a coordinated operation. After preparing for the military operation, the occupied territories would be taken under the control of the Ukrainian authorities.

Peace Plan with Introduction of International Administration in Current Temporarily Occupied Territories. Considering that Ukraine has three times smaller mobilisation resources and human capital than Russia, it might be difficult to seize control over the entire temporarily occupied territories. One of the possible solutions is freezing the conflict on the current front line, and introducing a temporary International Administration in the temporarily occupied territories, including Crimea and Donbas.

After the ceasefire, all Russian troops should be withdrawn from the occupied territories, including Crimea, and an international administration and international monitoring mission, without Russia's participation, should be introduced. Russia can send civilians to monitor whether human rights are violated. The number of Russian observers should not exceed the number of international ones. The international administration should coordinate the work of public institutions, ensure freedom of the media, and respect for human rights, for five years.

The international monitoring mission should monitor the ceasefire, and withdrawal of troops, support the disarmament of the population, and ensure peace (the preliminary period of the mission should be defined as for three years, with possible extensions). The mandate could be extended if needed.

All leadership of public institutions and the police should be replaced. After a five-year transitional period, free and fair local elections should be held under the OSCE/ODIHR and other international organisations' monitoring. Internally

displaced people from these regions would be able to participate in these elections as candidates or voters.

Ukraine should join NATO, and be provided with military equipment, especially air defence systems, and personnel, including the deployment of NATO military bases.

> **The Balkan experience shows that reconciliation between conflicting groups is a very long and complicated process, but it is always built on justice**

After the establishment of a ceasefire and lifting of martial law, Ukraine should call for presidential and parliamentary elections (to be held separately in six months). Russia should organise new presidential elections without the participation of candidates under investigation by the International Tribunal for Russia and under international observation. The International Tribunal for Russia should prosecute all war criminals. Russia should voluntarily compensate for the damage which it has caused Ukraine and other countries, or the damage should be compensated from Russian assets abroad.

Reconciliation process in post-war arrangements. The Balkan experience shows that reconciliation between conflicting groups is a very long and complicated process, but it is always built on justice, the punishment of war criminals, and compensation for material and moral suffering. The reconciliation process with Russia can be started only after the political changes in the country (after the election of the new president and decentralisation of the country, and its democratisation), as well as Russia's collaboration with the International Tribunal regarding war criminals, and compensation to Ukraine and Ukrainian victims for their losses and suffering. It might take 30 to 50 years or more and will never be completed unless the reconciliation process is organised in the proper way, including the prosecution of war criminals, compensation for damage, apologies for all suffering, and establishing security (the inability of the aggressor to attack again). At the same time, Russian civil society and the Russian opposition can start the reconciliation process now by supporting Ukraine and its people, through contributing to Ukraine's victory, joining the Russian battalion fighting on the side of Ukraine, supporting the prisoners of war, and returning the kidnapped Ukrainian children, and developing the vision for a new post-war Russia, alongside Ukrainian and international civil society.

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FORGING PEACE: IMPERATIVES FOR UKRAINE'S POST-WAR JUSTICE

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In the wake of any conflict, the pursuit of peace extends far beyond the cessation of hostilities. For Ukraine, the journey towards peace necessitates a multifaceted approach in which justice plays an indispensable role. This article reviews the essential role of justice in conflict settlement and post-conflict arrangements, examining its intersection with reconciliation and sustainable peace. By exploring the significance of accountability and transitional justice mechanisms, the article aims to elucidate how addressing past grievances can foster societal healing and contribute to Ukraine's post-war future. Additionally, it emphasises the importance of not only holding Russia accountable for war crimes but also proactively developing mechanisms for maintaining internal peace and reintegrating the occupied territories.

The Role of Justice in Post-Conflict Settlements

Justice, in the context of post-conflict settlements, is not merely about retribution but about restoration, and the establishment of a fair society. Transitional justice mechanisms, such as truth commissions, trials, and reparations, are pivotal in addressing the wrongs of the past, providing closure to victims, and establishing a historical record that acknowledges the suffering endured.

Justice mechanisms must be comprehensive and inclusive, addressing the needs of victims and the affected communities. In Ukraine, this means establishing tribunals and courts to prosecute those responsible for atrocities committed during the Russian invasion since 2014. It also involves creating platforms for truth-telling and reparations, allowing victims to share their experiences, and to receive compensation for their losses. These processes help in healing societal wounds and rebuilding the social fabric torn apart by war.

The interplay between justice and post-conflict resolution highlights the need for a balanced approach that combines retributive and restorative justice. While punitive measures against the perpetrators are necessary, restorative justice practices that focus on repairing harm and rebuilding relationships are equally important[1]. This dual approach can help Ukraine transition from a state of conflict to one of peace, addressing both the immediate need for accountability and the long-term goal

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1 J. Latimer, C.Dowden, D.Muise, The Effectiveness of Restorative Justice Practices: A Meta-Analysis, *The Prison Journal*, 85(2), pp. 127-144.

of reconciliation following the trauma of war. Restorative justice focuses on addressing the harm done to victims, by involving both victims and offenders in the justice process. This approach encourages offenders to take responsibility for their actions, comprehend the impact of their behaviour, seek redemption, and be deterred from repeating harmful acts. For victims, restorative justice aims to provide them with an active role in the proceedings, helping to alleviate feelings of anxiety and powerlessness. It is important to note that this approach does not imply reconciliation between war victims and perpetrators, or restoring relations between the two countries or their peoples. Instead, it should focus on aiding the victims in healing and overcoming the traumas of war. It should also focus on facilitating internal peace and recovery for those affected, rather than fostering a relationship with the perpetrators of the aggression.

> **The interplay between justice and post-conflict resolution highlights the need for a balanced approach that combines retributive and restorative justice**

For Ukraine, the pursuit of justice in the aftermath of the Russian invasion will involve addressing not only the need for retribution against the Russian Federation for the destruction and war crimes committed, but also the complex task of reintegrating the eastern and southern regions that have been under Russian occupation for over a decade. This dual challenge requires a nuanced approach that goes beyond punishment and encompasses reconciliation and rebuilding trust within the nation. The prolonged occupation has left deep scars and divisions that will need

to be carefully managed to foster a united and peaceful Ukraine.

One of the primary challenges will be holding the perpetrators accountable for the crimes committed during the war. This involves prosecuting those responsible for war crimes, human rights abuses, and other atrocities. However, the process must be fair and transparent, to ensure legitimacy and prevent further grievances. Establishing a robust legal framework and seeking international cooperation is essential in these efforts. Special courts or tribunals are necessary to handle the volume and complexity of cases, and efforts must be made to ensure that justice is seen to be done, both by the victims and the broader international community.

All of this is provided for in the seventh point of President Zelenskyy's Peace Formula, which focuses on the Restoration of Justice, supported by Paragraph 9 of the UN General Assembly Resolution A/RES/ES-11/6. Implementing this aspect of the Peace Formula is critical for achieving lasting peace in Ukraine. By ensuring accountability for crimes of aggression and war crimes, Ukraine can address the root causes of the conflict and deter future violations. The restoration of justice is not only about retribution but also about healing and reconciliation, as mentioned above. President Zelenskyy's Peace Formula, with its emphasis on justice, aligns with global efforts to uphold international law and human rights. By implementing these measures, Ukraine can pave the way for sustainable peace, ensuring that the horrors of the war are addressed.

International cooperation and support for these judicial measures is crucial. On 2 March 2022, Karim Khan, the chief prosecutor of the International Criminal Court (ICC), announced that he was opening an investigation of all "past and present

allegations of war crimes, crimes against humanity or genocide committed on any part of the territory of Ukraine by any person"[2], following the invasion which had begun less than a week earlier. Later, in September 2023, the ICC opened a field office in Kyiv to investigate Russian war crimes. These actions by the ICC represent significant steps towards accountability and justice. The presence of an ICC field office in Kyiv not only enhances the capacity to collect evidence and interview witnesses, but also underscores the international community's commitment to addressing grave violations of international law. This development supports President Zelenskyy's Peace Formula, by providing a credible mechanism for holding perpetrators accountable, and ensuring that justice is pursued diligently.

Furthermore, international cooperation extends beyond the ICC. The coalition supporting the creation of a special tribunal for Russia's crimes of aggression, which includes 29 countries, represents a unified stance against impunity. In September 2022, the Council of Europe proposed the creation of a tribunal with a mandate to investigate and prosecute the crimes of aggression committed by the political and military leadership of the Russian Federation. On 19 January 2023, the European Parliament called for the establishment of an international tribunal to address Russia's (as well as Belarus's) responsibility for the crimes of aggression, complementing the ICC's investigations in Ukraine. This resolution was passed with significant support – 472 votes in favour, 19 against, and 33 abstentions. Later that year, the EU agreed to establish an International Centre for the Prosecution of the Crime of Aggression against Ukraine (ICPA). The

ICPA aims to address any prosecution gaps left by the ICC, ensuring that the crimes of aggression are pursued comprehensively and effectively.

The coordinated international effort to prosecute the crimes of aggression reflects a broader commitment to holding perpetrators accountable and deterring future violations. By complementing existing ICC investigations with specialised tribunals and centres, this approach strengthens the international legal framework, and supports Ukraine's pursuit of justice. The establishment of these judicial mechanisms not only addresses the immediate need for accountability, but also contributes to a longer-term strategy for peace.

> *One of the primary challenges will be holding the perpetrators accountable for the crimes committed during the war*

To achieve this, Ukraine could create truth commissions, with the involvement of international specialists. Truth commissions are the right mechanism for achieving justice in Ukraine after the war, for several reasons. Firstly, unlike other judicial mechanisms, truth commissions are specifically designed to uncover the truth about human rights violations and war crimes, comprehensively. They offer a systematic approach to gather testimonies from victims and witnesses, which can reveal the full extent of atrocities, and identify patterns of abuse. This process is crucial for ensuring that no abuses are overlooked.

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2   Statement of ICC Prosecutor, Karim A.A. Khan QC, on the Situation in Ukraine: Receipt of Referrals from 39 States Parties and the Opening of an Investigation, *International Criminal Court*, 2.03.2022, https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-aa-khan-qc-situation-ukraine-receipt-referrals-39-states

Secondly, truth commissions can operate with a level of flexibility and inclusivity that traditional courts often cannot. They can provide a platform for a wide range of voices to be heard, including those of vulnerable groups such as women, children, ethnic minorities, and displaced persons, who might not otherwise have access to justice. In doing so, they can aid in healing communities and fostering social cohesion, which is crucial for enduring peace and stability.

> **Holding perpetrators accountable through fair trials is crucial for justice. Ukraine's efforts to prosecute war crimes and crimes against humanity must be supported by a robust legal framework and international cooperation**

The aim of the truth commission in Ukraine should be multifaceted. It should seek to establish an accurate historical record of the war, offer a public platform for victims to share their experiences, recommend measures for reparations and institutional reforms, and promote recovery from the traumas of war. By addressing these various aspects, a truth commission could help to build a foundation for a more just and peaceful future for Ukraine.

Holding perpetrators accountable through fair trials is crucial for justice. Ukraine's efforts to prosecute war crimes and crimes against humanity must be supported by a robust legal framework and international cooperation. Providing compensation to victims can aid in their recovery and signal a commitment to justice. Reparations could take various forms, including financial compensation, and rehabilitation programmes, as well as public apologies. Priscilla Hayner writes that, "Firstly, a truth commission focuses on past events rather than those happening now. Secondly, it meticulously traces the entire chronology of events. Thirdly, it works directly and closely with victims, gathering information based on their memories. Fourthly, it is a temporary body, culminating its activities in a final report. And fifthly, it is an officially sanctioned and authorised body by the state"[3].

International experts can assist in setting up procedures, training local personnel, and providing oversight to guarantee that the commissions operate effectively and fairly. Their presence can also enhance the credibility of the process, both domestically and internationally, reinforcing the commitment to a transparent and just resolution.

Truth commissions are often established in countries that have endured civil wars or where the crimes of totalitarian or dictatorial regimes are being investigated. However, this mechanism can also be effectively adapted to address the war crimes committed by the Russian armed forces and occupying authorities in the current case. Implementing such a mechanism would be particularly valuable for investigating such cases as the Bucha massacre of 2022 and other human rights violations, especially those against the indigenous peoples of Ukraine in Crimea. These commissions provide a structured and comprehensive approach to uncovering the truth, ensuring accountability in the aftermath of such grave injustices.

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3   P. Hayner, *Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions*, Routledge: N.Y. 2011, p.77.

Case Studies and Best Practices

Drawing upon international best practices and case studies offers valuable insights into the effectiveness of various justice mechanisms in promoting stability and reconciliation in post-conflict societies. By examining how justice mechanisms have contributed to peace in diverse contexts, some actionable recommendations for navigating its post-conflict terrain could be offered.

The South African Truth and Reconciliation Commission (TRC) and the Gacaca courts in Rwanda offer valuable precedents for establishing justice mechanisms in Ukraine after the Russian-Ukrainian war. These models can be adapted to the Ukrainian context in several ways.

The TRC in South Africa provides a comprehensive framework for addressing gross human rights violations through a process of truth-telling, reconciliation, and justice. Its focus on documenting abuses, offering a platform for victims, and facilitating national healing is particularly relevant for Ukraine. By adapting the TRC's principles, Ukraine can develop a mechanism that acknowledges the experiences of victims from the occupied territories, documents crimes, and fosters a shared understanding of the conflict's impact. This approach can be tailored to fit Ukrainian legal standards and needs, ensuring that the process aligns with domestic laws, while drawing on successful elements from the South African model.

The Gacaca courts in Rwanda, known for their community-based approach, offer another valuable example. These courts emphasised local involvement and quick trials, which played a crucial role in Rwanda's recovery from genocide. For Ukraine, a similar community-focused initiative could address crimes committed by collaborators and individuals involved in the occupation. By integrating aspects of the Gacaca model, Ukraine could facilitate local participation in its justice processes, promote accountability, and support community healing. This model can be adapted to the Ukrainian legal system, ensuring it complements formal international tribunals and addresses the specific needs of Ukrainian society.

Additionally, the Commission for Reception, Truth, and Reconciliation (CAVR) established by Indonesia and East Timor provides a pertinent example. This commission addressed the atrocities committed during the conflict between two distinct peoples, demonstrating how a truth and reconciliation mechanism can be effectively implemented even when the conflict involves different nationalities or ethnicities. The CAVR's approach to documenting abuses, facilitating dialogue, and promoting reparations could serve as a model for Ukraine.

Integrating elements from these models into a framework tailored to Ukrainian legal and social contexts can help address the unique challenges posed by the war.

South Africa's Truth and Reconciliation Commission (TRC) is a notable example of a successful transitional justice mechanism. TRC was set up by the Government of National Unity in 1995, to help the citizens of the country deal with what happened under apartheid. The conflict during this period resulted in violence and human rights abuses from all sides. "... a commission is a necessary exercise to enable South Africans to come to terms with their past on a morally accepted basis and to advance the cause of reconciliation"[4].

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4   Promotion of National Unity and Reconciliation Act 34 of 1995, https://www.justice.gov.za/legislation/acts/1995-034.pdf

The application of South Africa's Commission model to the Russian-Ukrainian conflict is grounded in the universal principles of truth-seeking and reconciliation, which can be adapted to various conflict contexts. While the South African TRC focused on the legacy of apartheid, its core methods and objectives offer valuable insights for addressing the aftermath of the Russian-Ukrainian war. Both contexts involve addressing deep-seated historical trauma, and creating platforms for victims to share their experiences. The TRC's approach to documenting human rights violations, that of hearing from both victims and perpetrators, and building a comprehensive historical record, can serve as a model for Ukraine in documenting and acknowledging the suffering caused by the war.

> **The application of South Africa's Commission model to the Russian-Ukrainian conflict is grounded in the universal principles of truth-seeking and reconciliation**

The TRC's focus on truth-telling and forgiveness facilitated national healing and reconciliation. For Ukraine, a similar approach could help bridge societal divides and promote a collective understanding of past atrocities. In adapting such a mechanism to the Russian-Ukrainian war, Ukraine could implement several methods.

Firstly, establishing a truth commission specifically tasked with investigating war crimes and human rights abuses committed during the conflict. This commission would meticulously document incidents, collect testimonies from victims,

and compile a comprehensive record of events to ensure accountability. Secondly, ensuring international involvement and oversight to enhance credibility and impartiality. Engaging international experts and organisations can provide technical expertise, ensure adherence to international standards, and bolster public trust in the process. The South Africa TRC's mandate included examining human rights violations, atrocities, and abuses of power perpetrated during the apartheid era. This comprehensive approach involved documenting and uncovering the truth behind decades of systematic discrimination and oppression, ensuring that the voices of victims were heard, and holding perpetrators accountable[5].

Similarly, in Ukraine, there is a pressing need to investigate and document the atrocities and human rights violations committed by the Russian forces and occupying authorities during the ongoing conflict. Establishing a truth commission could serve as a crucial mechanism for this purpose. It would enable the systematic collection of evidence, testimonies from victims, and documentation of events, to build a comprehensive record of the crimes committed.

A truth commission can offer a nuanced understanding of the war's complexities, especially when the war involves two distinct national entities. Unlike tribunals, which primarily aim to prosecute and punish perpetrators, a truth commission provides a platform to systematically collect and document evidence, testimonies, and experiences from victims and witnesses. This comprehensive victim-centred approach is essential for constructing a detailed historical record of the war's impact, which is crucial for understanding the full scope

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5   Promotion of National Unity and Reconciliation Act 34 of 1995,
    https://www.justice.gov.za/legislation/acts/1995-034.pdf

of the atrocities committed and the broader context of the war. This can help validate the experiences of those affected by the conflict, which is vital for acknowledging their suffering and establishing a factual basis for further actions. By documenting these experiences, a truth commission can also contribute to creating a collective historical record that supports the pursuit of justice and helps address grievances.

Furthermore, a truth commission's mandate often includes making recommendations for reparations and reforms, which can be vital in addressing systemic issues and providing support to victims. This aspect is particularly relevant in the context of the Russian-Ukrainian war, where the impact of the conflict is deeply felt across different segments of Ukrainian society.

While tribunals are essential for prosecuting individuals responsible for specific crimes, they do not typically offer the same level of engagement with the broader societal impact of the conflict. A truth commission complements legal processes, by providing a more inclusive and detailed examination of the conflict, offering a space for victims and affected communities to share their stories, and to contribute to a comprehensive understanding of the war's effects.

Additionally, a truth commission can serve as a critical tool for differentiating between the actions of foreign aggressors and the roles played by local collaborators within the occupied territories. While the commission cannot hold foreign actors accountable, it can focus on identifying and addressing the responsibilities of individuals who facilitated or participated in the abuses within the occupied regions. This distinction allows the commission to contribute to domestic accountability and justice, while

also providing a comprehensive record of the abuses, which can support future international legal and diplomatic efforts against the aggressor state.

Rwanda's Gacaca courts, community-based tribunals for prosecuting genocide crimes, highlight the importance of involving local communities in justice processes. The Gacaca courts were a system of transitional justice in Rwanda following the 1994 genocide by the Hutus against the Tutsi. The name of this system was then adopted in 2001 as the title of the state's new criminal justice system "Gacaca Courts" (Inkiko Gacaca), to try those deemed responsible for the 1994 genocide against the Tutsi where an estimated over 1,000,000 people were killed, tortured, and raped. In 1994, the United Nations Security Council created the International Criminal Tribunal for Rwanda,[6] to try high-ranking government and army officials accused of genocide, war crimes, and crimes against humanity. These courts expedited the justice process, and enabled community participation in reconciliation.

The Gacaca courts distinguished themselves by their community-focused approach, facilitating quicker trials and fostering community participation in the reconciliation process. This local involvement was pivotal in Rwanda's post-genocide recovery, emphasising the role of grassroots initiatives in achieving justice and healing.

In the context of the Russian-Ukrainian war, the Gacaca courts serve as a poignant example of how community-based justice mechanisms can complement formal international tribunals. They highlight the potential for similar local initiatives in Ukraine, to address crimes committed by local collaborators or perpetrators

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6   Resolution 955 (1994) adopted by the Security Council at its 3453rd meeting, on 8 November 1994, https://digitallibrary.un.org/record/198038?ln=en&v=pdf

within the occupied territories, promoting accountability and fostering reconciliation among affected communities. Ukraine could consider integrating community-based justice mechanisms, so as to ensure widespread engagement and ownership of the justice process.

Currently, the prospects of cooperation from Russia appear bleak. Nevertheless, theoretically, one could draw upon the example of the **Indonesia–Timor Leste Commission of Truth and Friendship**. Established in August 2005, this bilateral truth commission between Indonesia and the breakaway region of East Timor was tasked with investigating violence surrounding East Timor's independence referendum in 1999[7]. The commission aimed to uncover the definitive truth behind these events, conducting private hearings and document reviews. Its final report[8], submitted on 15 July, 2008, marked a significant milestone, as it was endorsed by both nations' presidents. This endorsement represented Indonesia's first formal acknowledgment of human rights abuses committed by state institutions in Timor Leste. Despite the challenges, the Indonesia–Timor Leste Commission of Truth and Friendship stands out as a pioneering example of a bilateral truth commission in modern history. It remains conceivable that bilateral commissions could gain relevance in the future, contingent upon a change in leadership in Russia, or a shift in its foreign policy trajectory. The example of Indonesia and East Timor serves as a compelling testament to this potential.

Building Social Cohesion

Documentation and advocacy are critical to building the case for accountability and ensuring that the voices of victims are heard.

Comprehensive documentation of human rights violations, war crimes, and other abuses is essential for legal proceedings and historical records. This involves collecting testimonies, preserving evidence, and creating databases of documented abuses. Non-governmental organisations, human rights groups, and independent investigators play a crucial role in documenting abuses and advocating for accountability. Ukraine is supporting and collaborating with these organisations, to ensure that documentation efforts are robust and credible. Public advocacy, both domestically and internationally, can raise awareness of the issues, mobilise support for accountability measures, and pressurise governments and international organisations to take action.

For instance, Human Rights Centre ZMINA, together with the Ukrainian Legal Advisory Group (ULAG), the Media Initiative for Human Rights (MIHR), the International Renaissance Foundation (IRF) and the Coalition for the ICC (CICC) represented the Dialogue Group on Accountability for Ukraine Workstream 4. It was launched a year previously at the United for Justice Conference in Lviv in March 2023. The Dialogue Group is a coordination mechanism that offers countries, international organisations, and stakeholders from civil society a platform to discuss and align national and international accountability initiatives. The Dialogue Group consists of four 'work flows' or workstreams, each of which has its own focus, e.g. the support of international parties for Ukraine, actions being taken by regional and international institutions, national investigations, and ongoing documentation initiatives on the part of civil society. The Dialogue Group is an initiative of Ukraine, the ICC, and the EU.

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7   P. Hayner, *Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions*. NY: Routledge. p. 64.

8   Per Memoriam Ad Spem: Final Report of Commission of Truth and Friendship (CTF), Indonesia-Timor-Leste, 2008, http://surl.li/hwqzpb

Simultaneously, Ukraine will need to focus on the reconciliation and reintegration of its occupied territories. The people in these regions have lived under different governance and propaganda, which may have influenced their perceptions and allegiances. Ukraine should approach this with a strategy that includes truth-telling, reparations, and efforts to rebuild social cohesion. Truth commissions can play a vital role in uncovering the realities of life under occupation, and providing a platform for victims to share their experiences. This process can help to heal some of the psychological wounds, and foster a sense of national unity.

> **Another crucial aspect of post-conflict settlement is the reintegration of military personnel into civilian life, and the enhancement of governance quality in the security sector**

Restorative justice practices will be crucial in rebuilding relationships and communities. This involves not only addressing the harm done, but also creating opportunities for dialogue and mutual understanding. Programmes that focus on community rebuilding, economic development, and social support will be necessary, to support the reintegration process. These efforts must be inclusive, giving a voice to all affected groups, and ensuring that their needs and concerns are addressed. This will help to rebuild trust in the government and institutions, which is essential for long-term stability and peace.

Inclusive dialogue is a cornerstone of peacebuilding and social cohesion[9]. It ensures that diverse voices and perspectives are considered in the post-conflict recovery process, fostering a sense of ownership and collective responsibility for the future. Inclusive dialogue should go beyond mere consultation to actively involve all stakeholders in decision-making processes. This involves creating platforms where marginalised groups, such as women, ethnic minorities, and youth, can express their views and influence outcomes.

Finally, providing compensation and support to victims will be a significant aspect of achieving justice. Reparations can take various forms, including financial compensation, rehabilitation programmes, and public apologies. These measures can help victims to recover and signal a commitment to justice and reconciliation. It is also important to address the systemic issues that may have contributed to the conflict, such as economic disparities and governance challenges, to prevent future conflicts and ensure a stable and prosperous Ukraine. The path to justice will be complex and challenging, but it is essential for the future of the nation.

Another crucial aspect of post-conflict settlement is the reintegration of military personnel into civilian life, and the enhancement of governance quality in the security sector. Reforming those institutions of the security sector responsible for defence against external threats, the maintenance of law and order, and overseeing the security forces, are all essential in the restoration of the credibility that people need to have in governance institutions[10]. The complexity of the Russian-Ukrainian war lies in the

9   Dialogue in Peacebuilding: Understanding Different Perspectives, 2019,
     https://www.daghammarskjold.se/wp-content/uploads/2019/10/dd64-dialogue-web1.pdf

10 J. de Zeeuw, *Building Peace in War-Torn Society: From Concept to Strategy*. http://surl.li/gxcihx

prolonged deployment of many soldiers without rotation, due to various reasons, keeping them in combat zones for extended periods[11]. This prolonged exposure alters their worldview and perception, especially amidst the loss of comrades, and the ongoing incidence of physical injuries[12]. War inevitably complicates mental health outcomes, adding to the challenges faced by returning soldiers.

The strategy for the reintegration of military personnel into society should be developed collaboratively by Ukraine's Ministry of Defence, the Ministry of Veterans Affairs, and the Ministry of Social Policy, in conjunction with the Ministry of Health. This comprehensive approach ensures that the diverse needs of returning soldiers are addressed, encompassing their physical and mental health, social and economic reintegration, and overall well-being. The Ministry of Defence could provide insights into the unique challenges faced by military personnel, while the Ministry of Veterans Affairs offers expertise in supporting veterans' transition to civilian life. The Ministry of Social Policy ensures the inclusion of social support systems, and the Ministry of Health addresses medical and psychological care. Together, these ministries could create a robust and effective reintegration strategy, which supports military personnel in their transition back to civilian life, fostering a stable and resilient society.

Currently, specific initiatives are being implemented, such as the UNDP's Programmatic Initiatives aimed at improving reintegration opportunities for combatants. These initiatives focus on ensuring sustainable employment and income, and facilitating adaptation to civilian life through community support. While reintegration primarily takes place at the local community level, it is closely connected to broader policies and programmes being executed at regional and national levels. Additionally, in collaboration with the Ministry of Veterans, research is being conducted to further enhance these reintegration programmes, and to ensure they effectively support combatants transitioning to civilian society.

If lasting peace is to be achieved, effective governance, particularly in the security sector, is crucial. Disarmament, demobilisation, and reintegration (DDR) programmes for former combatants are essential, as is curbing the proliferation and misuse of weapons, and addressing the humanitarian impact of landmines. The nation must forge strategies for post-war adaptation, underscored by a compassionate social policy towards veterans as an indispensable facet of the concept of post-conflict justice. These strategies should be meticulously crafted to ensure returning servicemen and service women receive robust support for their reintegration into civilian life. This encompasses not only access to essential healthcare and mental health services but also opportunities for vocational training and meaningful employment. Embracing a fair social policy towards veterans entails recognising and addressing their unique challenges, including disabilities incurred during service and the profound psychological toll of combat experiences. By upholding these commitments, Ukraine can rightfully honour the dedication and sacrifice of its veterans, fostering a society where every individual can thrive in the aftermath of conflict, thereby fortifying enduring peace and prosperity.

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11 Ukraine begins rotation of troops who have been fighting 'for a long time *Kyiv Independent*, https://kyivindependent.com/syrskyi-ukraine-begins-rotation-of-troops-who-have-been-fighting-for-a-long-time/

12 Ukraine faces long-term mental health challenges among veteran community, *Atlantic Council*, https://www.atlanticcouncil.org/blogs/ukrainealert/ukraine-faces-long-term-mental-health-challenges-among-veteran-community/

Thus, justice plays a pivotal role in post-conflict settlements, serving as a cornerstone for establishing lasting peace and stability. Justice mechanisms not only address the immediate need for accountability, but also contribute to broader goals of reconciliation and rebuilding trust in institutions. By holding perpetrators accountable for their actions through fair and transparent legal processes, justice validates the rule of law and affirms the rights of victims. This process is crucial for preventing cycles of violence, and ensuring that the grievances of all parties are addressed in a manner that promotes healing and fosters a sustainable peace.

Political will is paramount for the success of justice initiatives. Ukraine's leadership should demonstrate a steadfast commitment to justice, ensuring that political considerations do not impede accountability processes. One concrete step in this direction is the robust support for and implementation of President Zelenskyy's Peace Formula, which outlines specific steps towards achieving a just and lasting peace. Additionally, Ukraine has been actively advocating for the establishment of a special tribunal to prosecute Russia for the crime of aggression. The coalition that supports the creation of this tribunal currently contains 29 countries, reflecting a significant international commitment to holding Russia accountable for its actions.

Strengthening institutional capacity is equally important. This includes enhancing the judiciary's independence, training legal professionals, and ensuring adequate resources for justice mechanisms. Moreover, justice in post-conflict settings encompasses both retributive and restorative approaches. Retributive justice seeks to punish those responsible for crimes, sending a clear message that impunity will not be tolerated. On the other hand, restorative justice focuses on repairing harm and promoting community reconciliation. These dual approaches are complementary, addressing the complex social and psychological dimensions of conflict aftermath. By integrating these principles, societies can move beyond the immediate aftermath of conflict to lay the foundations for a future where justice, peace, and human dignity prevail.

> **Ukraine is already utilising international mechanisms, such as UN resolutions and international judicial bodies like the International Criminal Court, to advocate for and facilitate investigations into war crimes**

Ukraine's post-conflict landscape after the de-occupation of the country's Eastern and Southern regions including Crimea, which has remained under Russian occupation for more than 10 years, will be characterised by deep societal divides. Fostering reconciliation requires concerted efforts to bridge these divides and promote social cohesion. This can be achieved through inclusive dialogue, education initiatives that emphasise shared values, and community-based reconciliation programmes.

The Role of International Cooperation

The intricate interplay of justice and post-conflict resolution from the perspective of international relations and politics is particularly relevant to Ukraine. The role of international actors, diplomatic efforts, foreign policy strategies, and the influence of international norms significantly shape the processes of justice and conflict resolution.

In navigating the complexities of the Russian-Ukrainian war, Ukraine faces significant challenges in holding accountable the Russian leadership figures accused of war crimes. Despite these obstacles, practical strategies can be pursued to engage

with international tribunals effectively. Ukraine is already utilising international mechanisms, such as UN resolutions and international judicial bodies like the International Criminal Court, to advocate for and facilitate investigations into war crimes. This diplomatic approach aims to establish legal accountability for atrocities committed during the conflict. Forming coalitions with supportive nations and international organisations is pivotal. Such alliances are amplifying Ukraine's efforts, garnering broader international backing for initiatives focused on justice and conflict resolution.

In 2023, after investigating war crimes, crimes against humanity, and genocide, the International Criminal Court issued arrest warrants for Russian President Vladimir Putin and the Russian Commissioner for Children's Rights, Maria Lvova-Belova. They are alleged to be responsible for the war crime of unlawful deportation and transfer of children during the Russian-Ukrainian War[13]. Later in 2024, the ICC issued warrants of arrest for Sergei Shoigu (Russia's ex-defence minister) and General Valery Gerasimov, Chief of the General Staff of the Russian Armed Forces, for alleged international crimes committed from at least 10 October 2022 until at least 9 March 2023[14].

On the ground, the proactive collection of evidence and documentation is crucial. Ukraine is documenting war crimes meticulously, gathering witness testimonies, and analysing photographic and video evidence to substantiate allegations in international legal proceedings. In 2024, the international conference "Restoring Justice for Ukraine"[15], held in The Hague and co-hosted by Ukraine and the European Commission, marked the launch of submissions to the Register of Damage for Ukraine. The opening focused on claims related to damage or destruction of residential immovable property. On the first day alone, over 100 claims were submitted to the Register, with expectations set at between 300,000 and 600,000 claims in this category. In the coming months, additional categories were introduced, including claims from survivors of torture, sexual violence, and deportation, as well as those related to the destruction of Ukraine's critical infrastructure and cultural heritage. This marked a serious advance in restoring justice and securing compensation for victims. It also underscored substantial international support, and a commitment to developing new mechanisms to assist Ukraine and its people.

Prior to that, in February 2023, the President of the European Commission Ursula von der Leyen announced the setting up of the International Centre for the Prosecution of the Crime of Aggression Against Ukraine at the 24th EU-Ukraine Summit[16]. The ICPA is a unique judicial hub embedded in Eurojust, to support national investigations into the crime of aggression related to the war in Ukraine. Thanks to the ICPA, independent prosecutors from different countries are able to work together in the same location on a daily basis, exchange evidence in a fast and efficient

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13 Situation in Ukraine: ICC judges issue arrest warrants against Vladimir Vladimirovich Putin and Maria Alekseyevna Lvova-Belova, International Criminal Court, https://www.icc-cpi.int/news/situation-ukraine-icc-judges-issue-arrest-warrants-against-vladimir-vladimirovich-putin-and

14 Situation in Ukraine: ICC judges issue arrest warrants against Sergei Kuzhugetovich Shoigu and Valery Vasilyevich Gerasimov, International Criminal Court, https://www.icc-cpi.int/news/situation-ukraine-icc-judges-issue-arrest-warrants-against-sergei-kuzhugetovich-shoigu-and

15 *Restoring Justice for Ukraine Conference*, Government of the Netherlands, 2.04.2024, https://www.government.nl/ministries/ministry-of-foreign-affairs/activiteiten/restoring-justice-for-ukraine-conference

16 *One year on since the launch of the International Centre for the Prosecution of the Crime of Aggression Against Ukraine* (ICPA), EUROJUST, 3.07.2024, https://www.eurojust.europa.eu/news/one-year-launch-international-centre-prosecution-crime-aggression-against-ukraine-icpa

manner, and agree on a common investigative and prosecution strategy. The work of the ICPA will effectively prepare and contribute to any future prosecutions of the crime of aggression, irrespective of the jurisdiction before which these will be brought.

Participants in the ICPA benefit from Eurojust's tailor-made operational, technical, logistical, and financial support. The Core International Crimes Evidence Database (CICED), managed by Eurojust, is central in enabling the ICPA's work. Evidence already submitted to CICED in the context of other international crimes (crimes of genocide, crimes against humanity and war crimes) may be equally relevant for the investigation into the crime of aggression. It is also possible to store national evidence in CICED brought in by ICPA participants for analysis. The war in Ukraine is the most documented in history, and, for the first time, active investigations into the crime of aggression are taking place while an armed conflict is still ongoing, which makes the ICPA unique.

Collaboration with international human rights organisations and non-governmental entities, specialising in monitoring and documenting human rights abuses during conflicts, offers invaluable support. These partnerships enhance credibility and provide additional resources for pursuing justice. Exploring the establishment of specialised international or national commissions or tribunals or truth commissions as mentioned above, dedicated to investigating and prosecuting war crimes, represents another strategic avenue. Such bodies could ensure thorough and impartial scrutiny of allegations, contributing to the restoration of justice and accountability. While these endeavours demand sustained commitment and rigorous adherence to legal protocols, they hold the potential to advance Ukraine's quest for justice, and to uphold the principles of international law amid the complexities of armed conflict.

International organisations, such as the United Nations and the International Criminal Court (ICC), still play a relatively important role in supporting justice initiatives in post-conflict settings. Their involvement lends legitimacy to justice processes and provides technical and financial assistance. The UN can facilitate the establishment of transitional justice mechanisms and offer support through its agencies, such as the Office of the High Commissioner for Human Rights (OHCHR). The ICC's jurisdiction over war crimes and crimes against humanity is crucial for ensuring accountability. Ukraine's cooperation with the ICC is bolstering its efforts to bring perpetrators to justice, having given a special mandate to the ICC while ratification of the Rome Statute was in process.

> **Collaboration with international human rights organisations and non-governmental entities, specialising in monitoring and documenting human rights abuses during conflicts, offers invaluable support**

International mechanisms, such as special rapporteurs, fact-finding missions, and commissions of inquiry, provide independent assessments and recommendations on accountability measures. Ukraine can advocate for the establishment of such mechanisms and cooperate with them, to ensure that their findings are comprehensive and actionable. Diplomatic efforts are essential in garnering international support for justice initiatives. Ukraine's foreign policy should prioritise engaging with international partners, to secure backing for its justice agenda. The presence of international observers can enhance the legitimacy and transparency of justice processes. Observers can monitor trials, truth commission hearings, and reparations programmes,

ensuring that they adhere to international standards and principles. Their presence can also deter potential abuses and promote accountability. Diplomatic support from international actors can bolster Ukraine's efforts to hold perpetrators accountable and seek reparations. Diplomatic pressure on aggressors and international advocacy for justice can create a conducive environment for the successful implementation of justice mechanisms.

Political measures include engaging with regional organisations, such as the Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe, to address the conflict and seek accountability. While the consensus requirement means the OSCE cannot unilaterally impose decisions or sanctions, it can still play a vital role by documenting and reporting on human rights abuses and violations of international law. These reports can help to build up international pressure and inform other bodies about how to obtain more direct mandates for prosecution. Furthermore, the OSCE's role in promoting international awareness and advocacy can help shape global opinion and mobilise broader support for justice, thus contributing to a wider effort aimed at ensuring that perpetrators are held accountable.

Conclusion

The pursuit of justice is indispensable for Ukraine's post-war future. By addressing past grievances through transitional justice mechanisms, Ukraine can pave the way for sustainable peace. The intricate interplay of justice and post-conflict resolution, shaped by international relations and politics, underscores the importance of international cooperation and adherence to global norms.

Drawing upon international best practices and case studies, Ukraine can tailor its justice initiatives to its unique context. While challenges abound, a holistic approach that prioritises political will, social cohesion, international support, and comprehensive reforms can navigate these obstacles.

Achieving accountability for Russia's invasion of Ukraine requires long-term strategies that address both immediate and systemic issues. This includes integrating accountability measures into broader peacebuilding and reconstruction efforts, ensuring that justice mechanisms are sustainable and resilient, and promoting a culture of accountability and respect for human rights. International support and cooperation are crucial for the success of these strategies. Ukraine can work with international donors, development agencies, and multilateral organisations, to secure technical and financial assistance for accountability initiatives. Capacity-building programmes, technical assistance, and knowledge-sharing initiatives can help strengthen Ukraine's domestic institutions, and enhance their ability to deliver justice.

However, for a just and lasting peace in Ukraine, it is crucial not only to hold Russia and its military perpetrators accountable through the aforementioned methods, leveraging international support, and recovering the country, but also to preserve peace within the country. It is essential to anticipate and address the challenges and issues that will arise following the de-occupation of eastern and southern territories and the end of the war as a whole.

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CHINA'S PEACE PLAN AS PART OF BEIJING'S "MULTIPOLAR WORLD ORDER" AGENDA

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This article argues that China's Peace Plan is a diplomatic manoeuvre to bolster its standing amongst so-called Global South states, rather than a document proposing a long-standing and just peace. The paper, therefore, examines the broader implications of the Peace Plan within the context of Beijing's shift towards a more assertive international stance, contrasting perceptions of the status quo between China and the West, and the PRC's adoption of a multipolarity narrative, a rise in domestic nationalism, and a new model of major power relations. The article also addresses the challenges faced by Ukrainian diplomacy in engaging with China, emphasising the need for strategic planning to fine-tune the complexities of Sino-Ukrainian relations.

"China's Position on the Political Settlement of the Ukrainian Crisis", also called "China's Peace Plan", is a prominent example of Beijing's growing ambition to remodel the contemporary international framework to its preference. Introduced a year after Russia's full-scale invasion of Ukraine, the document reflects a set of views on building towards the "peaceful end of the conflict", rather than a sturdy solution for a long-lasting peace[1]. Nevertheless, it serves as a vivid example of the increased involvement of the People's Republic of China (PRC) in world affairs, and signals an eagerness to take on a global system-level role.

The main argument of this article is that the PRC's Peace Plan is a diplomatic manoeuvre, designed to bolster its global leadership, primarily amongst the so-called Global South states. Therefore, the author will first delineate the core concepts of China's foreign policy under Xi Jinping's rule, then explore the Peace Plan from the strategic, domestic, and systemic perspectives. Last, the paper will propose policy recommendations to the Ukrainian government, by analysing current issues and ways to address them.

Main Principles and Pillars of the Chinese Approach to Global Governance

To interpret China's current foreign policy, two crucial points must be considered: foreign policy changes under Xi Jinping, and the status quo perception.

First, after Xi Jinping assumed office in 2013, the previous strategy of "keeping a low profile" was substituted by a more vigorous approach to reclaiming the

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Chinese leadership position. As Bates Gill argues, the underlying objective for any foreign policy actions of the CCP (Chinese Communist Party) is to guarantee the legitimacy of its rule[2]. Therefore, unlike what most theoretical perspectives suggest, Chinese foreign policy's main focus is on demonstrating the CCP's ability to protect people's interests, ensuring that the domestic population remains satisfied with the party in power.

> **PRC's Peace Plan is a diplomatic manoeuvre, designed to bolster its global leadership, primarily amongst the so-called Global South states**

Second, Chinese and Western perspectives on the 'status quo' contrast significantly, leaving room for vehement discussion and misinterpretations, not only on the level of scholars but even that of politicians. Both the West and the PRC recognise China as a 'rising state', which, according to the realist school of thought, inherently aspires to rebuild the world order in line with its preferences. 'Revisionist state' is another term, used to describe the PRC, with a negative connotation. It was coined in the West to describe states which challenge the modern 'status quo,' led by the US and its allies[3]. From the Chinese point of view, however, it is precisely the developed countries that coerce international actors to adopt "the

rules-based order", whether they are willing or not[4]. For Beijing, aggressive Western behaviour is the main reason behind global conflicts and wars in a polarised world.

To further understand the new foreign policy reality under Xi Jinping's rule, it is vital to analyse the Chinese global governance paradigm, which pivots on three main pillars: multipolarity, nationalism, and a new model of 'major power' relations.

Multipolarity. Frequently cited by the Ministry of Foreign Affairs (MFA) concepts, such as 中国梦 (China Dream) and 中华民族伟大复兴 (the great rejuvenation of the Chinese nation), this became a reflection of the change of foreign policy focus under Xi Jinping, in the hope of assuring China's 'rightful place' in the world.

In 2017, another important concept of 构建人类命运共同体 (Building a community with a shared future for mankind) was introduced into the Constitution of the CCP, and a year later, into the Constitution of the PRC, to symbolise China's reluctance to prosper through hegemony and domination over other nations[5]. This foreign policy paradigm is useful for comprehension of the Chinese outlook on the current world order, as it best reflects China's striving to build a multipolar system.

The concept of a 'Multipolar world', from the perspective of Chinese policymakers, can ensure China's economic growth and stability. In his special speech on the World Economic

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2 B. Gill, *Daring to Struggle: China's Global Ambitions under Xi Jinping*, Oxford University Press: New York 2022, pp. 32-35.

3 J. G. Ikenberry, Institutions, Strategic Restraint, and the Persistence of American Postwar Order, *International Security* 23, no. 3, 1999: pp. 43–78.

4 A. P. Liff and J. G. Ikenberry, Racing toward Tragedy?: China's Rise, Military Competition in the Asia Pacific, and the Security Dilemma, *International Security* 39, no. 2, October 2014: pp. 52–91.

5 凝聚团结共识 促进人类进步——中国共产党推动构建人类命运共同体的时代意义 (*Building solidarity and consensus to promote human progress: The contemporary significance of the Communist Party of China's efforts to build a community with a shared future for mankind*), Central People's Government of the People's Republic of China Website, 4.07.2023, https://www.gov.cn/yaowen/liebiao/202307/content_6889840.htm

Forum's Davos Agenda in 2021, Xi Jinping proclaimed: "The essence of multilateralism is that international affairs are handled by everyone through consultation, and the future and destiny of the world are jointly controlled by all countries."[6] According to this Chinese perspective, a multipolar world is about openness and inclusiveness, adherence to international law, consultation, and cooperation, instead of conflict and confrontation.

For the sake of achieving the 'multipolar' ambition, under Xi Jinping's leadership, China started to implement projects across the globe, and lead the institutional development of those international organisations which are viewed as an alternative to the Western-led institutions. The BRICS, the Shanghai Cooperation Organization (SCO), and the Asian Infrastructure Investment Bank (AIIB) fill up the vacuum for decision-making amongst the states rejected by the West, or those that have decided to reshape the global world order on their own terms.

> *Chinese nationalism is most evident in opposition to the US and Japan and, practically, regarding Beijing's territorial claims*

The Chinese 'Belt and Road Initiative' (BRI) provides space for Chinese investment in foreign states' infrastructure projects, and, allegedly, even produces some political influence over the participating countries. The infrastructure projects implemented with Beijing's assistance serve as fertile ground for further bilateral cooperation.

Moreover, while the Western states still struggle to devise their alternative to the BRI, China continues to renew contracts, and even finds ways to engage states in new projects.

In this context "a community with a shared future for mankind" and 'multilateralism' serve as a *façade* for China's political agenda. By promising all partner states "a place at the big table", the PRC policymakers intend not to precisely 'invite all', but to serve as a 'Global South representative'[7]. Such an approach is both a gateway to obtaining an upper hand in world politics, and a tool to legitimise the leading role of China, supported by smaller states.

Nationalism. Another buzzword, which describes modern Chinese politics is 'nationalism'. There are two reasons for the growing nationalist movement in mainland China. First, there is a political necessity for a rising patriotic sentiment, as a response to the threat of foreign imperialism, which takes the form of territorial claims and foreign states' accusations levelled at China's policies. Second, nationalism has been especially pronounced in the advent of one-party rule, which required a rational reason behind the diminished credibility of its official ideology. State-led nationalism, which called for an unconditional identification with the country, therefore, was revived under Xi Jinping, as grounds for diplomatic action.

Nowadays, Chinese nationalism is most evident in opposition to the US and Japan and, practically, regarding Beijing's territorial claims. As for the former, the liberal tradition of the US and historical animosity towards Japan appear important factors in the CCP's

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6   习近平在世界经济论坛"达沃斯议程"对话会上的特别致辞 (*Xi Jinping's Special Speech at the World Economic Forum's "Davos Agenda" Dialogue*), China Communist Party News Network, 25.01.2021, http://cpc.people.com.cn/n1/2021/0125/c64094-32011490.html

7   Y. He, *China's Historical Choice in Global Governance*, China Renmin University Press, Beijing: 2015, pp. 122, 145-146.

leadership. This prompts Beijing to adopt reactive policies, and take opposing stances on the most pressing global issues[8].

On the other hand, nationalism is reflected in China's unwavering territorial claims. The Taiwan issue, and claims pertaining to the South China Sea, and East China Sea, Arunachal Pradesh or South Tibet exemplify a new impetus of nationalism-driven foreign policy. Recent developments, which have signalled Beijing's reluctance to settle the disputes with a consensus, question the multipolarity principle of peaceful coexistence. Nationalism is an important foreign policy tool, which ensures domestic support behind the CCP's leadership, and its protective stance on the international stage.

> **This distinct approach towards 'big countries' suggests Beijing's underestimation of middle and smaller states as sovereign actors, which imperils dialogue on equal terms**

Nevertheless, the Russian invasion of Ukraine has given the PRC a vague idea of which counter-measures in the struggle for one's geopolitical endeavours are the most urgent, inviting further foreign policy considerations regarding nationalist sentiment. The Peace Plan reflects the government's belief that China must become a major peace broker. The state media tries to persuade the people that the Peace Plan represents the PRC as a mighty and influential global actor.

Major Power relationships. The third way used by the PRC to increase influence in global politics is a new model of major power relations [9].

There are four fundamental principles in this: eliminating conflict, avoiding confrontation, mutual respect, and win-win cooperation[10]. By adopting such a vision, China has asserted itself as an influential global actor. However, if this had been accepted by the White House, the concept would have imperilled US relations with other states, downgrading the relations with 'non-major powers'. Reaching consensus on the opposite sides of the Pacific has become a challenge, and left the Chinese initiative unanswered so far.

This distinct approach towards 'big countries' suggests Beijing's underestimation of middle and smaller states as sovereign actors, which imperils dialogue on equal terms. The auxiliary role assigned by default to these countries allows scarcely any possibility of accounting for their strategic interests. Besides, such perception makes PRC policymakers assume that behind Ukrainian resistance to Russian aggression, there are Western powers, which desire to sustain the conflict by maintaining the supply of weapons and continuing hostilities.

The 'Peace Plan' as an Extension of a Global Leadership-Seeking Agenda

Beijing's attempts to persuade other states that its behaviour differs in essence from the 'hegemonic' and 'collective' policy of the West is effective to a certain degree. To achieve the leading position amongst the countries of the Global South, more initiative-taking

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8   S. Zhao, We are Patriots First and Democrats Second, [in:] E. Friedman and B.L. McCormick (ed.) *What if China doesn't Democratize? Implications for War and Peace* M.E. Sharpe: Armonk – New York 2000, pp. 21-48.

9   习近平谈治国理政: 第一卷 (*Xi Jinping on the Country Governance, Volume 1*), Foreign Languages Press: Beijing 2018, pp. 279-281.

10 关于构建中美新型大国关系问题 (*On the establishment of a new type of major-country relationship between China and the United States*), Ministry of Foreign Affairs of the People's Republic of China, 20.03.2016, https://bit.ly/3AVVpdo

and vigour are needed, and in recent years, Beijing has accumulated enough resources to take on the 'bridging' role, as first seen in the efforts at mediation between Saudi Arabia and Iran. The perception that the Chinese government leverages its peacekeeping to enhance its strategic position in the Global South underpins its rationale in China's Peace Plan for the Russian-Ukrainian War.

> **Beijing's attempts to persuade other states that its behaviour differs in essence from the 'hegemonic' and 'collective' policy of the West is effective to a certain degree**

Having established the main principles of Beijing's approach to global governance, the article will next analyse China's Peace Plan on three levels: strategic, domestic, and systemic, explaining how the PRC leverages the Plan to meet its objectives within each of these dimensions.

Strategic level. From a strategic perspective, the Peace Plan lacks binding arrangements and clear provisions for a comprehensive and lasting peace. In essence, China's Peace Plan is merely a set of statements, such as "the abandonment of the Cold War mentality" and "ceasefire and cessation of war", combined with humanitarian requirements for civilian safety and protection[11]. The document's neutrality is evident, allowing for plenty of interpretations by the involved parties, which prompts more uncertainty and inconsistency. The key problem is a lack of specific measures. Even in the

"China-Brazil Joint Statement on Political Settlement of the Ukraine Crisis," the only ceasefire-related specific measure found is holding a "peace conference that is recognized by both Russia and Ukraine", which goes against Ukrainian and Western stances on resolving the war[12].

Analysis on the strategic level implies that China's aim is not to end the War, but rather to highlight Beijing's efforts in peace-making, while engaging with Global South countries. Moreover, the lack of certainty indicates China's reluctance to appear as clearly favouring either side. Such reluctance is a prominent feature of developed states' position of non-interference in European affairs, which are seen as outside their immediate zone of interest.

Domestic level. From the domestic standpoint, as mentioned above, China's 'multipolar world order' strategy, embodied in the Peace Plan, serves two objectives: to achieve leadership among global powers, and to remind the Chinese people of the PRC's significant role in global geopolitics.

A pivotal role in world affairs is crucial for the Chinese leadership politically. By utilising its 'peace diplomacy', the CCP leadership presents China as a responsible major power, ready to engage in dialogue and consultations, but with a firm stance on issues concerning territorial integrity, which resonates with the domestic audience.

In addition, Chinese influence in the peace-making process, combined with an openly expressed opposition to the 'hegemonic' West and its involvement in the Russian-Ukrainian War, serves as a reminder to the Chinese people of the CCP's ability to pose

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11 关于政治解决乌克兰危机的中国立场 (*China's Position on the Political Settlement of the Ukrainian Crisis*), Ministry of Foreign Affairs of the People's Republic of China, 24.02.2023, https://bit.ly/4dNL0it

12 "Brazil and China present joint proposal for peace negotiations with the participation of Russia and Ukraine", Official Website of President of Brazil, 23.05.2024, https://bit.ly/4cZ1WkT

as the sole protector of security and justice. This reinforces the Party's claims about its legitimacy and unique power projection ability on behalf of the whole nation, which, according to the CCP leadership, would be unattainable in a multiparty parliamentary system.

> **By utilising its 'peace diplomacy', the CCP leadership presents China as a responsible major power, ready to engage in dialogue and consultations, but with a firm stance on issues concerning territorial integrity**

Systemic level. From the systemic perspective, China's 'neutrality' can be seen as the desire to challenge the current world order with Western values at its core. The 'impartial' stance is a form of tacit support for Russia. This is evidenced by the lack of a direct condemnation of the Russian military invasion, Beijing's restrained stance in the UN, abstention from sanctions, refusal to attend the Global Peace Summit, and allegedly, though this has been denied, arms and technology supply.

The rationale behind the lack of a call to action is the quest for leadership in the developing world, which requires posing as self-identifying with these states. First, there are countries in the Global South which perceive Western involvement in the War as a part of the colonial agenda. Russia, for these states such as North Korea, Iran, or Venezuela, is seen as 'resisting Western pressure', and not viewed as a hegemonic power trying to occupy a sovereign neighbour. For other countries, such as Vietnam, Laos, and Myanmar, Russia is a prominent economic and military partner. There are also plenty of Global South states which are primarily concerned with food

security and supply chain stability, rather than the sovereignty of Ukraine or a just peace. Middle powers such as Indonesia, Brazil, and Mexico, seek peace for regional stability and their own interests, rather than just in terms of international order. The third and the smallest group of Global South states, which fully support Ukraine, such as Chile, Argentina, and Ghana, are also engaged in this, as they can refer to China's Peace Plan as a viable starting point for discussions.

So, China's Peace Plan, notable for its broad interpretability, encompasses these three positions of the Global South states and does not contradict any of their stances. Additionally, it gives Global South states an opportunity to engage in peace brokering without explicitly choosing sides. An exemplary case is the Brazil-PRC proposal for peace negotiations, which closely aligns with the Peace Plan, allowing Brazil to emerge as a pivotal player, while positioning China as a key influencer in shaping Brazil's approach to peace initiatives. Therefore, China's position accommodates the aspirations of the Global South states to be perceived and accepted as significant players.

Dealing with the Rising Power

When cooperating with China on peace arrangements, Ukrainian diplomacy faces the daunting task of securing its strategic interests, while seeking Beijing's alignment. Nevertheless, the Peace Plan is a consequence, rather than a coincidence, preceded by diverse issues in Ukrainian diplomatic practice in Asian states. Therefore, instead of focusing on how to tackle the Peace Plan at the current stage, it is of vital importance to first consider what caused a distinct Chinese position.

As the Minister of Foreign Affairs of Ukraine, Dmytro Kuleba noted, we do not have a hundred per cent accurate insight into the Chinese position, nor do we fully understand

the PRC[13]. This is caused by two main reasons: a lack of qualified analysts, and MFA's bias towards the European region.

Concerning the former, it is precisely the MFA that bears the responsibility for implementing international relations with other states; however, in democratic states, think tanks, and analytical centres also play a significant role in critically examining and influencing foreign policies. The problem arises at the basic level. Ukrainian universities and programmes that aim to foster international relations lack specialisations in less common Asian languages, with the majority of the students focusing on European languages. Those who choose to study Chinese often lack exposure to the language environment and practical experience. On the other hand, while purely linguistic majors offer a variety of Asian language options, graduates often lack training in foreign policy studies. This leads to the next challenge: the scarcity of students majoring in international relations who participate in exchanges in Asian countries, where they can get accustomed to the local environment and culture, conduct people-to-people diplomacy, and represent Ukraine, returning with first-hand knowledge. Lack of programmes for students to volunteer in the embassies and consulates abroad is another obstacle that prevents young specialists from immersing themselves in the diplomatic culture, and learning the craft early on. Therefore, think tanks lack qualified specialists with insight in local politics and language skills, which will become the backbone of future foreign policymaking.

Focus on European countries is justifiable, considering Western states' prominent role in aiding Ukraine to resist Russian aggression. However, the shortage of precise strategies targeting Asian countries is as evident as ever now. The "Asian Strategy of MFA" released in 2020 remains unpublished, so it is difficult to assess its effectiveness. Releasing this document will facilitate the discussion amongst foreign policy professionals, sinologists, and Asia experts, enabling the MFA to adjust their policies more precisely. Holding high-level round tables, and conferences, and inviting those with expertise in China-related issues is a good way of brainstorming to adjust the current approach. It is crucial to understand the Chinese perspective and allow for a broader dialogue with scholars and politicians from the PRC itself.

> **When cooperating with China on peace arrangements, Ukrainian diplomacy faces the daunting task of securing its strategic interests, while seeking Beijing's alignment**

Beijing's reluctance to participate in the Global Peace Summit symbolises its refusal to follow the global agenda, seen as Western-led, which contradicts Chinese thought on multipolarity. Therefore, Chinese opposition to the 'Western-style world order' is reflected in its lack of condemnation of the Russian invasion. Besides. China gets benefits from an extended war. The task of reversing this line of thinking is unfeasible through Ukrainian MFA's efforts only in a short-term perspective; it requires profound changes in China's perspective towards the West and Ukraine. Stronger research into China, better people-to-people diplomacy, and more high-level contacts are the measures that the MFA can implement.

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13 *«Мирна» позиція Китаю зумовлена очікуванням, хто переможе у війні – Кулеба (China's «peaceful» position is conditioned by the expectation of who will win the war – Kuleba*), Ukrinform, 3.06.2024, https://bit.ly/47jP0F2

However, convincing China that Ukraine is acting independently and that the War is not a 'Western scheme' to maintain global dominance is nearly impossible for Ukraine, given its limited international influence.

> **Beijing's reluctance to participate in the Global Peace Summit symbolises its refusal to follow the global agenda, seen as Western-led, which contradicts Chinese thought on multipolarity**

Three widely discussed high-politics solutions for termination of the war are: adopting a firmer stance, organising a high-level dialogue between President Zelenskyy and President Xi, and attempting to influence China's public image. The first choice, a firmer stance, might spark a controversial reaction, leading to Beijing's 'equal opposite reaction', thus provoking increased support for Russia. The second option, initiating a high-level dialogue, appears promising, since decision-making in China is primarily driven by the head of state. However, this option is unlikely to succeed, as President Zelenskyy is not viewed by the PRC government as a decision-maker, but rather as a secondary player influenced by the West. The third option of influencing the global image of China needs first-hand research, good strategic planning, and a resolute decision to openly oppose the PRC. This approach, however, may negatively impact Sino-Ukrainian relations, as it involves open or covert criticism of China. It is undeniable, though, that as long as Chinese foreign policy's main goal is to convince the Chinese population of the PRC's pivotal role as the only option for a prosperous future, there exists the possibility of reversing current support efforts, if the population perceives aligning with Russia as detrimental to their interests.

After all, the Peace Plan and its principles, however vague, do not directly contradict the Ukrainian proposals for a just peace. Therefore, it is possible to integrate Chinese notions, such as 'saving face' for the Chinese domestic populace, while proposing more decisive measures.

Recent Chinese public outrage, caused by the ruthless words of the People's Liberation Army (PLA) major general, Xu Hui, who asked "What are the Ukrainians fighting for?", signals the readiness of the local people to hear about and discuss the Russia-Ukraine War from various perspectives[14]. As public opinion in China is largely controlled by the state, the efficacy of the Ukrainian efforts is largely limited. The way to solve this issue is yet another challenge requiring deep interest, thorough analysis, and strategic planning.

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14 中国少将奉劝乌方想想"为何而战"？(Chinese Major General advises Ukraine to think about "why they are fighting"?), Weibo, July 2024, weibo.com.d

MEDIATION OF THE GULF COOPERATION COUNCIL MEMBERS IN THE RUSSIAN-UKRAINIAN WAR

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The Gulf Cooperation Council has played a nuanced role in the geopolitical landscape shaped by the Russian-Ukrainian war since its escalation in February 2022. This report analyses the GCC's peace initiatives, examining the motivations, strategies, and implications of their actions in the context of international relations.

Introduction

Since the full-scale invasion of Ukraine started in February 2022, the Gulf Cooperation Council (GCC) members, comprising Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates (UAE), have consistently voted positively on UN resolutions that condemn Russia's invasion, occupation, and annexation of Ukrainian territory[1]. Furthermore, the GCC states have maintained their positions calling for adherence to the established principles of international law and the United Nations Charter[2] that govern relations between states and the global system, based on respect for the sovereignty and territorial integrity of states, non-interference in their internal affairs, and respect for good-neighbourly relations between Russia and Ukraine.

However, considering the Gulf countries' foreign policies and economic relationships, most scholars[3] believe that the GCC members have varying positions on the Russia-Ukrainian war, while conducting a balancing act between Russia and Western countries. While Saudi Arabia and the UAE maintain strong economic ties with Russia, Kuwait and Qatar condemn the country's violation of Ukraine's territorial integrity. Oman and Bahrain still keep their positions neutral.

The GCC's varying stances towards the Russia-Ukraine war differ geopolitically, economically, and strategically. While avoiding confrontation with Russia, the GCC states have managed to maintain their traditional Western alliances and economic engagements. This balancing act underscores the region's strategic importance, and the

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1   UN General Documentation, https://research.un.org/en/docs/ga/voting

2   *GCC Countries Voice Deep Concern over Continuance of Russian-Ukrainian Crisis*, Qatar News Agency, 27.02.2022, https://www.qna.org.qa/en/News-Area/News/2024-02/27/0036-gcc-countries-voice-deep-concern-over-continuance-of-russian-ukrainian-crisis

3   G. Cafiero, *Two years on, what does the Ukraine war mean for the Middle East?*, The News Arabs, 5.03.2024, https://www.newarab.com/analysis/two-years-what-ukraine-war-means-middle-east

careful diplomacy required in the current geopolitical climate, especially during the largest war in Europe since the Second World War. Most of these GCC members maintain a cautious stance, to avoid the deterioration of relations with Russia. Consequently, each of those countries has its vision of how this war should be ended, and with which compromises between the warring countries. Several GCC members have already taken an initiative of mediation in the Russian-Ukrainian negotiations, having held Russia-Ukrainian face-to-face meetings, and participated in exchanges of civilians and military prisoners.

> **" The GCC's varying stances towards the Russia-Ukraine war differ geopolitically, economically, and strategically**

Several GCC states have emphasised humanitarian support and diplomatic engagement, and have represented themselves as active mediators. While Qatar has successfully mediated primarily in the reunification of Ukrainian children who were illegally deported to Russia with their families, as well as the reunification of Russian children with their families, Saudi Arabia held a meeting in Jeddah in 2023 regarding the situation in Ukraine[4]. In addition to this, the United Arab Emirates has considerably contributed to the exchange of prisoners between Russia and Ukraine, having mediated the most significant (in numerical terms) exchange[5] of soldiers and civilians (230 people) since February 2022.

About a hundred countries and organisations participated in the Summit on Peace in Ukraine[6], held in Switzerland on 15-16 June 2024. Most participants were represented on either presidential or ministerial levels, while Russia was not invited. The summit ended with the expression of the support of approximately 80 countries for Ukraine's territorial integrity, and ongoing work on a comprehensive and lasting peace in Ukraine. The Joint Communiqué on a Peace Framework[7] signed by the participating countries and organisations, demonstrates a joint vision on three key points: securing the nuclear power plants in Ukraine, global food security, and prisoner exchange.

Despite being present at the summit, India, Saudi Arabia, Mexico, Indonesia, South Africa, Thailand, and Brazil (attending the summit as an observer) did not sign the declaration. However, those countries which did not participate or did not sign the joint communiqué are able to do it later. Thus far, only Qatar and Somalia[8] have signed this declaration, while eight Arab countries (Bahrain, Iraq, Jordan, Libya, Somalia, Qatar, Saudi Arabia, and the UAE) attended the summit.

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4 انطلاق اجتماع جدة بشأن أوكرانيا بغياب روسيا وهكذا يراه زيلينسكي (*Meeting in Jedda starts with Russia absence, and that is how it is seen by Zelenskyy*), Al Jazeera News, 5.08.2023, https://www.aljazeera.net/news/2023/8/5/محادثات-جدة-حول-روسيا-وأوكرانيا

5 I. Vock, *Ukraine and Russia in 'biggest prisoner swap' so far*, BBC News, 3.01.2024, https://www.bbc.com/news/world-europe-67872417

6 *Summit on Peace in Ukraine*, Swiss Federal Department of Foreign Affairs, 17.06.2024, https://www.eda.admin.ch/eda/en/fdfa/fdfa/aktuell/dossiers/konferenz-zum-frieden-ukraine.html

7 *Joint Communiqué on a Peace Framework*, Office of the President of Ukraine, 16.06.2024, https://www.president.gov.ua/en/news/spilne-komyunike-pro-osnovi-miru-91581

8 *Summit on Peace in Ukraine: Joint Communiqué on a Peace Framework*, Swiss Federal Department of Foreign Affairs, 16.06.2024, https://www.eda.admin.ch/eda/en/fdfa/fdfa/aktuell/dossiers/konferenz-zum-frieden-ukraine/Summit-on-Peace-in-ukraine-joint-communique-on-a-peace-framework.html

Qatar's Perspectives

Qatar's foreign policy[9] is based on principles of strengthening international peace and security by encouraging the peaceful resolution of international disputes. Therefore, Qatar aims to mediate in disputes between conflicting parties, in order to achieve peaceful resolutions, promote sustainable development, alleviate discrimination against women and religious minorities, bolster humanitarian assistance in regions of conflict and war, as well as to support and strengthen efforts to reduce the anticipated humanitarian needs in complex emergencies.

Due to Qatar's foreign policy strategy, Doha, known for its mediation and conflict resolution skills, is one of the key mediators in humanitarian catastrophes, like Russia's invasion of Ukraine and the war in Gaza. According to the initiative Qatar Vision 2030[10], the country's mediation efforts might be made to improve the humanitarian situation for those affected by the war, providing humanitarian and medical help for injured people. Thus far, Qatar and Kuwait are the only GCC members who have voted for the condemnation of human rights violations in Crimea, a temporarily occupied territory of Ukraine. Being a vital ally of the West, and a significant natural gas supplier, especially after sanctions were imposed on Russia's natural resources, and being a GCC state that increased its new gas output[11], Qatar condemned the invasion, aligning more closely with Western positions, while promoting diplomatic solutions.

Qatar has been playing a crucial role in the mediation process between Ukraine and Russia, as it is the first country, besides the international organisations, that managed to bring about the return of Ukrainian children kidnapped by Russia since February 2022. Doha has successfully mediated in more than six exchanges between the two countries, offering an integrated programme to provide 20 Ukrainian and Russian families, who arrived in Doha, with health care and comprehensive support (medical, psychological, and social) in April 2024.

> **Qatar aims to mediate in disputes between conflicting parties, in order to achieve peaceful resolutions, promote sustainable development, alleviate discrimination against women and religious minorities, bolster humanitarian assistance in regions of conflict and war**

Qatar's enormous efforts have primarily concentrated on humanitarian mediation, which led to the first face-to-face negotiations on children exchange between Ukraine and Russia, held in Qatar in April 2024[12]. During the visit of Ukraine's Ombudsman Dmytro Lubinets, Ukraine passed on to Qatar a

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9   *Foreign Policy*, Government Communication Office of State of Qatar, https://www.gco.gov.qa/en/focus/foreign-policy-en/

10 *National Vision 2030*, Qatari National Planning Council, July 2008, https://www.psa.gov.qa/en/qnv1/Pages/default.aspx

11 *Qatar announces new gas output boost with mega field expansion*, Al Jazeera News, 25.02.2024, https://www.aljazeera.com/news/2024/2/25/qatar-announces-new-gas-output-boost-with-mega-field-expansion

12 Asmahan Qarjouli, *Russia announces deal to exchange children with Ukraine following Qatar's mediation*, Doha News, 25.04.2024, https://dohanews.co/russia-announces-deal-to-exchange-children-with-ukraine-following-qatars-mediation/

list of 561 Ukrainian children illegally deported to Russia[13]. Due to the ongoing mediation of the humanitarian aspects between the two warring countries, Qatar has gained credibility from the international community as one of the leading mediators between Ukraine and Russia.

> **Saudi Arabia's geopolitical strategy is based on striking a balance between the major global powers, including the United States, Russia, and China**

Doha has actively engaged in international forums and organisations to support peaceful resolutions on Ukraine since 2022. Qatar has participated in multilateral discussions and peacebuilding initiatives (Qatari-Saudi Coordination Council, Ukraine Recovery Conference[14], Summit on Peace in Ukraine), emphasising the importance of dialogue and conflict prevention. As of now, Qatar is the only country of the GCC that has signed the joint declaration of the Summit on Peace in Ukraine, where HE Prime Minister and Minister of Foreign Affairs Sheikh Mohammed bin Abdulrahman bin Jassim Al-Thani[15] represented his country.

Saudi Arabia's Perspectives

Saudi Arabia's geopolitical strategy is based on striking a balance between the major global powers, including the United States, Russia, and China. The Russian-Ukrainian war began in February 2022 and has significantly changed the regional and global geopolitics. Saudi Arabia's stance on the conflict is crucial for understanding the broader implications of the war, since the country is a major player in the Middle East and a leading oil producer in the Organisation of Petroleum Exporting Countries (OPEC). Saudi Arabia's position is of significant geopolitical interest, given its strategic importance in global energy markets, historical alliances, and evolving foreign policy. The Kingdom has maintained a balanced diplomatic position on the Russian-Ukrainian war, while Riyadh has often highlighted the importance of dialogue and negotiation in resolving the conflict between the countries, and has condemned Russia's 'special military operation' on Ukrainian territory in 2022 via UN General Assembly voting. Being a participant in the Ukraine Peace Summit at a ministerial level, Saudi Arabia did not sign the joint declaration.

From an economic point of view, since February 2022, Saudi Arabia has been trying to maintain a collaborative relationship with Russia, both countries being members of OPEC+, which hosts major oil-producing countries. The cartel aims to manage oil production levels to stabilise the market. Despite the war, Saudi Arabia and Russia have continued to collaborate on oil production decisions, reflecting a pragmatic approach to their economic interests.

Prior to participating in the Peace Summit, Riyadh put forward peace initiatives to

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13 K. Hodunova, *Ukraine passes list of 561 Ukrainian children held in Russia to Qatar, ombudsman says*, The Kyiv Independent, 25.04.2024, https://kyivindependent.com/ukraine-passes-list-of-561-ukrainian-children-held-in-russia-to-qatar/

14 *Qatar Participates in Ukraine Recovery Conference in Berlin*, Qatar Ministry of Foreign Affairs, 11.06.2024, https://mofa.gov.qa/en/qatar/latest-articles/latest-news/details/2024/06/11/qatar-participates-in-ukraine-recovery-conference-in-berlin

15 *Prime Minister and Minister of Foreign Affairs Participates in High-Level Conference on Peace in Ukraine*, Qatari Ministry of Foreign Affairs, 15.06.2024, https://mofa.gov.qa/en/qatar/latest-articles/latest-news/details/2024/06/15/prime-minister-and-minister-of-foreign-affairs-participates-in-high-level-conference-on-peace-in-ukraine

reach a consensus between the belligerent countries in direct and indirect ways. As a result, showing its mediation attempts and positioning itself as a possible mediator in the war, the Kingdom of Saudi Arabia held a conference devoted to the war in Ukraine in Jeddah in August 2023, where more than 40 countries (without Russia) discussed possible solutions to end the security, humanitarian, and economic crises in Ukraine. This meeting aimed to contribute to reaching a solution that will result in permanent peace in Ukraine. Although this conference did not bring about progress in decreasing Russian-Ukrainian tensions, the Kingdom managed to leverage its regional influence and international partnerships to support diplomatic initiatives for resolving the war. The Jeddah initiative also demonstrates Saudi Arabia's potential to be a neutral mediator between various groups of countries.

> *Since the very beginning of the invasion of Ukraine, the UAE, known for its foreign policy based on national interests, diplomatic agility, and economic pragmatism, has taken a balanced neutral position*

In September 2022, Saudi Arabia mediated[16] an exchange of ten foreigners held captive in Russia (five British, one Moroccan, one Swede, one Croatian, and two Americans), who were taken from Ukrainian territory after the beginning of the full-scale invasion. Initially, those people were transferred to Saudi Arabia and then to their home countries. Most probably, due to holding peaceful negotiations as a mediator to

achieve peace in Ukraine and the successful exchange of foreigners, Saudi Arabia was trying to strengthen its political position on both regional and global levels, which gave Riyadh the chance to restore strained relations with its Western allies.

UAE's Perspectives

Since the very beginning of the invasion of Ukraine, the UAE, known for its foreign policy based on national interests, diplomatic agility, and economic pragmatism, has taken a balanced neutral position, with a calculated approach to the conflict. On 2 March, 2022, the UAE abstained[17] from voting on the UN General Assembly resolution that condemned Russia's invasion of Ukraine, but demanded an immediate withdrawal of Russian forces. This abstention highlights the UAE's cautious approach, striving to avoid alienating Russia, while signalling its support for international law and sovereignty principles. Also, during the meeting of the UN Security Council on the war in Ukraine, the United Arab Emirates abstained from voting on a resolution to condemn Russia for its invasion of Ukraine. Then, on the same day, the UAE Ambassador did not mention Russia as the aggressor in her speech. Yet, the UAE has not signed the declaration suggested in the Summit on Peace in June 2024, like Saudi Arabia.

Notwithstanding several cases of abstention in voting at the UN, the UAE has often called for de-escalation and a diplomatic and negotiated solution to the war, at international conferences and meetings. Abu Dhabi's approach gambles on mediation between the belligerents. The United Arab Emirates has also contributed significantly to the exchange of civilians and soldier prisoners between Russia and

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16 *Саудівський принц про обмін полоненими: наші мотиви були гуманними*, BBC News Україна, 23.09.2024, https://www.bbc.com/ukrainian/features-63013052]

17 United Nations General Assembly, https://undocs.org/A/ES-11/L.1]

Ukraine, having mediated three exchanges. On 3 January 2024, the UAE mediated the exchange of 230 Ukrainians, which is the biggest number of POWs returned home since the invasion. On the other hand, it has close relations with Russia, including being a safe-haven for Russian business. However, unlike some GCC members, the UAE has not mediated face-to-face negotiations between the countries or held meetings aimed at peace initiatives.

The sanctions imposed on Russia led to Europe's energy war, which is more beneficial to the UAE than other GCC states. Firstly, apart from increasing the export of oil to Europe from countries like Saudi Arabia and Kuwait, it is likely that the UAE will continue boosting its export of liquefied natural gas (LNG) to Europe[18]. Secondly, once the war began in 2022, approximately 500,000[19] Russians, wealthy and high-qualified people, including billionaires, moved to reside in the UAE, where the majority of them bought real estate, established companies, and enhanced supplies of Russian commodities, due to sanctions imposed by the EU, the UK, and the USA. Considering that the Russian diaspora has rocketed by more than 10 times (40,000 Russians lived in UAE in 2021[20]), Abu Dhabi has significantly benefited from the inflow of Russian money.

Kuwait, Oman, and Bahrain's Perspectives

Despite joining the majority of Arab countries in voting for the UN General Assembly resolutions condemning Russia's occupation, Kuwait, Oman, and Bahrain have neither arranged peace initiatives in the Russian-Ukrainian war nor mediated negotiations and exchanges. However, Bahrain participated in the Peace Summit in Switzerland in 2024.

> *Despite joining the majority of Arab countries in voting for the UN General Assembly resolutions condemning Russia's occupation, Kuwait, Oman, and Bahrain have neither arranged peace initiatives in the Russian-Ukrainian war nor mediated negotiations and exchanges*

Kuwait's stance on the war diverges from Oman's and Bahrain's. Among those GCC members, who are less involved in the Russian-Ukrainian negotiation process, Kuwait seems to have maintained a fairly consistent stance in favour of Ukraine, most probably because of Iraq's violation of its space and occupation of Kuwait in 1990-1991. On the very first day of Russia's invasion, Kuwait clearly called for the independence and sovereignty of Ukraine,[21] and has been continuously voting for UN General Assembly resolutions condemning Russia's occupation of Ukraine's territories. Along with Qatar, Kuwait has supported several resolutions for the condemnation of human rights violations in Crimea. Kuwait's stance in the UN highlights its commitment to international law and collective security.

Bahrain, under the leadership of King Hamad bin Isa Al Khalifa, has maintained a

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18 Nishant Ugal, *Abu Dhabi: Adnoc kicks off chase for giant LNG export terminal*, Upstream, 27.10.2021, https://www.upstreamonline.com/lng/abu-dhabi-adnoc-kicks-off-chase-for-giant-lng-export-terminal/2-1-1086002

19 Frank Kane, *The hopes – and insecurities – of Russian exiles in Dubai*, Arabian Gulf Business Insight, 6.10.2023, https://www.agbi.com/opinion/people-lifestyle/2023/10/the-hopes-and-insecurities-of-russian-exiles-in-dubai/

20 *Demographics of the United Arab Emirates*, Wikipedia, https://en.wikipedia.org/wiki/Demographics_of_the_United_Arab_Emirates

21 *Kuwait calls for respecting Ukraine's independence, sovereignty*, Kuwait News Agency, 24.02.2022, https://www.kuna.net.kw/ArticleDetails.aspx?id=3027315&language=en

foreign policy that emphasises diplomacy, stability, and regional cooperation. Bahrain's approach to international conflicts has traditionally been characterised by its efforts to promote dialogue and peaceful resolution. While Bahrain's direct diplomatic influence on the Russian-Ukrainian conflict may be limited, its participation in the Peace Summit is noticeable among the other four GCC members.

Regarding Russia's aggression against Ukraine, Bahrain has not sided with either of the belligerents, trying to balance its position. However, the United States is Bahrain's key security partner. This fact could slightly impact the voting in the UN General Assembly's resolutions on Ukraine during the two and a half years since the invasion. Diana Galeeva[22] believes that Bahrain will continue being neutral in the Russian-Ukrainian war, despite the country's support for Ukraine's territorial integrity, as Bahrain's politicians think that Moscow is a key political and commercial partner (trade, energy, and other sectors). Concerns over the Russian-Ukrainian war have not been considered an impediment to that relationship.

Being the 'Switzerland of the Middle East'[23] and staying neutral in most international conflicts, Oman is able to maintain positive relations with Russia, China, and other Arab countries. The same neutral approach has been chosen for Oman's foreign policy based on its national interests, notwithstanding its voting in favour of a UN resolution that condemned Russia's aggression. Oman's diplomatic efforts demonstrate the strategic advantage of neutrality in international relations. By maintaining balanced relations with the conflicting parties, Oman has been able to facilitate dialogue and mediate disputes, enhancing its global diplomatic standing; however, Oman has not directly demonstrated its peace initiatives in the Russian-Ukrainian war by hosting international meetings or chairing mediated negotiations and exchanges. While Oman's direct influence on the cessation of hostilities has been limited, its diplomatic efforts have contributed to maintaining open channels for negotiation. Unlike Kuwait and Bahrain[24], Oman has not even sent humanitarian aid to Ukraine since the war began. In fact, this is the only GCC country that has not been engaged in humanitarian aid supplies to Ukraine.

Conclusion

The GCC's involvement in peace initiatives related to the Russian-Ukrainian war reflects the strategic use of diplomacy, economic leverage, and communications, to foster stability and maintain its global influence. By balancing its relations with Ukraine and Russia, the GCC has positioned itself as a key player in diplomacy, leveraging its economic and political clout, to mediate conflicts and promote peace.

The GCC states have adeptly balanced their foreign policy and economic interests amidst the conflict. By maintaining strong ties with both their Western allies and Russia, they have protected their strategic interests, while advocating for peace and stability. This balancing act is particularly

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22 *Gulf States' Perspectives on the Russo-Ukrainian Conflict*, Gulf International Forum, https://gulfif.org/gulf-states-perspectives-on-the-russo-ukrainian-conflict/

23 *Switzerland of the Middle East: Economic crisis threatens Oman's neutrality*, Financial Times, 18.10.2020, https://www.ft.com/content/2fac87cf-3ed4-4d3e-9ee9-280734d323f9

24 *Bahrain pledges $1 million to help humanitarian meet needs of civilian refugees,* Bahrain News Agency, 6.03.2022, https://www.bna.bh/en/news?cms=q8FmFJgiscL2fwIzON1%2BDvrzC9SEeyT7AzLlBI2tyHQ%3D

crucial, given the region's economic reliance on both Western and Russian partnerships in various sectors, notably that of energy.

Qatar, Saudi Arabia, and the United Arab Emirates have generally been actively involved in international and regional peace initiatives, and attempted mediation between Russia and Ukraine. While all the GCC members have voted in favour of Ukraine in the majority of the UN resolutions, several countries (Kuwait, Bahrain, and Oman) should be more interested in participating in peace negotiations between the belligerent countries.

> *The GCC states have adeptly balanced their foreign policy and economic interests amidst the conflict*

Qatar represents itself as a mediator capable of holding meetings and negotiations between European and Middle Eastern countries. Qatar's foreign policy tools and strategies strengthen its position in geopolitics globally, which might be confirmed by it being the first country to mediate the return of Ukrainian children taken back to the occupied territory from Russia.

Saudi Arabia has shown its interest in peace initiatives by hosting the Jeddah meeting in 2023. This meeting could probably have had the aim of strengthening Saudi Arabia's relations with Western countries, and its position in international politics, as well as the mediation of returning ten foreigners held in captivity in Russia.

The UAE has also engaged in diplomatic efforts, using its strategic dialogues with Russia to address broader regional issues. For instance, the UAE's coordination with Russia on oil production cuts has provided a platform for broader diplomatic discussions, including prisoner exchanges between Ukraine and Russia. As of now, the UAE remains the only country globally that is able to mediate exchanges of hundreds of civilians and military prisoners fairly often, having succeeded in fostering the biggest exchange between countries.

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