

Seeking Peace in the Borderlands: How Can the Ideas of Conflict Resolution Be Applied in Ukraine?

Hugh Miall
University of Kent and Toda Peace Institute

Introduction

The Russian invasion of Ukraine on 24 February 2022 marked a catastrophic return of war to the continent of Europe. The war has become a deadly affair, consuming lives on both sides at a heavy rate. The Russian invasion caused a refugee crisis with eight million Ukrainians fleeing abroad and a third of the population displaced. Its economic shockwaves have affected living standards around the world, especially in the poorest countries.

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

The obstacles to conflict resolution

One reason why conflict resolution seems difficult is that the stakes appear existential for both sides. Ukraine was threatened by an overwhelmingly larger and more powerful state, which seemed intent on ending Ukraine's independent existence. The Russian plan in February 2022 was to overthrow the Ukrainian government and put its leaders on trial, on the pretext of an anti-fascist purge. Given the wilful attacks that followed, on Ukrainian cities and Ukrainian civilians, it is easy to see why for Ukrainians this is an existential conflict.

For President Putin and the clique that surrounds him, the stakes are equally high. They see the West as intent on weakening Russia, absorbing its assets, excluding it from international institutions and bringing about regime change. As Putin said in his televised address on 24 February 2022: 'For the United States and its allies, it is a policy of containing Russia, with obvious geopolitical dividends. For our country, it is a matter of life and death, a matter of our historical future as a nation.'

For President Biden, the conflict is one of values, with the US supporting freedom and democracy against Putin's autocracy and aggression. The US and its allies see the stakes as the defence of the rules-based international order. European leaders see themselves as defending European values and principles, including the taboo against acquiring territory by force, which has helped to keep the peace in Europe for many years. Prime Minister Kishida of Japan, in his recent visit to Ukraine said, 'Russia must be held accountable. There must be no impunity for war crimes and other acts of atrocities. Japan will continue demonstrating its strong determination to uphold the international order based on the rule of law as the G7 Presidency this year.'

With the stakes so high, what room was there for compromise?

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

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

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

A further obstacle lies in the very different ways in which the sides frame what the conflict is about. Putin claims that Ukraine is not a separate nation, Russians and Ukrainians are one people. According to him, it is the West, and specifically the US, NATO and the EU, that have driven a wedge between them. "I am confident that true sovereignty of Ukraine is possible only in partnership with Russia... For we are one people." For most Ukrainians, however, the war has resolved any doubt about this question. "We are the free people of independent Ukraine," said Zelensky.

The gulf between Putin and Western countries and their supporters has grown wider as the war continues. Putin sees the war as a necessary response to NATO expansion, Ukrainian genocide in the Donbass, and what he sees as an attempt by the West to use control of Ukraine as a means to attack and ultimately dismember Russia. In contrast the West sees the war as a necessary means to reverse Russia's illegal invasion of Ukraine, to protect Ukrainians from Russian genocide and to halt further Russian expansionism. The positions are similar but diametrically opposed.

As the war has continued, the two sides have grown more locked into their incompatible positions. The perceptions of the wrong done by the other side grow, and compromise seems ever less tolerable. The war crimes committed by Russian troops in Ukraine, the killing of civilians and the huge damage to property put any settlement short of victory out of consideration for many on the Ukrainian side and in the West. As a result, neither side is willing to compromise or back down.

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

What conflict resolution is

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

development, but analysing an alternative future that could feasibly be brought into being.

There also needs to be a feasible process leading from the present towards the desired outcome. The claim conflict resolution makes is that, if the parties made changes in how they approach the conflict, the issues in conflict could be modified and a path towards their resolution could be found.

The starting point for any attempt at conflict resolution is an analysis of what the conflict is about, and what are its roots. When the Ukraine conflict broke out, it was widely seen as a return of great power conflict to the continent of Europe. Ukraine is certainly a proxy war between great powers, but it can also be seen as a type of conflict that has been increasing in recent years – an internationalised civil conflict.

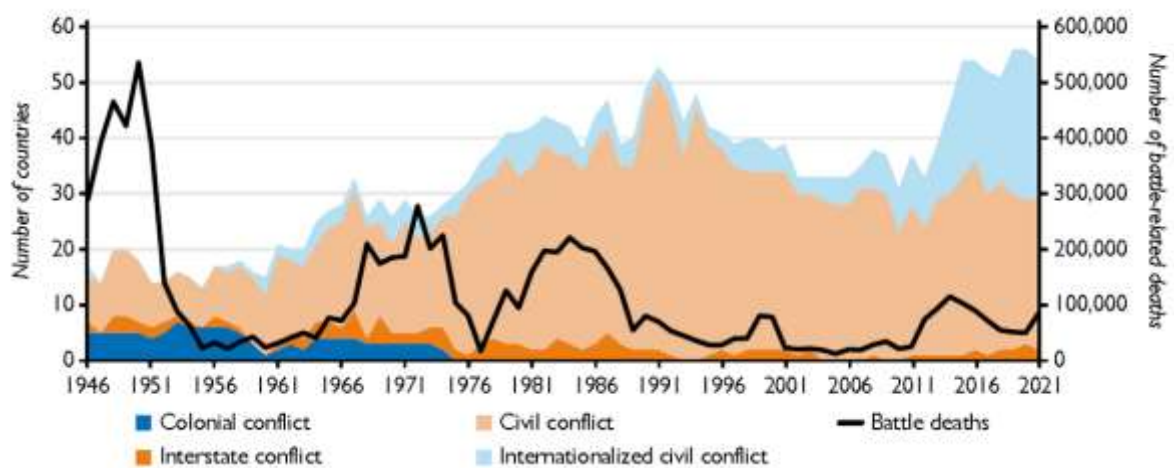


Figure 1. Armed Conflicts 1946-2021

Figure 1 shows the number of conflicts by type since the end of the Second World War. The black line showing number of deaths directly related to conflict, called battle deaths, has fallen from a peak in the 1950s at the time of the Korean War and is lower now than in the past. However, there has been a significant increase in battle deaths since 2021. What this graph also shows is the changing proportion of different types of conflicts. The number of interstate wars (shown in red) has been low and falling, although there is a small recent increase since 2015. The number of civil wars (shown in pink) grew to a peak in 1991 and made up by far the biggest share of armed conflicts, but the proportion has been falling since then. What has been increasing is the proportion of internationalised civil conflicts (shown in blue), which has going up especially strongly since 2010. Ukraine is an example of an

internationalised civil conflict – a neighbouring state is intervening in a civil war. This means there are both domestic and international issues that need to be resolved.

The Ukraine conflict: three levels of analysis

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

A theoretical interpretation of the conflict: 1. bargaining theory

Realist scholars of international relations see conflicts like Ukraine as a power contest between states with irreconcilable interests. If one side wins, the other loses: it is a zero-sum conflict. Figure 2 shows a simple representation of two states in contention over the control of a territory.



Figure 2. A zero-sum conflict over an issue

The horizontal line represents all the possible outcomes, from State 1 controlling all the territory, to State 2 controlling it, with outcomes in the middle representing mixed outcomes, with one state controlling a certain share of the territory and the other controlling the rest.

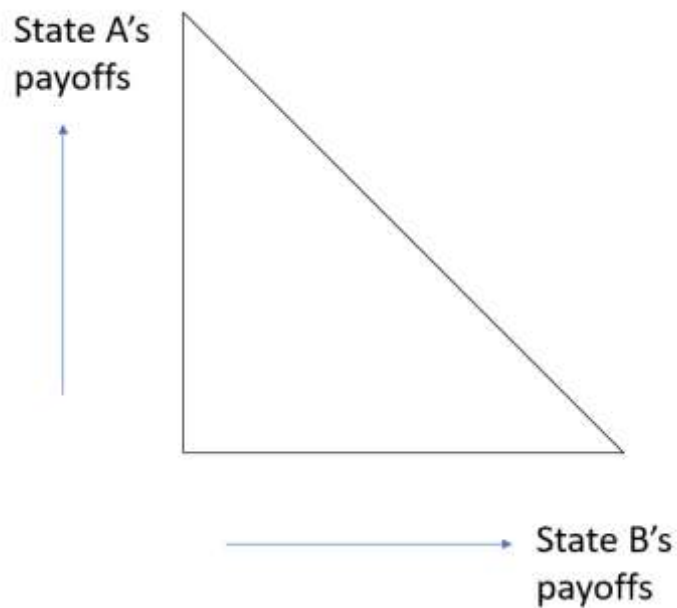


Figure 3. Conflict seen as a bargaining game

Figure 3 shows another representation of the zero-sum conflict, with the payoffs to State A on one axis and the payoffs to State B on the other. Here the top left hand corner is the outcome where State A controls everything and State B has nothing. The bottom right corner is where State B controls everything and State A has nothing. International relations scholars see conflicts as a bargaining game, where the possible agreed compromises could lie on the diagonal line.

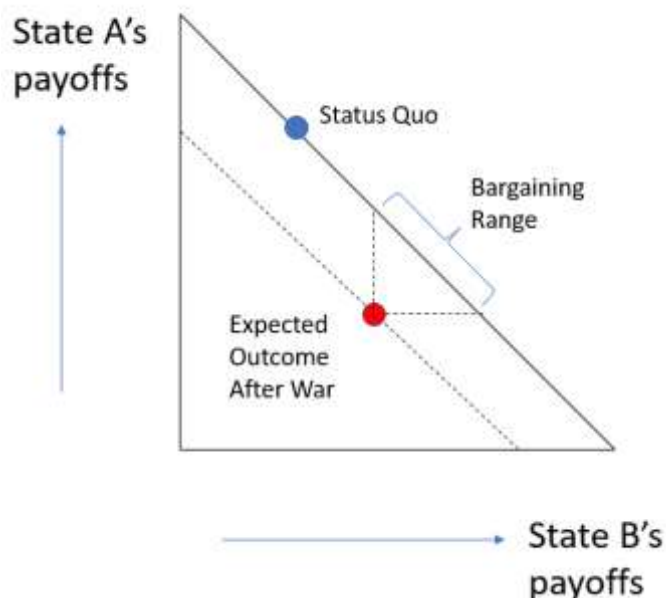


Figure 4. Coercive bargaining

States also have the option of using coercion – of threatening to go to war to achieve their objectives. War is costly, so the outcomes after a war are on the dotted

line which is lower and to the left of the outcomes that could be achieved by negotiation. Here the status quo point is shown in blue, which favours state A and not state B. But state B has the threat of going to war, and after a war, both states expect the outcome to be at the point marked in red on the dotted line. This is better for state B than the status quo. So, knowing this, both states realise that the bargaining range taking coercion into account lies on the part of the solid line that is above and to the right of the red circle.

If either state can shift the balance of power and military advantage in its own favour, it can move the bargaining range so that it does better and the other state does worse. On the other hand, if state B uses coercion to shift the expected outcome to the red spot, state A may respond with even more coercion, and this will raise the costs of conflict for both sides.

A theoretical interpretation of the conflict: 2. Conflict resolution theory

Scholars of conflict resolution argue that the bargaining perspective is too limited a view of conflict. An expanded view of the possible outcomes is shown in Figure 5.

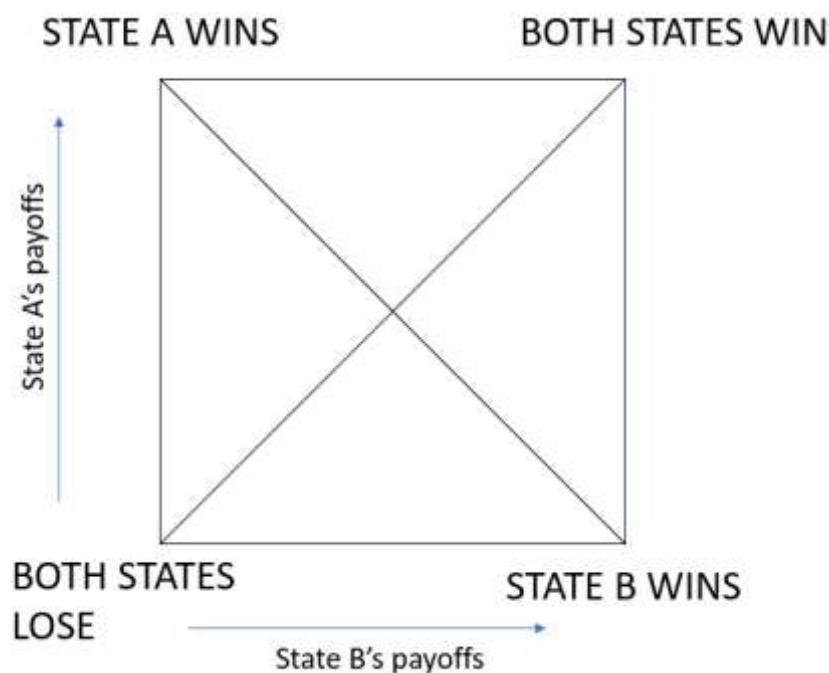


Figure 5. Win-win, win-lose and lose-lose outcomes

This shows not only the win-lose points and the bargaining line that connects them, but also the lose-lose point, where both parties lose everything, and the win-win point, where they could both achieve their objectives, if they find a way of reframing their goals and transforming the conflict.

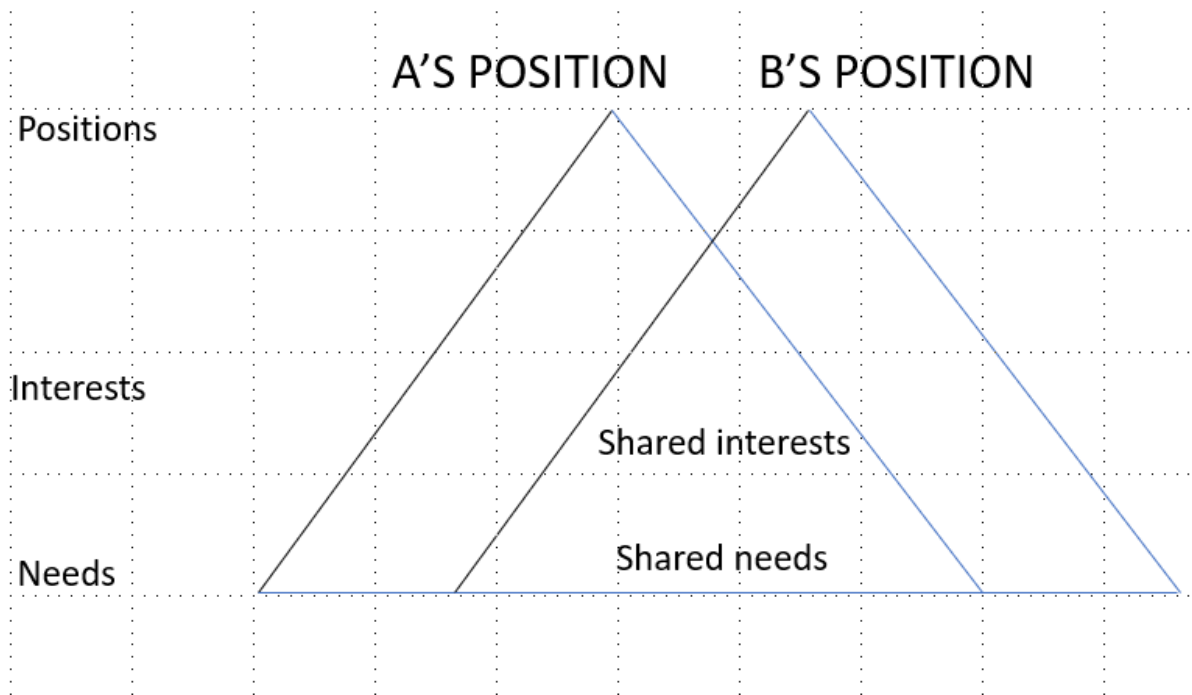


Figure 6. Positions, Interests and Needs

Scholars of conflict resolution distinguish between the positions, interests and needs of the conflict parties. In Figure 6, the positions, interests and needs of the two states are represented as two triangles, with positions at the top, interests in the middle, needs at the bottom. As this diagram suggests, the positions of the decision-makers may be far apart. But there may be common interests – such as common interests in long-term economic stability and security. And the needs of the states populations may be quite similar. Ordinary people need peace, security, and sufficient conditions to be able to lead good life. These needs are not zerosum. If I respect you and I don't attack you, then we can both be secure. This suggests that if it was possible to reframe the parties' positions – their stated goals – in terms of the underlying needs of their populations, a solution that is good for everyone might be found.

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

Conditions for ending the conflict

A reasonable outcome is one that meets the needs of the peoples involved in the conflict. A reasonable outcome for Ukraine thus has to meet the needs of both the Ukrainian-speakers and the Russian-speakers who live in Ukraine, including those who do and those who do not accept the rule of the Ukrainian government.

Let us also assume the validity of the European norm that borders cannot be changed by force and can only be changed with the mutual agreement of the states involved. The interests of Russian and non-Russian minorities inside and outside Russia should be secured, and Europe would need a new agreed security architecture.

According to the American political scientist William Zartman, conflicts are ripe for resolution when there is a mutually hurting stalemate. In a mutually hurting stalemate the parties are driven so far towards the lose-lose corner that both can improve their situation by settling, so negotiations come to be seen as worthwhile by both sides.

There appears to be a strategic stalemate now. Ukraine seems unlikely to be able to win against a much more populous state armed with nuclear weapons. Russia also seems unlikely to be able to defeat and occupy Ukraine, a vast country determined to resist, while it is supported by NATO countries. Both sides are hurting each other badly. However, neither side has yet reached the point where it believes that the costs of continuing the war outweigh the benefits they hope to gain from continuing to fight. Both sides still expect to prevail eventually, and the nature of a mutually acceptable settlement has yet to be adequately explored between them.

Of course, win-lose outcomes are still possible. Russian forces could be driven back or could collapse. The effect of the sanctions and the lack of military success could perhaps result in the collapse of Putin's regime. A new government might then come to power that was ready to negotiate.

Equally the Ukrainian armed forces might get less support from the West, and Ukrainian military resistance might collapse.

Both of these scenarios would be dangerous. If Russia collapses, its president might be tempted to lash out with nuclear weapons. If Ukraine collapses, NATO might be

tempted to intervene with its own forces. This would lead to direct fighting between NATO and Russia.

The failure of conflict prevention

Before outlining some detailed options for conflict resolution, let us turn back to the origins of the conflict and why opportunities were lost to deal with it earlier on. Conflicts can be prevented by actors being careful about their goals, sensitive to the needs of other actors, and willing to discuss problems.

At the end of the Cold War, this sense of care was present in the discussions about the unification of Germany. President Gorbachev was consulted and the United States Secretary of State assured him that 'not an inch of NATO's jurisdiction would expand in an easterly direction.'

After the disintegration of the Soviet Union, the Western leaders lost this sense of care. They celebrated the victory of the West in the Cold War and saw no need to accommodate Russia's demands.

NATO expanded, taking in Poland, the Czech Republic and Hungary in 1999 and ten more countries in central and eastern Europe between 2004 and 2019.

This was welcomed by the east European states, who were fearful of Russian power, but Russian security analysts saw it as a real threat and Russian leaders, including Putin, complained loudly about the enlargement.

The West and Russia together failed to agree a new security architecture. The OSCE could have been strengthened for this purpose, but its role remained limited and the 'hard security' organisations on both sides were prioritised. In the 1997 'Founding Act on Mutual Relations, Cooperation, and Security between NATO and the Russian Federation', the two sides had agreed that 'NATO and Russia do not consider each other as adversaries; the Founding Act is the expression of an enduring commitment, undertaken at the highest political level, to build together a lasting and inclusive peace in the Euro-Atlantic area.' Unfortunately, this aspiration came to nothing. Russia was unwilling to join either the EU or NATO from what it saw as a position of inferiority, thus losing the opportunity to use these structures to transcend the security divisions of Europe. And Putin made the conditions for an enduring peace with Western partners increasingly difficult, through the brutality of his military interventions in Chechnya, Georgia, and Syria, his treatment of the domestic

opposition in Russia and abroad, and his flagrant interventions in western elections. On the western side, it was clear that some of the leading policymakers still considered Russia as an adversary and acted on that basis. President Bush's 'axis of evil' speech in 2002 had left no doubt where he stood, and his lieutenant Dick Cheney 'wanted to see the dismantlement not only of the Soviet Union and the Russian empire, but of Russia itself, so it would never again be a threat to the rest of the world.' The Russian annexation of Crimea in 2014 marked a turning point for most western leaders. It led to sanctions on Russia and a deep freeze of relations between Russia and the West. Jake Sullivan's view as National Security Adviser to President Biden in 2022 was not so different from Cheney's. The US goal was 'a free and independent Ukraine, a weakened and isolated Russia and a stronger, more unified West.'

At the same time, the Russians outside Russia got into internal conflicts with the other ethnic groups which had taken control of the newly independent republics. This led to the growth of Russian nationalism, which Putin exploited.

In some countries, like Estonia, the OSCE was successful in preventing conflicts, but the EU pushed enlargement forward without waiting for the implementation of full OSCE minority protections.

In Ukraine, a conflict developed between some of the Russian speakers in the country, especially in the Donbass and in Crimea, who supported pro-Russian Ukrainian politicians, and the Ukrainian speakers who supported politicians who wanted to join European institutions. Opportunities were lost to resolve this internal conflict through autonomy arrangements, language reforms, proportional voting and similar measures, which the Ukrainian nationalists were unwilling to concede. The internal conflict in Ukraine then got caught up with the wider international conflict between Russia and the West.

A process towards conflict resolution

A process is therefore needed to go from the present impasse towards negotiations. I would suggest that as a stimulus to talks, and as a means of undermining the Russian rationale for its intervention, the western and Ukrainian side should do what they I think should have done before the invasion began, namely stop NATO enlargement, and accept that Ukraine will not be a NATO member and will instead declare its neutrality. This could be accompanied by multi-track mediation and back-channel talks to explore a possible settlement. Russia should agree to withdraw its

forces to their positions before February 24th, and negotiations should then start on a peace settlement.

This is not the most likely outcome. The more likely outcome seems to be that the war will continue and gradually escalate. There are two scenarios that could follow from continued fighting. One is a de facto partition of Ukraine, with the dividing line depending on the balance of military forces. The other is that the war could widen and intensify, in the worst case turning into a war between NATO and Russia.

To avoid these risks, it is urgent that a settlement should be negotiated. This should involve a settlement for the internal conflict in Ukraine, steps to ameliorate the situation of Russians outside Russia, and a new European security architecture.

The elements of a settlement for Ukraine

Previous peace settlements and peace negotiations in Ukraine to date suggest the elements of a possible settlement process.

Russian troops would withdraw to the positions of before February 24. Ukraine would agree to either an enhanced autonomy arrangement or independence for the regions of the Donbass held by rebels. Ukraine would declare itself a neutral state. Ukraine and Russia could agree to a dual citizenship arrangement for people in Crimea, which could be based on a co-sovereignty model or autonomy or independence for the Crimea. Strong protections for minorities and inclusive language rights and educational policies should be adopted and overseen by the OSCE. There could be reciprocal security guarantees for Ukraine and the new autonomous regions, guaranteed by outside powers. The two sides should agree to accept an international peacekeeping force to stand between them. They should also agree to demilitarise their border, and this could be accompanied by wider measures for demilitarisation and disarmament in Europe.

Dealing with the Russians outside Russia

The roots of the European and Ukrainian crisis lie in the break-up of the Soviet Union, in the context of the rise of nationalist movements in the former Soviet republics. The dissolution of the Soviet Union left large numbers of former Soviet citizens scattered in republics under the control of a different majority nationality. Initially, the OSCE addressed these issues through its High Commissioner on National Minorities, who averted the crisis in Estonia and advised the governments of Latvia, Lithuania and Ukraine on their language laws and citizenship provisions. However,

the EU decided to admit these states before the minorities' status had been fully protected, and in Latvia, for example, half a million Russian residents, who could not speak Latvian, remained as 'non-citizens', denied full political rights.

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

In September 2022 Putin approved a new foreign policy doctrine based on the idea of the 'Russian World'. The doctrine says that Russia should "protect, safeguard and advance the traditions and ideals of the Russian World ... The Russian Federation provides support to its compatriots living abroad in the fulfilment of their rights, to ensure the protection of their interests and the preservation of their Russian cultural identity."

The West sees this as Russian revanchism and opposes what it sees as Russian efforts to expand beyond the current borders of the Russian Federation. But the West has got itself into an uncomfortable position by extending NATO membership to states close to Russia's borders, like the Baltic States, which still fail to adequately respect the rights of the significant Russian minorities. Requiring these states to fulfil the recommendations of the OSCE should be an element of a larger settlement, aimed at improving the long-term relationship between Russia and the West. Reciprocally, Russian Federation should commit to OSCE standards on the protection of its own minorities. OSCE members should strengthen the organisation's capacity to monitor and assist on minority issues.

A new European and International Security Order

A resolution to the wider conflicts between Russia and the western powers should be developed through consultation on a new framework for the European security architecture and wider reforms to global governance.

At the level of **norms**, European states including Russia should reaffirm the principles and international laws that have been the basis of peace in Europe.

At the level of **institutions**, new frameworks should be developed to provide for consultation and coordination between European and Eurasian states. It would be helpful to strengthen the existing pan-European organization, the Organization for

Security and Cooperation in Europe, rather than pinning responsibility for European security on NATO, which will always be seen as a threat to Russia.

At the level of **security**, drastic cuts in nuclear weapons, de-alerting, withdrawal of offensive forces on both sides from areas bordering Russia and NATO countries, re-establishment of crisis management machinery and re-commitment to transparency on military movements and no-first-use policies should be among the measures required to avoid the risk of deliberate or inadvertent war.

Wider reforms to global governance might include widening the Security Council's membership and changing its veto rules, as well as strengthening the General Assembly, to make the UN work better, and making other international institutions more internationally representative. In the longer-term restrictions on the doctrine of unlimited state sovereignty may be needed to reflect the interdependence of the world's peoples.

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

The Loizides Plan for a Peace Settlement

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

BOX 1 THE LOIZIDES PLAN

<p>The preconditions of the plan</p> <ul style="list-style-type: none"> Immediate ceasefire and gradual transition to pre- 24/02/2022 lines Commitment to broadly inclusive multi-region, multi-ethnic Ukraine and to the principle of Security Council Resolution 1325, which calls for increased participation of women and inclusion of gender perspectives in peacebuilding Multi-party cross-issue negotiations aiming for a comprehensive peace settlement
<p>Territorial arrangements</p> <ul style="list-style-type: none"> The Donetsk and Luhansk regions would have autonomous status within Ukraine or to be negotiated in the next five years with interim ad hoc status arrangement (as in the Kosovo agreement) Surrounding municipalities would be permitted to join new Donetsk and Luhansk regions via municipal referendums and once autonomous status is agreed (as in the Spanish autonomy model) Crimea would have a dual citizenship model with strong economic links to Ukraine, modelled on the arrangements between the Republic of Ireland and Northern Ireland These arrangements would be governed by the principle of consent (as in Northern Ireland) - that is, the Crimeans would be free to decide to re-join Ukraine in a future referendum (for example, after 15 years, following an invitation from Ukraine's parliament and political authorities) Russian and Ukrainian co-sovereignty in Crimea would be acknowledged by EU countries
<p>Security and Policing</p> <ul style="list-style-type: none"> UN peacemaking mission with extensive powers by mutually acceptable countries The areas surrendered by Russia would be demilitarized and there would be reasonable limits set on the import of offensive weapons (along the lines of the Annan plan for Cyprus) There would be no NATO membership for Ukraine but reiteration of existing security guarantees (Budapest memorandum) and political guarantees Donetsk and Luhansk to have own mixed-ethnicity security/police forces (e.g., US/Iraq) Police to be drawn equally from Russian and Ukrainian speaking communities in regions with fewer than significant minorities A Cooperation and Security Council to include European countries, Ukraine and Russia
<p>Governance</p> <ul style="list-style-type: none"> Gender quotas in peace talks, government positions, and supreme court (50% across posts) A constitutional convention to consider a more inclusive political system which could be presidential with vote pooling incentives, or a consociational or semi-presidential system Choice of level of autonomy for all Ukrainian <i>oblasts</i> (as in Spanish model) Asymmetric autonomy with more powers for regions with significant ethnic minorities. Each <i>oblast/region</i> in Ukraine free to opt whether to keep its current status or choose
<p>Autonomy</p> <ul style="list-style-type: none"> The executives of these regions would be elected proportionally to ensure representation of minorities on the model of d' Hondt style voting in Northern Ireland and Copenhagen) There would be arbitration powers in constitutional court (using foreign judges and ICJ)
<p>Language, Representation of the Past, Justice, Reconstruction</p> <ul style="list-style-type: none"> There would be two official languages, Ukrainian/Russian (on the Canada model), and a Joint Cultural Heritage Committee There would be a Joint Holocaust Commission, and a ban on Nazi parties/symbols (modelled on German legislation) Tribunals could consider war crimes committed on both sides EU and other donors would provide reconstruction support

Other Peace Plans

A number of other peace plans have been put forward at different times.

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

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

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

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

The **Lauterpacht Centre** on International Law at the University of Cambridge has a draft peace settlement for Ukraine on its website which draws on existing precedents and international law. This includes comprehensive proposals for a settlement, including, for example terms for proposed security guarantees.

In July 2022, the UN Secretary General successfully negotiated the **Black Sea grain deal** to protect the supply of food to countries in the Arab world, Africa, India and

Asia. The deal indicated that the views of the developing countries and the rest of the world could have a significant influence on the conflict parties.

In February 2023 **President Xi Jinping of China** proposed a 12-point peace plan in Moscow. It called for respect for the sovereignty of all countries and the UN Charter, an end to hostilities, resumption of peace talks, no use or threat of nuclear weapons, an end to sanctions, continued grain exports, and a vision of common co-operative security.

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

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

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

Conclusion

I have argued that, while the obstacles to conflict resolution are very great at present, it is not impossible, if the parties become willing to move away from their incompatible positions and think more flexibly about the future. If NATO committed to stopping

enlargement and if Ukraine accepted neutrality, the stated reason for the Russian invasion would fall away, and the Russian Federation could withdraw its forces from Ukraine.

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

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

The peace talks that opened in Istanbul in March 2022 stalled in April. After Putin annexed the four annexed provinces in Ukraine, President Zelensky signed a decree asserting the 'impossibility of holding negotiations with Putin.'

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

Conflict resolution is not an easy path. But it is not impossible.
