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PEACE

Editors

Dr. Hanna Shelest
Dr. Mykola Kapitonenko

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Contacts:

website: <http://ukraine-analytica.org/>
e-mail: Ukraine_analytica@ukr.net
Facebook: <https://www.facebook.com/ukraineanalytica>
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PEACE FORMULA AND LESSONS LEARNED FROM THE BALKANS AND NAGORNO-KARABAKH

Dr Mariya Heletiy
NGO Resource Centre

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

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



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

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

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 1995²) and the Kumanovo Agreement³ (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 Albania⁴ led to violent conflict among three groups (Serbs, Bosniaks, and Croats) in 1992. Attempts to prevent a war, including the Cutileiro Plan⁵ 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 Plan⁸, Vance-Owen Plan⁹, Vance Plan, Lisbon Agreement, and Washington Agreement¹⁰) 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 forces¹². 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 Accords¹³, 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 Republika 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

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 (1974-1989¹⁶). 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 1199¹⁸ 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 1999²⁰ 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 officers²¹.

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 Agreement²³ 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 Annan²⁶ 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 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 Plan²⁸ 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 RSK²⁹. 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 1992³². 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 areas³³. 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 Maslenica³⁴.

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

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-vojn timer.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 958³⁵ 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 them³⁶.

In 1994-1995, the Croatian Forces conducted several operations to reclaim all previously occupied areas of Western Slavonia and Knin. Operation Storm³⁷ 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 Agreement³⁸ (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
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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 Protocol⁴¹), 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.

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 Balkans⁴², 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 1991⁴³. 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.

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 people⁴⁵. In 2010, the Croatian President apologised for his country's role in the Bosnian War⁴⁶ 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

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 population⁴⁹ (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

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, 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.

Mariya Heletiy, PhD, *Independent Conflict Resolution Expert, Member of the Board, NGO Resource Centre, and expert on the post-Yugoslavia conflicts. For over 15 years, she was researching conflict and war resolution in former Yugoslavia and Ukraine and was engaged in research assignments at Maxwell School of Citizenship and Public Affairs (Syracuse University, New York) and University of California, Berkeley in the United States. She also managed several USAID and EU funded multiyear programmes at ISAR Ednannia, Ukrainian Centre for Independent Political Research and USAID Mission in Ukraine, to improve international security, promote democracy and governance, and strengthen civil society in Ukraine.*

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