

UA: UKRAINE ANALYTICA

Issue 2 (34), 2024

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PEACE

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Publisher:

Published by NGO "Promotion of Intercultural Cooperation" (Ukraine),
Centre of International Studies (Ukraine), with the financial support
of the Friedrich-Ebert-Stiftung Ukraine

UA: Ukraine Analytica is the first Ukrainian analytical journal in English on International Relations, Politics and Economics. The journal is aimed at experts, diplomats, academics, students interested in the international relations and Ukraine in particular.

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ISSN 2518-7481

500 copies

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

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

Pathway towards Peace

The Russian-Ukrainian conflict, which erupted in 2014 with Russia's annexation of Crimea, has since escalated following Russia's fully-fledged invasion of Ukraine in 2022. The war represents one of the most pressing geopolitical challenges of the 21st century, whereby a nuclear armed state now represents a wider threat to the rules-based international order. According to Amnesty International, Russian acts of aggression have left thousands of Ukrainians dead and millions displaced¹. This conflict has not only resulted in significant human suffering and displacement, but has also disrupted regional stability and global security. The war within European frontiers – led by a nuclear

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

Historical Diplomatic Paths to Peace

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

of Bosnia and Herzegovina, and the status of Sarajevo. The stalemate was broken by the determined mediation of US negotiator Richard Holbrooke, and strategic pressure on the conflicting parties, culminating in the signing of the accords.¹⁰

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

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

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

9 *ibid.*

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

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



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

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

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

Decentralised Governance

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

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

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

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

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

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



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

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

Security Guarantees

The Helsinki Conference emphasised the inviolability of frontiers and the territorial integrity of states, principles that are crucial in the current conflict.¹⁵ Based on the long history of agreeing to Russian demands and then seeing commitments reneged upon, Ukraine no longer trusts Russia. For example, in 1994, Ukraine signed the Budapest Memorandum, giving up its nuclear weapons and agreeing to

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

Ceasefire and Military Separation

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

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

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

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

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

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

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

The ceasefire arrangements in the Dayton Accords included deploying international monitors to oversee the ceasefire and verify compliance, which can be mirrored in Ukraine by involving personnel from international organisations such as the Organization for Security and Co-operation in Europe (OSCE) or the UN. International ceasefire monitors have been used in peacebuilding operations since the inception of the UN; it is not a unique phenomenon. To increase the probability of a negotiated ceasefire agreement between Russia and Ukraine, each party should lower its reservation point – meaning, they both become willing to accept a deal they

had thus far rejected – or one of the parties will have to make major concessions at the negotiating table rather than walk away without a deal.²⁰

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

International Oversight

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

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


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

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

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

Inclusive Negotiation Process

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



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

Drawing on these experiences, the peace process should incorporate a wide range of participants, including Ukraine and Russia, representatives from the occupied regions, and key international stakeholders. Engaging

civil society, minority groups, and other non-state actors in the dialogue can also enhance the legitimacy and comprehensiveness of the negotiations.

Human Rights and Fundamental Freedoms

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

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

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

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

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

Hybrid Negotiation Framework

A hybrid negotiation framework can follow the above-mentioned key elements, and could be conducted under the precepts of the Harvard Method. The Harvard Method of negotiation, developed by the Harvard Negotiation Project, is a principled negotiation approach that emphasises mutual gains, objective criteria, and a focus on interests rather than positions.²⁶ This method can be used in the peace process due to its structured framework, which can help to manage the complex dynamics and diverse interests involved. Aspects such as The Zone of Possible Agreement (ZOPA)

and the Best Alternative to a Negotiated Agreement (BATNA) need to be identified first. This helps negotiators to understand the limits and opportunities of the peace process. This clarity can facilitate more realistic and effective negotiations, ensuring that the resulting agreement is seen as both fair and feasible for all parties.

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

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

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

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

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

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

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

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

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

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

Principled Negotiation: The Harvard Method

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

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


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

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

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

Conversely, Ukraine's current position is focusing on the restoration of its territorial integrity, reflecting its interest in upholding sovereignty, ensuring national security, and maintaining international support and legitimacy. This stance is deeply rooted in Ukraine's experience with Russian aggression, which has eroded trust and highlighted the need for robust security

assurances. Its position on joining NATO is rooted in its interest in securing stronger security guarantees. Furthermore, Russia's objection to Ukraine joining NATO stems from its interest in preventing NATO's expansion to its borders, which it perceives as a threat to its security. This concern about NATO expansion is historically significant, yet it is noteworthy that Russia did not react similarly to Finland and Sweden's recent moves towards NATO membership, indicating an evolving stance on the issue. While Ukraine had a non-block status and limited public support for NATO integration in 2013, these dynamics have shifted dramatically due to the ongoing conflict and Russia's aggressive actions.



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

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

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

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

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

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

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

Policy Recommendations

Engage in interest-based negotiation: All parties should prioritise interest-based negotiation over positional bargaining. This approach encourages understanding the

underlying interests behind each party’s demands, economic interests, and national sovereignty. By focusing on mutual gains and shared benefits, parties can identify solutions that address the core issues driving the conflict.

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

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

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

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

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

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

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



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

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

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

International commitment and support: Secure broad international support for the peace process, emphasising the collective responsibility of global powers and regional stakeholders, to uphold the principles of sovereignty, territorial integrity, and

peaceful resolution of disputes. Encourage diplomatic initiatives that promote dialogue and cooperation among all parties involved in the conflict.

Conclusion

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

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

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

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

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

While multiple negotiation configurations are possible, a hybrid negotiating framework that uses elements from two

historical agreements may be better adapted to addressing the multifaceted conflict dynamics, and thereby avoid a frozen conflict. The Dayton Accords provide valuable insights into decentralized governance models. Likewise, the Helsinki Final Act showcases the importance of strong security guarantees and respect for international borders, which is crucial for stabilising the region and preventing future conflicts.

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ANALYTICA

Issue 2 (34), 2024

ISSN 2518-7481