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INTERNATIONAL PEACEKEEPING AND THE WAR IN EASTERN UKRAINE: ARE THERE ANY POINTS OF CONTACT?

PREVENTIVE DIPLOMACY, PEACEMAKING, PEACEKEEPING AND PEACEBUILDING IN THE SETTLEMENT OF THE "UKRAINIAN CONFLICT"

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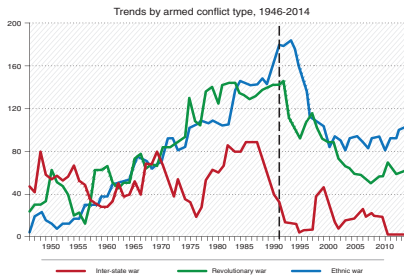*"All war represents
a failure of diplomacy."*

Tony Benn, former MEP

The Minsk agreements contributed to the transformation of the war in eastern Ukraine into a conflict of low intensity but did not lead to the restoration of peace, or even a sustainable truce. Within the existing negotiation processes – either the Trilateral Contact Group or the "Normandy Four" format – the parties failed to propose an effective way to restore peace and the territorial integrity of Ukraine. Additionally, the logic of the negotiation process set by the Minsk agreements has a very limited capacity to achieve results that are in the interests of our country.

Currently, international participation in the conflict settlement is limited to the monitoring of the conflict and the facilitation of OSCE contact group activities. Meanwhile, some forms of international engagement that are officially requested by Ukraine cannot be used in the present situation and the state of conflict, and other forms are just ignored. This research is intended to outline the existing forms and means of international peacekeeping activities, explain their compliance with the existing settlement process and propose a number of ideas to enhance the use of diplomatic tools to resolve conflict in accordance with the interests of Ukraine.

The key findings of this research lie in the fact that the international community and Ukrainian foreign policy has failed to take steps to coerce Russia into peace. That is why, now, the main efforts should be aimed at the use of peacekeeping tools in order to reach agreements on addressing the systemic causes of the conflict. The sustainable truce and peacekeeping operations seem to be not possible until a resolution for the systemic conflict is reached. The sustainable peace can only be based on the maximum use of peacebuilding technologies in Ukraine, in Ukrainian-Russian relations and in the process of the creation of a new and effective global or European security architecture. Ukrainian diplomacy should significantly change its toolkit on countering the Russian aggression and shift from following the Russian ideas and scenarios to a proactive promotion of its own vision of the conflict settlement based on international best practices.
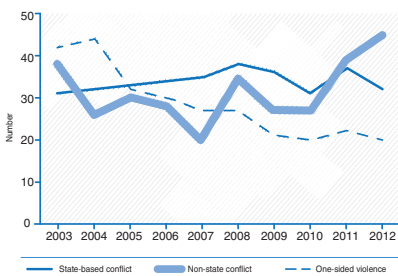
LESS SECURE WORLD

Trends by armed conflict type, 1946-2014

Global trends in armed conflicts, 1946-2014
Source: http://www.systemicpeace.org/conflicttrends.html

The Ukrainian crisis is a unique conflict that proves that systemic changes occur in the global and European security architecture. According to various data (there are different criteria, e.g., one criterion covers only conflicts that have caused more than 1,000 deaths per year), **15 to 40 conflicts took place in 2014, and 14 to 56 in 2015**. The British Institute for Economics and Peace considers that 151 countries are involved in some type of conflict. The tables below indicate that both internal and intrastate armed conflicts have been taking place since the end of the Cold War.

Consequently, **threats to international peace and security that have increased over the recent decade are among major challenges that the world is facing today**.

Types of armed conflict
Source: https://www.sipri.org/yearbook/2014/02

There are new trends that determine global security and have a direct effect on conflict settlement in many parts of the world. Namely, these trends include the following developments.

1. A **global power vacuum** is observed in world policy. The US formerly played a role of global policeman after the Cold War ended. However, the US nowadays has neither potential nor political will to solve major global issues unilaterally.

At the same time, none of other actors has either the military or economic power to replace the role that the US had been maintaining for nearly two decades after the collapse of the USSR. Subsequently, the international system is increasingly less controlled. Meanwhile other actors with geopolitical ambitions provoke various conflicts to the end of **revising the current world order, international hierarchy and global security system**.

2. Internal conflicts prevail over bilateral and international conflicts. However, in the course of bilateral conflict, at least one conflicting party often resorts to indirect aggression by fueling **hybrid warfare**. In addition to hybrid conflicts, **asymmetric and multidimensional conflicts have** also increased. A more powerful conflicting party often finds itself unable to defeat a weaker rival. Even a direct military victory does not always secure peace and stability on the terms of victor, creating systemic challenges instead.

3. **Weak states and rogue states** have become a serious international security challenge. Fragile state institutions erode the state monopoly on violence and contribute to favourable strongholds of terrorism, drug trafficking, organized crime, piracy, etc. Increasing security challenges, deteriorating economic situations and declining living standards result in uncontrolled migration, centrifugal trends, separatism, violent insurgencies and other security challenges far beyond national borders.

4. The **effect of international law has been weakened**. Violations of the UN Charter and foundations of international law by the permanent members of the United Nations Security Council strengthen the rule of force instead of the rule of law. The role of international organizations in securing ceasefire, peacekeeping, preventing or resolving conflicts and post-conflict recovery has also been weakened.

> **Violations of the UN Charter and foundations of international law by the permanent members of the United Nations Security Council strengthen the rule of force instead of the rule of law**

UKRAINIAN CRISIS AT THE HEIGHT OF THE DEGRADATION OF INTERNATIONAL SECURITY

The above trends are only few indicators that prove the fact that the international security architecture has been weakened. The **Ukrainian crisis demonstrates the extent of its degradation**. The Ukrainian crisis (though the term *Ukrainian crisis* is biased as laid down hereafter, it refers to the security situation in and around Ukraine):

1. is a *complex and multilevel conflict*. The multilevel conflict consists of **three different conflicts**: geopolitical (Russia-West conflict), bilateral (Russia-Ukraine conflict) and internal conflict in Ukraine, which broke out at the same time and in the same territory.

2. is a *unique conflict*, as a state that had been given **direct security assurances** from all of the permanent members of the UN Security Council suffered aggression and the violation of its territorial integrity. Furthermore, a state-aggressor is both a state guarantor of Ukraine's security assurances and a permanent member of the United Nations Security Council. Ukraine has found itself tête-à-tête with Russia, which is not formally a party to the conflict due to the fact that Ukrainian diplomacy failed to apply the instruments of international law in rebuffing and punishing the aggressor.

3. takes place *within the European security system that was considered the most stable regional security architecture*. Europe is distinguished by high interdependence, a wide network of interstate institutions and commonly accepted rules of international interaction. However, these facts could not prevent aggression but

demonstrated that the European security system is inefficient and irrelevant, including OSCE institutions. In addition to the inability by the OSCE and other international organizations to stop conflict, **both Russia and the West are not willing to revise the foundations of the current European security architecture and increase its efficiency and functions**. Despite apparent systemic cracks, all parties concerned neither acknowledge the reasons of the ongoing conflict nor search for a solution that could replace the escalation and confrontation trends with reconciliation and cooperation trends. The West does not regard violations of international law and the world order by Russia as so dangerous that it could raise the stakes in conflict settlement, either increasing pressure on Moscow or making a peace proposal.

Ukrainian crisis is de facto three different conflicts: geopolitical (Russia-West conflict), bilateral (Russia-Ukraine conflict) and internal conflict in Ukraine, which broke out at the same time and on the same time

4. is an *asymmetric and hybrid conflict*. A state-aggressor officially denies its participation in warfare, while its actions include traditional (seizure of territory, annexation, etc.) and non-traditional (economic and information warfare, terrorism, etc.) military means. The combination of the above means lays down the grounds to consider Russia's actions as a classic example of hybrid aggression. Moreover, the Ukrainian conflict is also distinguished by double asymmetry. On the one hand, a weak and disintegrated state confronts the second ranked global firepower, a nuclear power and a permanent member of the UN Security Council. On the other hand, the fragile Ukrainian state encounters even weaker quasi-states (DPR and LPR), which have formally low military capabilities but enjoy Russia' military (direct and indirect), political and financial support. Higher asymmetry is observed in Russia's tactical actions. Prior to Euromaidan and military aggression, Russia exerted asymmetric pressure on Ukraine and made the country choose between "bad" and "worse" options. The Minsk agreements highlight Russia's vision.

The Minsk agreements are recognized as the only optional nstrument to cease conflict in eastern Ukraine. The agreements allowed Russia to achieve one of its objectives, namely designating Ukraine and the particular districts of Donetsk and Luhansk oblasts as conflicting parties. However, they did not approach the issue of resolving the causes of the conflict itself. Despite the decreased intensity of fighting, the agreements did not secure a lasting ceasefire, not to mention a resolution of the underlying causes of conflict. Instead, the Minsk agreements are an efficient instrument for Russia to pursue its goals in Ukraine. In this regard, asymmetric and hybrid conflict will most likely continue until either the balance of power is changed or at least one party achieves its goals.

MULTI-LEVEL NATURE OF THE CONFLICT

Special attention should be paid to the first point of the "Ukrainian crisis" characteristics listed above. The conflict is often wrongly or unilaterally regarded as a purely domestic issue (civil conflict) or as a conflict between Ukraine and Russia (Ukrainian-Russian war). A narrowed or one-sided perception of the conflict leads to the inefficiency of the suggested ways of its regulation. The current crisis, which can be called Ukrainian, Russian, European and even worldwide or geopolitical, should be addressed comprehensively. It resulted from a conjunction of conflicts at three different levels: geopolitical (global), Ukrainian-Russian (regional) and within Ukraine (local). What is more, the conflicts at the higher level aggravate the conflicts at the lower level and vice versa, and the same actors can act at different levels in different roles.

At the global level, it is a conflict between the major players in the international arena – first of all, between Russia and the West (under the term "West" we imply the US, EU, NATO and other players who share common standards of behavior with them, e.g. Japan or Australia). Prerequisites for the conflict are triggered by errors in creating and developing European and North Atlantic security and cooperation architecture in the early 1990s and false parameters for the former Soviet Union countries' involvement in European and Euro-Atlantic integration. The violation of

international laws by leading players in the global arena and the application of double standards (from the Iraq gamble to the independence of Kosovo) undermined the moral credibility of the West and created a series of precedents of violation of international law. The Kosovo precedent became a time bomb, the refusal of Ukraine and Georgia Action Plan for NATO membership triggered Russian imperialism and Crimea's annexation utterly destroyed the post-bipolar system of international relations that existed for last two decades.

The process of the post-bipolar disintegration will go on to set up new world order and renew key international institutions. Only now are leading actors beginning to comprehend the collapse of the post-bipolar system of international relations and search for possible new options for a global security architecture, but they do not seek to find new global security architecture options, hoping to save the quite convenient and comfortable model of world order formed between 1991 and 2008.

Ukraine's objectives at this level are to frame a new foreign policy that would take into account the principles of the future international relations system and outline specific proposals. Ukraine, which by force of circumstance has become a key catalyst for the destruction of the existing international security and cooperation system, must act not only as a subject of arrangements but focus its own foreign policy on

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such critical issues as the conflict division line or conflict zone status. To preserve its subjectivity in international relations, **Ukraine should initiate the revision of European and North Atlantic security and cooperation architecture principles and the renewal of international institutions. It is essential for Ukraine to offer and promote its own vision of Russia and the role of other former Soviet Union countries in European and international organizations, put forward solutions to a global and bilateral conflict resolution with Russia and forge its own place in the new world order.**

At the bilateral level, we primarily deal with bilateral conflict between Russia and Ukraine, which was caused by the erosion of the post-Soviet system of relations in the region and Russia's desire to restore the "historical truth," return its position in the region it considers its own sphere of influence and provide a proper place in the world and European architecture of security and cooperation. The catalyst for the conflict became a repeated victory of pro-European forces in Ukraine (after the Orange Revolution) and their attempt to finally break away from Russia's Eurasian integration project.

Russia sees Ukraine as within its sphere of influence and a core component of post-Soviet integration processes. In this respect, Ukraine's European integration aspirations depend on its internal strength, its ability to withstand pressure from Russia and on the internal weakness of Russia and its inability to implement imperial policy by force. The weakening of Ukraine and the strengthening of Russia in the last decade have made the European integration of Ukraine a hostage to Russian imperialism, while Ukrainian political corruption, the heterogeneity of Ukrainian society and the weakness of the military and security structures let the Russian political elite consider Ukraine a surmounted obstacle on the way to the Eurasian Union.

The complexity of Ukrainian-Russian ties, the interdependence of the Ukrainian and Russian economies, military industrial cooperation, the energy question, Crimea, Russian political elite's psychological dependence on the Ukrainian issue and a number of other reasons hinder a fast and simplified settlement of the conflict. The wider regional context, the precedential nature of the Ukrainian-Russian settlement for the former Soviet Union and the objective strengthening of European integration vectors in the former Soviet Union countries should also be taken into account. The handling of the Ukrainian-Russian conflict and the ways of its reconciliation will bring peace, stability and prosperity not only to the two countries but to other countries of Eastern Europe, the Southern Caucasus and Central Asia. That is precisely why Ukraine has to put forward concepts of defusing not only the short-term consequences of the crisis but its underlying causes. We have to outline for Russia and the international community truly innovative conceptual proposals as regards Ukrainian-Russian security and economic relations, tackling the Sevastopol question, the Black Sea Fleet of the Russian Federation base and the status of the current

conflict zones. International experience makes it possible to formulate such ideas and proposals.
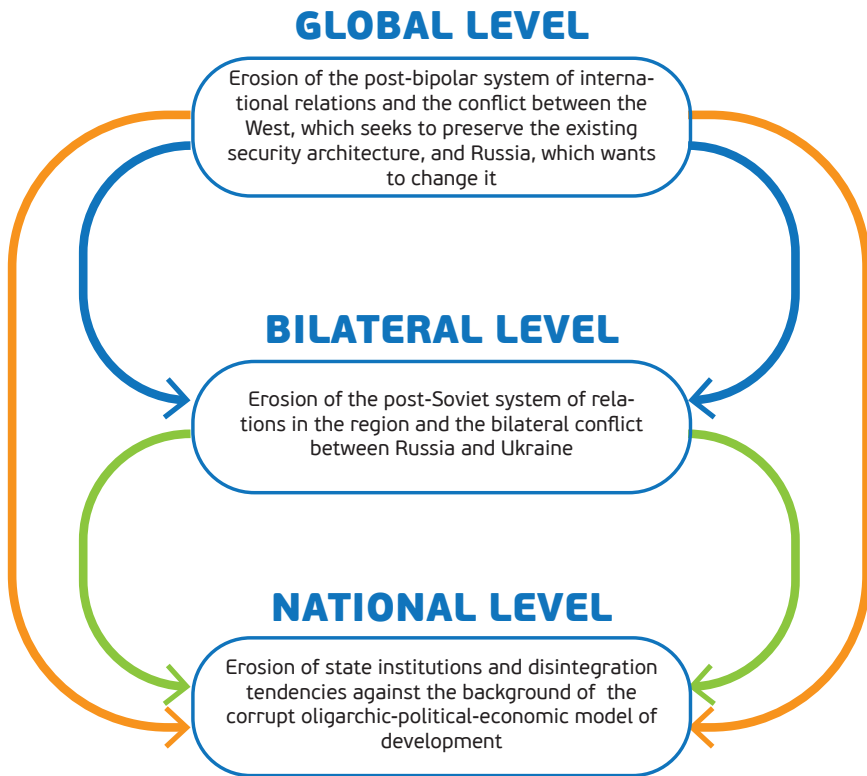
The national level of the conflict refers to the conflict between closed political and economic social institutions and the new civil society, which denies the oligarchic Latin American post-Soviet model of nation-building and socioeconomic relations. This conflict escalates due to the heterogeneous nature of Ukrainian society and the improvident deployment of regional, cultural, linguistic and religious differences by political elites to derive their own short-term benefits. Political elites speculate on historical, linguistic, religious, cultural, economic and other differences between regions of the country in order to advance their political positions and chances to enrich themselves through economic rent. **Instead of uniting different regions through a common vision of the future, political elites increase electoral preferences and their own political capital by swinging the pendulum of cultural and historical differences between regions.**

This process has been taking place since the independence of the country and has led to the weakness of dialogue culture and a cultivation of policy in which the "winner gets everything." What is more, each political cycle enhanced the amplitude of the pendulum that under the condition of weakened state institutions resulted in the disintegration of the country and armed conflict in Donbas. At the same time, the conflict potential that could be activated at any time exists in a number of other Ukrainian regions.

Given a huge number of issues in political, security, economic, energy, social and other spheres, society and political elites cannot afford to spend decades discussing some historical vicissitudes or justifying themselves by deploying plausible arguments. National dialogue in Ukraine should be held relatively quickly and focus primarily on the social agenda points that bring together different regions or people.

The issues that cause irritation or rejection in large social groups should be discussed, but, in the case of the lack of immediate prospects to reach a consensus, they should be postponed to address later or in the regions and communities where they will not trigger fundamental contradictions or conflicts. Ukrainian national dialogue should be based not only on the culture of discussion and consensus but also on respect for the other point of view and a capacity to accept the fact that society is united on the principle of "lowest common denomination." In other words, **Ukrainian national dialogue aims to set an agenda of principles, ideas, goals and objectives that is future-oriented and common for most Ukrainians and will give grounds for a state comfortable for all its citizens.**

Two years have passed since the Maidan and the beginning of Russian aggression, and the post-Maidan Ukrainian leadership that faced such a complex conflict not only failed to lead the professional game at all three levels but lost the huge potential of public and international support for the country's internal reforms and the

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GLOBAL LEVEL

Erosion of the post-bipolar system of international relations and the conflict between the West, which seeks to preserve the existing security architecture, and Russia, which wants to change it

BILATERAL LEVEL

Erosion of the post-Soviet system of relations in the region and the bilateral conflict between Russia and Ukraine

NATIONAL LEVEL

Erosion of state institutions and disintegration tendencies against the background of the corrupt oligarchic-political-economic model of development

Structure of the Ukrainian conflict

cessation of external aggression. Ukraine holds inconsistent positions in the international arena regarding the conflict with Russia; the rhetoric of Ukrainian leadership and diplomacy is dualistic: hurray-patriotic anti-Russian rhetoric within the country against the restrained foreign policy tactics of combating the aggressor in the international arena, the preservation of the modalities of the anti-terrorist operation (ATO) against the actual state of military aggression by the Russian Federation and the recognition of DPR/LPR as the other party to the conflict in the Minsk agreements simultaneously with the accusations of Russia's aggression, etc.

Such a position disorientates Ukrainian society and the international community on possible directions for further settlement. This disorientation is only intensified after the appeal of the Ukrainian leadership to the international community to send international peacekeeping forces to the east of the country. The expert community and foreign partners have the impression that the Ukrainian peacekeeping initiative is either a tactical maneuver or a demonstration of a lack of professionalism and understanding of international peacekeeping practices. It is therefore appropriate to

clearly describe the forms of international peacekeeping activities and possibilities for their use in the existing realities of the multidimensional conflict in Ukraine.

UKRAINE: FROM A DONOR TO A RECIPIENT OF INTERNATIONAL PEACEKEEPING

For many years since its independence, Ukraine has been an important donor to international peace and security. Since 1992, over 40,000 Ukrainian soldiers took part in peacekeeping operations in Europe (Balkan countries, Georgia, Cyprus), Asia (Afghanistan, Tajikistan, Lebanon, Timor-Leste), Africa (Sudan, the Ivory Coast, Liberia, the Democratic Republic of the Congo) and Latin America (Guatemala). Though the operations had various impacts on the settlement of internal and international conflicts, they provided practical experience in crisis management.

Ukrainian diplomacy had also made efforts to prevent or settle international conflicts and crises, though they brought various effectiveness. For one and a half decades, Ukraine has been a mediator in the Transnistrian conflict. Though Ukrainian diplomacy did not propose a comprehensive reintegration plan for the two banks of the river Dniester (the Yushchenko plan predominantly contributed to an increased number of parties concerned and EUBAM deployment on the Transnistrian part of the Ukrainian-Moldovan border), it gained experience in international peacekeeping from Kyiv's involvement in conflict settlement.

The Ukrainian MFA also took active part in crisis settlement on the territory of the former Yugoslavia. Ukraine, as much as possible, tried to avoid NATO military operation against Serbia without the UN Security Council resolution, fully realizing that the unprecedented violation of international law in Europe may pose a threat to Ukraine's national security. Ukraine's timely diplomatic and military support made for preventing full-fledged violence and the Kosovo scenario in Macedonia. The Kosovo conflict has been a major challenge to Ukrainian diplomacy in the Balkans. Ukrainian experts immediately considered short-sighted support for the declaration of Kosovo independence as a direct threat to national security facing some countries in the region, including Georgia and Ukraine. Given the fact that both countries were refused the Membership Action Plan at the 2008 NATO Summit in Bucharest, Russia's further actions could be clearly predicted. Unfortunately, the West ignored warnings of possible Russian aggression against Georgia and Ukraine after Kosovo declared independence, thus contributing to the erosion of the European security architecture.

WHAT IS PEACEKEEPING

The term *peacekeeping,* which commonly includes **non-military means of achieving peace, often refers to any activity aimed at ceasing hostilities and restoring**

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peace. Sometimes peacekeeping is only applied to UN military personnel (Blue Helmets) deployed to disengage conflicting parties, while many mistakenly apply it for peace enforcement operations. As a result of the terminological confusion, Ukrainian officials sometimes use the same terms with have different meanings during negotiations.

There are **four forms of international peace actions** that were introduced by the sixth UN Secretary-General Boutros Boutros-Ghali in the "Agenda for Peace" report in 1992: preventive diplomacy, peacemaking, peacekeeping and post-conflict peacebuilding. Though the forms of peace actions are applied in different conflict stages, they are integrally related. The below infographic provides the connection between conflict stages and peace actions by the UN or other international organizations.

CURVE OF CONFLICT
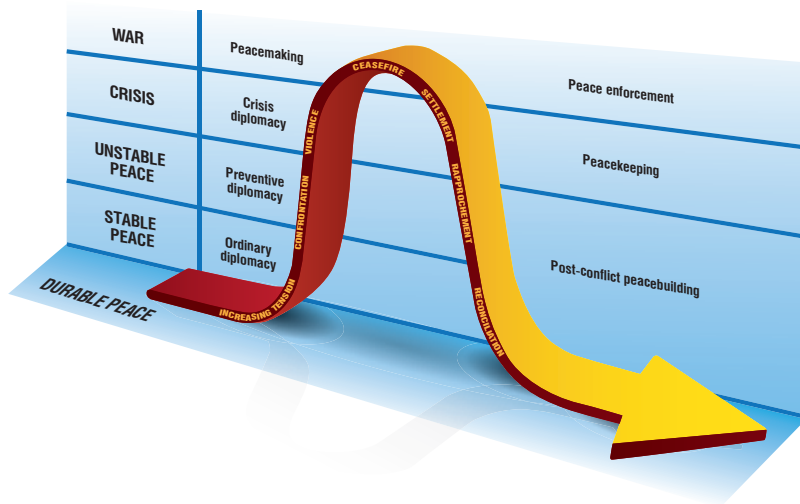
Conflict stage and form of engagement by the UN or other international organization

Preventive diplomacy *is applied before a conflict arises or in early conflict stages. In case the conflict does emerge, international actors (international organizations or other mediators) resort to* peacemaking *in order to bring hostile parties to negotiations and a peace agreement. Once peace is attained, the UN or other international organizations may deploy military personnel until the end of* peacekeeping*, in other words to secure disengagement between hostile parties. Following or in line with peacekeeping, conflict-affected communities at all levels start* post-conflict peacebuilding *in order to resolve the root causes of conflict and avoid relapse. The successful implementation of a peacebuilding agenda creates* sustainable peace *when both parties reach a systemic balance of interests, which makes the resumption of hostilities mutually inconceivable and unprofitable.*

PREVENTIVE DIPLOMACY

Preventive diplomacy comprises actions to prevent disputes from arising or existing in order to avoid the escalation of conflicts and to limit the spread of the latter when they occur. Preventive diplomacy is taken in vulnerable times between peace diplomacy and crisis diplomacy. In this regard, a factor of time plays a crucial role in order to avoid a hot phase.

Preventive diplomacy failed to avoid violence during Euromaidan, Russia's annexation of Crimea and armed conflict in eastern Ukraine. Since th3 Ukrainian crisis broke out, the UN and other international organizations have taken some of such approaches to prevent peaceful protests from being transformed into a full-scale international conflict. Namely, representatives of international organizations made visits to inquire into the situation in Ukraine and tried to mediate and reconcile parties. However, their efforts were made to catch up with rather than prevent those developments.

The annexation of Crimea confronted the international community with an accomplished fact whereby a UN and OSCE member-state violated territorial integrity of another country through military force. Russian secret service officials expelled the UN Secretary-General's envoy in Ukraine from Crimea while the peninsula was unmonitored by any international mission. The OSCE became a major international platform mandated to facilitate conflict resolution in eastern Ukraine. However, the OSCE Special Monitoring Mission, the OSCE Observer Mission at the Russian Checkpoints Gukovo and the Donetsk and Trilateral Contact Group not only failed to stabilize the situation in Donbas but also failed to prevent mass atrocities in Ilovaisk, Donetsk International Airport and Debaltseve.

Though preventive diplomacy failed in the initial stage of Ukrainian crisis, its instruments may turn out to be necessary in **avoiding the reiterated escalation of armed conflict or limiting its geographic spread**. To this end, both national and international actors must be involved in fact-finding potential conflict zones, which may provoke new armed conflicts or separatism. In particular, immediate international attention needs to be paid to illegal amber mining in north-western Ukraine and logging in areas adjacent to the Romanian and Hungarian borders so that the rule of law will be restored and the needs of citizens and communities will be met in accordance with European practices and standards. A number of facts prove that systemic conflicts may break out under favourable conditions without active preventive efforts.

At the same time, **other forms of international intervention are required to stop bloodshed and facilitate a peaceful resolution in major conflict zones (DPR- and LPR-controlled territories, Crimea)**.

PEACEMAKING AND PEACE ENFORCEMENT

If conflict escalates, it may be stopped either by peacemaking or peace enforcement.

Peacemaking constitutes actions taken to bring hostile parties to an agreement by peaceful means. Article 33 of the UN Charter provides for the following pacific means: negotiations, enquiry, mediation, conciliation, arbitration, judicial settlement, and resort to regional organizations.

Peace enforcement includes actions commonly involving the use of military force against one or more conflicting parties to restore peace. If peaceful and provisional measures prove to be inadequate and fail to stop the conflict, the UN Security Council may authorize the application of enforcement measures against the peace-breaker. Peace enforcement is applied to secure ceasefire.

Russia's covert military intervention on the side of separatists was a de facto illegitimate peace enforcement operation without the UN Security Council's mandate and resulted in the de-escalation of conflict in Donbas and compelled Ukraine to sign the Minsk I agreement in September 2014 and the Minsk II agreement in February 2015. The Minsk agreements institutionalized the Ukrainian crisis as an internal conflict

United Nations

S/RES/2202 (2015)

Security Council

Distr.: General
17 February 2015

Resolution 2202 (2015)

Adopted by the Security Council at its 7384th meeting, on 17 February 2015

The Security Council,

Recalling the purposes and principles enshrined in the Charter of the United Nations and reaffirming its full respect for the sovereignty, independence and territorial integrity of Ukraine,

Expressing its grave concern at the tragic events and violence in eastern regions of Ukraine,

Reaffirming its Resolution 2166 (2014),

Firmly convinced that the resolution of the situation in eastern regions of Ukraine can only be achieved through a peaceful settlement to the current crisis,

1.   *Endorses* the "Package of measures for the Implementation of the Minsk Agreements", adopted and signed in Minsk on 12 February 2015 (Annex I);

2.   *Welcomes* the Declaration by the President of the Russian Federation, the President of Ukraine, the President of the French Republic and the Chancellor of the Federal Republic of Germany in support of the "Package of measures for the Implementation of the Minsk Agreements", adopted on 12 February 2015 in Minsk (Annex II), and their continuing commitment therein to the implementation of the Minsk Agreements;

3.   *Calls on* all parties to fully implement the "Package of measures", including a comprehensive ceasefire as provided for therein;

4.   *Decides* to remain seized of the matter.

Please recycle ♻

UN Security Council resolution 2202 (2015) from February 17, 2016 endorses the Minsk agreements in a capacity of the UN Security Council document

S/RES/2202 (2015)

Annex I

Package of Measures for the Implementation of the Minsk Agreements

Minsk, 12 February 2015

1.   Immediate and comprehensive ceasefire in certain areas of the Donetsk and Luhansk regions of Ukraine and its strict implementation as of 15 February 2015, 12 a.m. local time.

2.   Withdrawal of all heavy weapons by both sides by equal distances in order to create a security zone of at least 50 km wide from each other for the artillery systems of calibre of 100 and more, a security zone of 70 km wide for MLRS and 140 km wide for MLRS "Tornado-S", Uragan, Smerch and Tactical Missile Systems (Tochka, Tochka U):

– for the Ukrainian troops: from the de facto line of contact;

– for the armed formations from certain areas of the Donetsk and Luhansk regions of Ukraine: from the line of contact according to the Minsk Memorandum of Sept. 19th, 2014;

The withdrawal of the heavy weapons as specified above is to start on day 2 of the ceasefire at the latest and be completed within 14 days.

The process shall be facilitated by the OSCE and supported by the Trilateral Contact Group.

3.   Ensure effective monitoring and verification of the ceasefire regime and the withdrawal of heavy weapons by the OSCE from day 1 of the withdrawal, using all technical equipment necessary, including satellites, drones, radar equipment, etc.

4.   Launch a dialogue, on day 1 of the withdrawal, on modalities of local elections in accordance with Ukrainian legislation and the Law of Ukraine "On interim local self-government order in certain areas of the Donetsk and Luhansk regions" as well as on the future regime of these areas based on this law.

Adopt promptly, by no later than 30 days after the date of signing of this document a Resolution of the Parliament of Ukraine specifying the area enjoying a special regime, under the Law of Ukraine "On interim self-government order in certain areas of the Donetsk and Luhansk regions", based on the line of the Minsk Memorandum of September 19, 2014.

5.   Ensure pardon and amnesty by enacting the law prohibiting the prosecution and punishment of persons in connection with the events that took place in certain areas of the Donetsk and Luhansk regions of Ukraine.

6.   Ensure release and exchange of all hostages and unlawfully detained persons, based on the principle "all for all". This process is to be finished on the day 5 after the withdrawal at the latest.

7.   Ensure safe access, delivery, storage, and distribution of humanitarian assistance to those in need, on the basis of an international mechanism.

8.   Definition of modalities of full resumption of socioeconomic ties, including social transfers such as pension payments and other payments (incomes and

15-02151

Article 2 of the "Package of measures" specifies that Ukraine and certain areas of the Donetsk and Luhansk regions are conflict parties

between Ukrainian troops and armed formations from certain areas of the Donetsk and Luhansk regions. Furthermore, the agreements transformed the crisis into a low intensity conflict and removed the Crimea issue from the negotiations agenda. Thus, **Russia managed to impose its scenario for conflict developments**. Meanwhile, a mutual unwillingness to implement the Minsk agreements and regular ceasefire violations pose a threat for a reiterated escalation at any time.

Nowadays, both parties are generally committed to a fragile ceasefire since they would pay a much higher price for its brazen violation. A threat of Russian full-scale intervention prevents Ukraine from escalating the conflict and restoring Kyiv's sovereignty by military means. On its side, Russia is also unmotivated to escalate the conflict, as Moscow hopes that sanctions will be lifted while the Minsk agreements enable it to destabilize Ukraine without significant military involvement. DPR and LPR generally comply with Russia's strategic and tactical planning, though there is a permanent risk that their actions may be out of Moscow's control.

Peace enforcement operation is impossible at the current stage since the Ukrainian crisis was designated as an internal conflict in accordance with the Minsk agreements and the UN Security Council Resolution 2202 (2015). Russia, which is *de facto* a state-aggressor, is not *de jure* a party to the conflict, while Ukraine is unilaterally obliged by the Minsk agreements as laid down in the above resolution.

According to available data, 56 Ukrainian soldiers have died on average per month since the Minsk agreements were reached. During the period from the end of the Debaltseve battle to April 8, 2016, Ukrainian troops suffered 748 casualties. Thus, the Minsk agreements failed to secure a sustainable cease-fire.

In other words, the Minsk agreements are an instrument that allows for the transforming of a high intensity conflict into a low intensity conflict. Nevertheless, armed conflict is still going at an active stage. Consequently, peacemaking is the only available instrument of conflict settlement, except for peace enforcement. **Peacekeeping operation will be possible only after peacemaking efforts have appeared successful**. Therefore, Ukraine has no other options but to apply **all peaceful means provided in Article 33 of the UN Charter**, namely negotiations, enquiry, mediation, conciliation, arbitration, judicial settlement, and resort to regional organizations.

The current conflict may be settled by the above peaceful means under the following essential conditions: all parties concerned are interested in a peaceful settlement plan and both negotiation channels and promotional tactics are efficient. In the nearest future, the peacemaking effort must include positive and negative agendas for Russia.

A positive agenda must provide for the revision of the European security and cooperation system (a set of measures to act on Russia's formal complaints) and proposals for Ukrainian-Russian bilateral issues based on the recognition of Ukraine's borders as of 1991. On the contrary, a negative agenda means to enforce Russia to accept positive agenda. The enforcement measures may encompass Russia's recognition as a

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state-aggressor and a party to the conflict within the UN. It would have the following implications: Russia would be banned from decision-making in the Ukrainian crisis and would be punished by the UN General Assembly resolution and tougher sanctions. The Kremlin will be enforced and/or encouraged to make meaningful negotiations and a sustainable peace only by virtue of the stick and carrot.

Given the current conflict developments, the **deployment of the UN or other international peacekeepers is impossible due to some political and procedural circumstances and incompliance with the Minsk agreements**. The latter lay down the terms of the ceasefire and internal political changes in Ukraine but do not provide for the deployment of military personnel by a third parry along the disengagement line. Moreover, peacekeeping operation in Ukraine is far from reality, as the conflict has not evolved into the stage yet whereby both parties may reach peace agreements or a sustainable ceasefire and are willing to seek disengagement and a gradual resolution.

IS A PEACE ENFORCEMENT OPERATION POSSIBLE AGAINST RUSSIA?

Since March 2014, Ukrainian diplomacy could have used international legal instruments to limit Russia's activities within the UN. For instance, following the annexation of Crimea, Ukraine could have designated Russia as a state-aggressor in accordance with the Conventions for the Definition of Aggression, the UN Charter, UN General Assembly resolution 3314 (by definition of aggression), the Budapest Memorandum and other instruments. With reference to the above instruments, Ukraine could have applied Article 27 of the UN Charter that deprives a party to a dispute of voting in the UN Security Council.

Instead of aggressive anti-Russian rhetoric, Ukraine was to have requested the UN Security Council to assess whether the annexation of Crimea was subject to its consideration under Article 39 of the UN Charter. If the UN Security Council, because of the veto by any permanent member, fails to exercise its primary responsibility for the maintenance of international peace and security, Ukraine could have referred to the UN General Assembly resolution 377A (Uniting for Peace) that empowers the Assembly to make appropriate recommendations to impose sanctions against an aggressor and use armed forces to restore international peace and security. The General Assembly may consider the situation if requested by the Security Council not on the unanimity of the permanent members but on the vote of any seven members. Thus, the resolution allows avoiding a veto by any permanent member and taking enforcement measures against an aggressor or even launching a peace enforcement operation against Russia.

A principal condition to apply the above resolution is the fact that the Security Council failed to take a decision to restore international peace and security. In other words, Ukraine could have presented for several times the UN Security Coun-

cil draft resolution that authorizes peace enforcement operation, the UN sanctions against Russia or other tough measures. After Russia vetoes the draft resolution, Ukraine as a victim of aggression may request the General Assembly to convene an emergency special session and adopt the necessary resolution.

Ukraine had rather high chances that such a resolution could be adopted at the General Assembly emergency special session in 2014 or early 2015. However on February 17, 2015, the Security Council adopted resolution 2202 that endorsed the "Package of measures for the Implementation of the Minsk Agreements". Because of Kyiv's diplomatic blunder, the Minsk agreements were incorporated in the Security Council resolution that had designated Ukraine and particular districts of Donetsk and Luhansk oblasts as conflicting parties. Therefore, Ukraine lost the chance to neutralize and punish Russia by international legal means.

**Ukrainian diplomacy failed to use the current international legal instruments to limit Russia's activities within the UN, varying from a designation of Russia as an aggressor-state and its deprival of voting in accordance with Article 27 of the UN Charter to the UN General Assembly resolution "Uniting for Peace"...
The above actions could have neutralized Russia's influence in a capacity of a permanent member of the UN Security Council on the conflict in eastern Ukraine**

After the UN Security Council resolution 2202 was adopted, it would be illegal to blame the Security Council for the failure to adopt a resolution on a threat to the peace or an act of aggression by Russia. Consequently, Ukraine has very little chance to apply UN General Assembly resolution 377A (Uniting for Peace). **Russia, which had been unwilling for the Uniting for Peace resolution to be applied, immediately pushed the Minsk agreements through the UN Security Council. The question arises over what was driving Ukraine's unwillingness to apply the Uniting for Peace resolution and agreement with the Security Council resolution 2202, except for unprofessionalism or appeasement towards Russia**.

Nevertheless, the following day – on February 18, 2015 – the National Security and Defense Council of Ukraine made a decision to appeal for the UN and EU peacekeeping operation in eastern regions. The decision was subsequently endorsed by the Presidential decree and Verkhovna Rada resolution. In this regard, it is worth considering what should be done so that international peacekeepers are deployed in Donbas.

PEACEKEEPING

Peacekeeping is a deployment of a UN presence in the field, hitherto with the consent of all parties concerned, normally involving UN military and/or police personnel and frequently civilians as well. The UN peacekeeping operations are

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guided by three principles: consent of the parties, impartiality, and non-use of force except in self-defense and defense of the mandate.

Forming a peacekeeping operation requires the following steps:
1. Agreement between hostile parties
2. Support from all parties concerned
3. Technical field assessment
4. The UN Secretary-General report
5. The UN Security Council resolution
6. Approval for budget of the peacekeeping operation by the UN General Assembly
7. Staffing senior commanders and personnel
8. Planning peacekeeping operation
9. Deployment of the peacekeeping operation

Though both peacekeeping and peace enforcement operations normally involve the UN military personnel to stabilize the conflict, **two operations have core differences**:

	PEACE ENFORCEMENT OPERATION	PEACEKEEPING OPERATION
Conflict stage	Escalation	De-escalation
Consent of the parties	Against the will of at least one party	With the consent of all parties
Neutrality	Against peace-breaker	Impartial towards all parties
Use of force	Mandated by the UN Security Council	Unauthorized except in self-defense and defense of the mandate

Given the fact that Russia committed aggression against Ukraine and has been occupying part of Ukraine's territory, Kyiv should have initiated a peace enforcement operation. To that end, Ukraine should have declared and designated Russia as a state-aggressor in February-March 2014 with reference to the above international legal instruments and deprived Moscow of vetoing peace enforcement operation.

As nothing above has been done, nowadays Ukraine has no options but a peacekeeping operation. However, prior to deploying a peacekeeping operation, certain hardly achievable conditions must be met. First, both Ukraine and armed formations from certain areas of the Donetsk and Luhansk regions should commit to a sustainable ceasefire and agree on deploying international military personnel. Second, as a result of Ukraine's diplomatic fault, Russia, which is not formally party to the conflict, has the right to influence the decision-making procedure regarding the peacekeeping operation in Donbas. Thus, Russia will obviously have an institutional effect on negotiating the mandate, composition and commandment of the peacekeeping operation. If Russia agrees on peacekeeping operation in Donbas, it will likely to demand that Russian personnel be deployed along the disengagement line. In this regard, Russia may regard the peacekeeping mission as an instrument to legitimize its military presence in eastern Ukraine.

If both parties (Ukraine and separatists) do agree on peacekeeping operation, Kyiv will have to decide on its mandate. First of all, Ukraine needs an international military mission to ensure an efficient disengagement, including the right to use of force in defense of the mandate. Such a mission may contribute to re-escalation and establish negative peace (absence of violence without eliminating systemic causes of conflict) but will not lead to a sustainable peace should the mission be completed.

Ukraine should have declared and designated Russia as a state-aggressor in February-March 2014 with reference to the above international legal instruments and deprived Moscow of vetoing peace enforcement operation.

The peacekeeping mission needs a wider mandate to secure a positive peace in Donbas (namely, eliminating the root causes of conflict). To this end, international military troops should be facilitated with police personnel so that elections in certain areas of Donbas meet security conditions.

Prior to granting a specific order of local self-governance, the international civilian component should be involved in either supporting the formation of the law enforcement system or performing these functions by themselves on a temporary basis.

Currently, third states demonstrate that they are unwilling to contribute significant resources to peacekeeping operation in the area of localized conflict that does not pose any serious threat to their security. According to an assessment by Andreas Umland and Oleksiy Melnyk, the international peacekeeping contingent shall comprise 50,000 soldiers.

According to our estimation, Ukraine needs a slightly lower number of peacekeepers (both military and police personnel) – 40,000 – to address security challenges in Donbas. However, taking into account the threat from Crimea, the total number of personnel jointly deployed along the disengagement line in Donbas and administrative border with the annexed peninsula will account for 50,000 troops.

It is remarkable that today 120,000 persons are involved in UN peacekeeping operations, including 104,000 military staff and 16,000 police staff. In this regard, the deployment of the UN peacekeeping operation in Ukraine will take nearly a half of all its personnel.

The annual budget for UN peacekeeping operations accounts for $8 billion. The UN peacekeeping operation in Ukraine will take no less than $3–4 billion annually. Thus, such an operation will exhaust around 40–50% of peacekeeping financial resources.

Even if Ukraine overcomes all obstacles to a peacekeeping operation, the UN military contingent may secure disengagement but will not lead to the resolution of the conflict itself. In this regard, the international mission needs a wider mandate based on both peacekeeping and post-conflict peacebuilding concepts.

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ROLE OF INTERNATIONAL ORGANIZATIONS IN PEACEKEEPING

Pursuant to Article 42 of the UN Charter, the Security Council shall encourage a pacific settlement of conflicts by regional organizations. However, Article 52 of the UN Charter prohibits any enforcement action taken by regional organization without the authorization of the Security Council. In other words, prior to deploying peacekeeping operations by regional organizations, they shall be approved by the UN Security Council where permanent members have the right to veto.

The EU, NATO and the OSCE are regional organizations that share responsibility for European security. The EU has deployed two civilian missions under the aegis of the Common Foreign and Security Policy (CFSP): the EU Border Assistance Mission to Moldova and Ukraine (EUBAM) has been on the ground since 2005, while the EU Advisory Mission for Civilian Security Sector Reform (EUAM) has been operating since 2014. Police or civil missions are the only form of the EU's involvement in Ukraine acceptable to both Moscow and Brussels. In particular, such missions in Ukraine are opposed neither by Russia nor by pro-Russian EU member-states and do not require the authorization of the UN Security Council. For political reasons, a vast majority of EU member-states deny any peacekeeping mission when European and Russian soldiers find themselves face to face. The Ukraine-EU Association Agreement does not provide for any obligation except for political consultations and, pursuant to Article 10, "increasing the participation of Ukraine in EU-led civilian and military crisis management operations as well as relevant exercises and training activities, including those carried out in the framework of the Common Security and Defence Policy (DSDP)".

NATO in fact conducted military operations both with (in Bosnia and Herzegovina) and without (in Kosovo) the authorization of the UN Security Council. Irrespective of the UN initial mandate, NATO troops have remained in Bosnia and Herzegovina and Kosovo and constituted a core for SFOR and KFOR respectively. In the context of Ukraine, Russia will undoubtedly react in a fierce manner and provoke an escalation of conflict if NATO peacekeepers in Donbas are on the agenda. Therefore neither the US nor its European allies are interested in such developments.

The OSCE is the only regional security organization that includes all actors concerned by the conflict in Donbas: Ukraine, Russia, the US, and EU members-states. The OSCE has a peacekeeping capacity, though no peacekeeping operations have been conducted under its aegis so far. With regard to the lack of resources and experience, the OSCE military mission is unlikely to be deployed in eastern Ukraine. Though the OSCE Special Monitoring Mission (SMM), the OSCE Observer Mission at the Russian Checkpoints Gukovo, and the Donetsk and Trilateral Contact Group have been deployed since the beginning of Russia's aggression, they carry technical rather than political duties. Such missions are unlikely to produce fruitful results unless a political agreement is reached at the highest level.

On April 24, 2016, the President of Ukraine Petro Poroshenko raised the issue of the OSCE police armed mission in Donbas. The Head of state said that the mission should ensure a sustainable ceasefire and security, the withdrawal of heavy equipment and Russian occupation troops, and the restoration of Ukraine's control over the portion of the state border. The website of the Presidential administration states that "the OSCE mission should also deploy permanent armed checkpoints in the areas of withdrawal of heavy weaponry and in the uncontrolled area of the Ukraine-Russia border in order to prevent the supply of Russian weaponry to the militants".

The question arises over whether the OSCE police mission is mandated to meet the above expectations. The OSCE police mission includes the education and training of local law enforcement bodies in countering transnational and organized crime, drug and human trafficking, human rights violations, and other challenges. Such missions are deployed to facilitate either preventive diplomacy or post-conflict peacebuilding.

Consequently, the OSCE police mission can hardly ensure a sustainable ceasefire and the withdrawal of heavy weaponry and armed formations, as such tasks go beyond its mandate. Unlike military personnel, (even armed) police mission will be unable to use force against a truce-breaker except in self-defense. In this regard, high-level political deals should precede the implementation of ambitious tasks.

However, the OSCE police mission may facilitate election monitoring in rebel-con-

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trolled areas of Donbas and provide some security in polling stations. OSCE police personnel may be also empowered to patrol along the disengagement line and the Ukraine-Russia border, though it requires Russia's consent.

PEACEBUILDING

Peacebuilding is commonly referred to as **comprehensive efforts by international and national actors to support social, political, professional, religious, and other groups and structures, which will tend to strengthen peace and avoid a relapse into conflict**. Peacebuilding may share some features with preventive diplomacy in avoiding the breakdown of peaceful conditions. However, preventive diplomacy is intended to avoid a crisis, while peacebuilding is intended to prevent a recurrence.

Peacebuilding promotes positive peace or sustainable peace, which involves the elimination of both violence and the root causes of the conflict that may lead to its relapse. According to various research, around half of conflicts recur within 20 years after the active phase is over.

Peacebuilding involves prolonged multilevel activities to establish structures that will promote a culture of dialogue and a pacific settlement of disputes. Peacebuilding may include a wide range of activities: reconciling hostile parties, providing equitable access to resources and benefits, combating corruption, conducting free and fair elections, granting gender equality, and eliminating any forms of discrimination, etc. The tipping point in peacebuilding efforts is a change in negative perception of the opposing party, which was developed as a result of conflict-driven social mobilization.

Given the fact that Ukrainian crisis is a multilevel conflict, peacebuilding requires simultaneous efforts on a geopolitical level (Russia-West relations), bilateral level (Ukraine-Russia relations), and local level (within Ukrainian society). Moreover, peacebuilding on one level should supplement respective activities on others.

As aforementioned, peacebuilding should be preceded by providing de-escalation, effective disengagement and/or disarmament, and a security environment. An international mission may facilitate the social integration of combatants, the training of law enforcement, and demining territories either with or apart from possible military or civilian missions. In its turn, the Ukrainian government should support victims of war in returning to a peaceful life as well as local initiatives.

Besides Donbas, **peacebuilding should cover all other territories of Ukraine**. In this regard, it is necessary that Ukrainian politicians should stop gambling on local differences in favour of short-term electoral interests. Instead, the Ukrainian government should adopt a national unity strategy that specifies peacebuilding measures to be taken by national and international actors. Prior to any decision varying from public spending to cultural events, it must be verified whether it complies with the

reintegration policy. National consolidation may be reinforced by resolving those structural problems that people in all regions are suffering from: corruption, organized crime, law enforcement abuse, unemployment, exclusive social institutions, and poor healthcare and education systems.

Given Russia's occupation of Crimea and involvement in Donbas, sustainable peace is impossible without a **new complex of Ukraine-Russia relations**. The revision of bilateral relations should be based on the restoration of Ukraine's sovereignty and territorial integrity and a face-saving opportunity for Russia. Ceasing bloodshed in Donbas will depend on how Ukraine and Russia resolve sensitive bilateral issues, namely Ukraine's European and Euro-Atlantic integration, energy, trade warfare, Ukraine's debt to Russia, linguistic issues in Ukraine, and Russia's military presence in Ukraine. Each issue may be addressed with an innovative solution in order to resolve the conflict.

> **Peacebuilding promotes the positive elimination of the root causes of the conflict that may lead to its relapse**

The model for conflict resolution in Northern Ireland may be applied in the context of Crimea and particular districts of Donbas. The liberalization of energy market and implementation of the Third Energy Package remove gas wars from the agenda as well as corruption in the energy sector. Russia's objections to Ukraine's European integration may be withdrawn by encouraging the former to join the European free trade area. Finally, Ukraine's Euro-Atlantic aspirations may be compromised if Ukraine declares neutrality and signs agreements on mandatory security guarantees with the US and Russia or other permanent members of the UN Security Council. In any case, Ukraine should be a clever-minded actor guided by a win-win solution.

Peacebuilding on the **geopolitical level** should be centered on a new European security architecture. In this regard, the OSCE should be revised to increase its capacity in addressing security challenges in Euro-Atlantic and post-Soviet spaces. As a victim of the European security gap, Ukraine should promote its vision for new principles of political interactions in Europe based on confidence-building between Russia and the West. This vision seeks to establish an environment in which Russia, the US and EU no longer perceive Ukraine from the point of a security dilemma, while Ukraine no longer triggers international crises.

One of the proposals for interaction between the aforementioned actors is a set of security guarantees granted by the US and Russia to Ukraine resembling Article 5 of the North Atlantic Treaty, which sets forth that armed attack against one state is considered an attack against the other. This security model requires that Ukraine should declare neutrality to be recognized by the UN.

Another proposal deals with the Ukrainian international treaty resembling the Aus-

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trian State Treaty of 1955. The document should substitute for the Budapest Mem-
orandum of 1994 and provide for effective guarantees of Ukraine's independence,
territorial integrity, the inviolability of borders, neutrality, and the freedom of civili-
zational choice. Unlike the Budapest Memorandum, the new treaty should be signed
and ratified by the parliaments of Ukraine, Russia, the US, Germany, France, the UK,
China as well as the European Parliament.

SUMMARY AND RECOMMENDATIONS

The international peacekeeping models described above and the analysis of the op-
tions available for the Ukrainian diplomacy allows us to draw a number of conclu-
sions and recommendations for further action to settle the conflict on the basis of
Ukrainian national interests:

1. The current "Ukrainian" conflict is multidimensional. An attempt to limit it to one
   dimension distorts reality, does not contribute to the settlement, and only transfers
   it into a form of low-intensity conflict or, at best, freezes it for a certain period
   of time. The freezing of the conflict or its continuation does not meet Ukrainian
   national interests. Ukraine is interested in a systemic settlement of the conflict and
   therefore has to propose and demand the international community to consider it
   at the geopolitical and bilateral Russian-Ukrainian dimensions. Peace in eastern
   Ukraine and the restoration of Ukrainian sovereignty over Crimea are possible
   only under the following conditions:
   a. Review of the global and European security architecture, cessation of con-
      frontation between Russia and the West, and the integration of Russia into the
      European structures;
   b. Settlement of the complex of the Ukrainian-Russian bilateral issues, pro-
      cessing and approval of mutually acceptable modalities for Ukraine-Russia
      coexistence;
   c. Rapid implementation and systemic internal reforms that will make the pro-
      ject "Ukraine" attractive to all its citizens.

   Without solving all three conditions, peaceful settlement is not possible and
   Ukraine has no alternative other than to put the economy on military rails and
   prepare for a long lasting period of confrontation and exhaustion. Addressing all
   three points is possible only if there is a political will at the highest levels and a
   responsibility and mastery of the national foreign service.

2. Implementation of reforms, replacement of the existing corrupt oligarchic
   Ukraine's model to a new, attractive model of modernized economy; building a
   real, not a façade democracy, reintegration of the society, achievement of high
   welfare standards and other internal Ukrainian positive transformations are the
   key factors to conflict settlement. At the same time, the settlement of internal
   problems cannot be subject to external dictates. The issues of the state system, first

of all, the Constitution, cannot be resolved in the course of any negotiations, as under that conditions Ukraine is losing an important features of its international legal subjectivity. The international community can facilitate the reforms, provide financial or technical assistance, but cannot determine the fundamental features of Ukrainian statehood.

3. The Minsk agreements reflect the Russian logic of conflict settlement, as they determine Ukraine and DPR/LPR as parties to the conflict, include the internal issues which cannot be subject to international agreements, and do not contain the control parameters of commitments fulfillment. At the same time, the Minsk agreements are officially approved by UNSCR2202 of 17 February 2015 and therefore cannot be discarded. The way out of the situation is the need to promote new ideas and projects that can push the unfavorable Minsk agreements aside and gradually marginalize them. In fact, the main conclusion after two years of Russian aggression and conflict in the country is the need to elaborate and promote the country's own systemic plan on the settlement of both the geopolitical confrontation and bilateral Russian-Ukrainian conflict.

4. The Ukrainian peace plan should be based on the following principles:
   a. preservation of Ukrainian statehood within the borders of 1991 and the res-

toration of its full sovereignty;

b. inadmissibility of any international agreements adopted without Ukraine's participation

c. innovative means of conflict settlement;

d. respect for local peculiarities and non-discrimination with regard to local powers, language and other grounds;

e. respect for dignity, values, and motivation of each conflicting party, except for persons who encouraged or committed acts of aggression, war crimes, crimes against humanity and financed illegal armed formations;

f. inescapable punishment for preparing and executing aggression, supporting illegal armed formations, committing war crimes and crimes against humanity.

The Ukrainian peace plan should be centered on reforms, economic modernization, and social welfare rather than political doctrines. In this regard, it is necessary to determine core interests that are not subject to negotiations (e.g., territorial integrity, sovereignty) and bargaining positions that may be subject to compromises (e.g., neutrality in exchange for security guarantees).

5. The Ukrainian peace plan should be preceded by a revision of Russia's role in Europe and the world as well as **proposed positive and negative agendas for Russia**. Positive agenda must provide for a revision of European security and cooperation system (a set of measures to act on Russia's formal complaints) and proposals for Ukrainian-Russian bilateral issues based on recognition of Ukraine's borders as of 1991. On the contrary, a negative agenda means to enforce Russia to accept a positive agenda. The enforcement measures may encompass Russia's recognition as a state-aggressor and party to the conflict within the UN. It would have the following implications: Russia would be banned from decision-making in the Ukrainian crisis and punished by the UN General Assembly resolution and tougher sanctions. **The Kremlin will be enforced and/or encouraged to meaningful negotiations and sustainable peace only by virtue of the stick and carrot.**

6. The Minsk agreements institutionalized the Ukrainian crisis as an internal conflict between Ukrainian troops and armed formations from certain areas of the Donetsk and Luhansk regions while **preventing a peace enforcement operation against Russia that had been taken out as** de jure **conflicting party**. Regardless of any peaceful scenario, **Ukrainian diplomacy should make efforts to prove that Russia is** de jure **a state-aggressor**. Ukraine's unwillingness to do it in line with aggressive anti-Russian rhetoric resulted in a major diplomatic blunder. The designation of Russia as an aggressor-state may lead to depriving Moscow of the right to vote in the UN Security Council pursuant to Article 27 of the UN Charter and subsequently an initial peace enforcement operation against Russia in theory. Russia **may be designated as a state-aggressor by means** of the UN Charter, UN General Assembly resolution 3314 (on definition of aggression), Conventions for

the Definition of Aggression, and UN General Assembly resolution 377A (Uniting for Peace).

7. At the current conflict stage in Donbas, the Minsk agreements **restrict international involvement with peaceful means provided for in Article 33 of the UN Charter**. The negotiation agenda should be based on the Ukrainian peace plan. Peacekeeping operation along the disengagement line is most unlikely prior to a de-escalation and efficient ceasefire, especially if the operation is not backed by Russia. Preventive diplomacy should be focused on localizing the spread of conflict.

8. It is important to launch a peacebuilding concept even before an active conflict stage is stopped. Peacebuilding is a complicated and gradual process and requires that domestic, regional and global actors should demonstrate political will. Peacebuilding may be successful if it is carried out at internal, bilateral and geopolitical levels simultaneously. Only the establishment of a new global and regional security system may prevent new geopolitical challenges and the recurrence of international crises in the future. Peacebuilding is necessary to resolve Ukraine-Russia bilateral issues and alter Russia's imperial policy towards tolerance, cooperation, Europeanization and integration into European structures. The national peacebuilding agenda may provide for a wide range of measures, in particular, a nationwide dialogue on Ukraine's future, inclusive constitutional process, and the disarmament of combatants and their social integration. Judging by international experience, active peacebuilding policy that has been pursued for 3–5 years may result in sustainable peace and avoid future conflicts.

As regards further conflict developments, it should be noted that the Minsk agreements favoured neither Russia nor Ukraine. Moreover, they did not eliminate the root causes of the conflict but transformed it from geopolitical and bilateral level into Ukraine's domestic realm. In this regard, there are two possible scenarios for future developments.

According to the first scenario, efficient reforms will facilitate **Ukraine's internal consolidation**, international subjectivity, and its influence in the international arena. Even if some security challenges are tackled, Ukraine will strengthen its bargaining position and allow for the raising of a systemic resolution of the Russia-Ukraine conflict or internationalizing the conflict by acknowledging Russia as the state-aggressor and probably deploying a peace enforcement operation. This scenario will ensure Ukraine's victory in hybrid warfare, while the international community will learn new lessons of tackling the newest hybrid security challenges.

Another scenario entails **Ukraine's domestic descent** caused by the lack of reforms and a fight against corruption and impunity. Such developments risk new internal conflicts and further disintegration. Under such conditions, Russia will position Ukraine as failed state, intensify hybrid warfare from one side, and promote the

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peace enforcement operation against a neighbouring state from the other. Such developments will result in Ukraine's crushing defeat in hybrid warfare, while the global and European security will face deepening tensions and new conflicts.

Without internal reforms and high-quality diplomacy, Ukraine will be unable in the medium-term to convince the international community of a peace enforcement operation against Russia and risks to become a target of such an operation.

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"The illusion that increasing losses for the other side is equivalent to winning is the reason that the struggles are so prolonged and the conflicting parties play the game to a lose-lose end"

Anatol Rapoport,
American mathematician and conflict researcher

"… a goal of conflict resolution is not its elimination that is impossible and sometimes undesirable but the peace process in the transformation of social and political causes that eliminate the causes of conflict.

Karl Deutsch, American psychologist

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