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## Paradoxes and Prospects for Negotiations to End the War Between Russia and Ukraine

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### Abstract

The topic of negotiations to end the war between Russia and Ukraine arose in the first days of the full-scale invasion but ended shortly after, when substantial Russian war crimes became public. At present, Ukraine and Russia see no room for negotiations to end the war, despite the prospect of a long war of attrition and growing international discussions about and pressure for negotiations. However, paradoxically, the longer this war lasts, the more difficult and problematic the possibility of negotiating its end appears. The following article reflects on the problems and prospects of negotiations in the context of the ongoing Russo-Ukrainian war.

### Introduction

Negotiations to end the war between Russia and Ukraine began within days of the full-scale Russian invasion. Their active phase (direct negotiations between official representatives of Russia and Ukraine) lasted for approximately one month, until the end of March 2022. They continued inertially online until April, but without much hope for concrete results. In late March and early April 2022, both sides were close to signing a peace agreement. At the Istanbul talks, the Ukrainian side presented its proposal—the Concept of a Peace Agreement<sup>1</sup>—in which it offered certain concessions (including not joining NATO) in exchange for Russia withdrawing its troops to the frontlines before February 24, 2022. The Russian side said it had taken these proposals under consideration, but did not give an official response at that time. Later, Putin stated that the two sides had even allegedly agreed on something; however, there was no factual evidence of any such agreement then, and there is no evidence of it now.

Why did Russia and Ukraine fail to reach an agreement at that time? First, the warring parties sought different goals in these negotiations. The Kremlin did not manage to capture Kyiv in three days, although Russian troops were standing near Kyiv, and Moscow hoped that during the negotiations it would be possible to force the Ukrainian leadership to at least conditionally surrender and fulfil most of its demands (change of power in Kyiv, the so-called “demilitarisation” and “denazification” of Ukraine, etc.). The Ukrainian army stopped the enemy near Kyiv and Kharkiv, but it lacked weapons and ammunition, and it was unclear whether it would be able to withstand the Russian invasion in the longer term. Therefore, in March 2022, the Ukrainian leadership was ready for a significant compromise, includ-

ing giving up its aspirations of NATO membership, in exchange for Russia’s cessation of hostilities and a return to the situation that existed before February 24, 2022. However, for the state leadership and the Armed Forces of Ukraine, as well as for the majority of Ukrainians, even a partial capitulation to Russia was categorically unacceptable.

There was a theoretical chance for a compromise in Istanbul. However, at that time, Russia was not ready to compromise. In general, many doubt that Russia has at any point in this conflict been ready to make mutually acceptable compromises. Both then and now, any of the occasional mentions of “negotiations” brought up by Russian officials imply Ukraine’s de facto surrender as a condition for these negotiations to begin. The Russian response to the Ukrainian proposal appeared (behind closed doors) only in the second half of April 2022, when the chance for peace had already been lost. After the tragedies in the Kyiv suburbs of Bucha and Irpin, where Russians killed hundreds of civilians, became known, the attitude of President Zelensky and most Ukrainians towards negotiations with Russia changed dramatically for the worse. The emotional and moral shock of these tragedies made Ukrainians extremely critical of the very idea of any compromise with the Russians. Moreover, at that time, it became clear that Ukraine had so far withstood the first phase of the Russian invasion, and Western partners began to help Kyiv by supplying weapons, material resources, and money. Ukraine began to have hopes of winning the war against Russian aggression.

Although the official peace talks between Russia and Ukraine stopped in May 2022, there have been periodic attempts to resume the negotiation process. Some of these attempts have brought temporary results, but not in the peace process as such, rather in resolving certain

<sup>1</sup> The official text of the peace agreement concept proposed by the Ukrainian side has not been published, but its content has been reported by Ukrainian negotiators. See: <https://www.bbc.com/ukrainian/news-60908356>; <https://www.euointegration.com.ua/articles/2022/03/30/7136915/>

issues related to the war between the two countries. The grain agreement (“Black Sea Grain Initiative”) and prisoner exchange were partial successes of negotiations in 2022; these are proof that it is still possible for the two countries to (successfully) negotiate.

### Lessons from the Grain Agreement and Prisoner Exchange

The case of the Black Sea Grain Initiative, despite being a case of successful negotiations between Ukraine and Russia, is complicated. Its initial success was followed by failure within a year, with Russia’s withdrawal from the agreement. The short and controversial experience of the grain agreement nevertheless provides us with both positive and negative lessons for future peace negotiations.

One positive lesson is that the potential for parallel negotiations with the help of mediators and the parallel signing of agreements (separately with Russia and Ukraine) exists. It is this format that can help overcome psychological and political barriers preventing Ukrainian and Russian officials from engaging in direct negotiations. There is also a positive aspect in the fact that it is possible to reach compromise agreements between Russia and Ukraine. However, one negative lesson can also be learnt from this process: that Russia has once again confirmed its dubious reputation as an unreliable and conflictual negotiating partner that is prepared to violate any eventual agreements.

More successful, though also only relatively and temporarily, was the experience of negotiating the exchange of prisoners. The paradox of the prisoner exchange is that these were direct negotiations (mediators helped only at the beginning) which, despite the generally poorer outcomes of this form of negotiations, until autumn 2023 worked quite regularly as a well-established mechanism.

What could have facilitated the success of this negotiation channel? First, there was already an experience of such negotiations during the implementation of the Minsk agreements. Second, they were purely technical and very specific in nature (in this case, the exchange of prisoners and bodies of the dead—how many for how many, when and where); this has proven one context in which negotiation can be successful, there being a history of occasional direct contacts between the Russian and Ukrainian sides on other highly technical issues (e.g., ensuring the transit of Russian gas to EU countries in accordance with the agreement between Gazprom and Naftogaz, which was concluded in December 2019 and is valid until the end of 2024<sup>2</sup>).

In these negotiations, there is no conflict of political interest (geopolitical, domestic, personal, etc.) and no complexity in combining various topics and issues. Negotiations on the exchange of prisoners are conducted in a closed environment by representatives of the respective military intelligence services. The intelligence services of different countries have long had the ability to simultaneously fight the enemy and maintain ongoing technical contacts. The experience of prisoner exchange negotiations is, however, unlikely to be directly applicable for political communication on ending the war.

It is significant that Russia almost simultaneously suspended its participation in the Black Sea Grain Initiative and the ongoing prisoner exchanges. Perhaps this was due to the fact that in the summer of 2023, the Kremlin decided to switch to a strategy of war of attrition, and the tactical game of individual agreements in the course of the war with Ukraine lost its meaning. This has once again shown that Russia uses any agreement for purely tactical purposes, and only as long as it benefits from it. It is prepared to withdraw from any agreement and start aggressive pressure on the opposite party to these agreements the moment it believes it can gain an advantage by doing so.

### Obstacles to the Peace Process

When direct peace talks between Russia and Ukraine stopped, various mediators became more active, from Turkey and the UN to China, African countries, and the Vatican. However, the large number of potential mediators and various initiatives for peace talks between Russia and Ukraine has done little to advance the negotiation process.

What exactly is preventing the resumption of peace talks and the search for a compromise to end the war between Russia and Ukraine? There are two groups of powerful obstacles to the peace process:

1. First, there is the psychological and political unwillingness of either warring party to end the war. Thus far, each side is seeking peace mainly on its own terms. Real negotiations will begin when one side is clearly winning (which seems unlikely at the moment), or it becomes obvious to both sides that there will be no victory and that some kind of compromise must be sought to end the war. However, even in the latter case, neither side wants to look like the defeated party.
2. Second, there is a fundamental and sometimes antagonistic opposition between the interests of Russia

2 In January–July 2023, Russia supplied 8.3 billion cubic metres of gas to Europe through Ukraine. Since May 2022, Russian gas has been supplied in volumes less than those stipulated in the contract. Gazprom is also paying less than the due amount for transit, in violation of the ‘pump or pay’ condition. Because of this, Naftogaz has applied to the Stockholm arbitration. See: <https://www.slovoidilo.ua/2023/11/01/infografika/ekonomika/yak-zminyuvavsya-obsyah-tranzytu-rosijskoho-hazu-cherez-ukrayinu>.

and Ukraine regarding the terms for ending the current war between them.

Let us consider the interests, official positions and willingness to end the war for each warring party.

### Ukraine's Position

Since 2014, Ukraine has been seeking the return of all occupied territories, including Crimea and the parts of Donbas that are de facto controlled by Russia. These are considered the only acceptable terms for peace by the country's leadership and the majority of Ukrainians, which is confirmed by opinion polls. According to a survey conducted by the Kyiv International Institute of Sociology in October 2023 (with 1,010 respondents living in all government-controlled regions of Ukraine), 80% of respondents believe that no territorial concessions are acceptable, even if this prolongs the war.

The official position of Ukraine is stated in President Zelenskyy's "Peace Formula," which consists of 10 points and, in particular, provides for the full restoration of Ukraine's territorial integrity (within its 1991 borders). Other points include the release of all prisoners and deportees, the withdrawal of Russian troops from the territory of Ukraine and the cessation of hostilities, punishment for Russian war crimes and the creation of a Special Tribunal for this purpose, compensation by Russia for all damages caused by the war, provision of international security guarantees to Ukraine, and a special treaty formalising the end of the war.

Of course, these are not proposals for peace talks with Russia. Obviously, Russia will not agree to Zelenskyy's "Peace Formula." Rather, it is a maximum agenda for Ukraine that can be implemented either in the event of a complete victory over Russia or as a political guideline for the future. As the negotiations in March 2022 showed, under difficult circumstances, Ukraine can agree to certain concessions for the sake of peace. However, today neither President Zelenskyy (and the state leadership of Ukraine as a whole), nor the vast majority of sociopolitical elites, nor even the vast majority of Ukrainian citizens are ready for this. In autumn 2022, Ukraine even adopted a ban on negotiations with Russia as long as it is led by Vladimir Putin. This ban, however, did not affect the grain agreement, as Ukraine signed this agreement with the UN and Turkey, not with Russia, nor did it affect the negotiations on the exchange of prisoners, as these were unofficial and non-public.

Does this mean that Ukraine will never negotiate with Russia? The short answer: no, it does not. Even if the ideal scenario is realised and Ukraine liberates all the occupied territories and returns to its 1991 borders, it will have to negotiate a cessation of hostilities on land, sea and in the air, as well as a full exchange of prisoners. In this scenario, Ukraine would also demand full com-

penensation from Russia for all losses caused by Russia's military actions on its territory.

Negotiations will also be inevitable in the event of a worst-case scenario (if, for instance due to changes in political circumstances in the US and/or EU, Ukraine loses most of its external resource support and is unable to withstand the Russian invasion along the entire front line). In that case, Ukraine will have to negotiate on roughly the same terms as those considered in March 2022. However, even in such a desperate situation, it is highly likely that a significant and active part of Ukrainian society would not recognise such a "peace treaty"—not to mention that such a "peace" would dramatically increase the military threat to NATO and the EU from Russia.

If the war drags on and the public realises that a complete victory over Russia is impossible, public opinion and the position of the country's leadership may change. The share of survey respondents who would accept the end of the war with Russia even if not all the occupied territories were liberated is already increasing. Currently, this is a clear minority (no more than 30% of respondents according to the survey conducted by the Sociological Group Rating in September 2023, and 32% according to another survey conducted by the Kyiv International Institute of Sociology in early December 2023), but based on comparisons with the findings of earlier studies, the number of supporters of this position is growing. The lack of resources for effective military operations may also push Ukrainians to seek a compromise for the sake of peace.

An article by Commander-in-Chief of the Armed Forces of Ukraine Valeriy Zaluzhnyi in *The Economist* actually recognised the current stalemate in the war between Russia and Ukraine. This article sparked a lively and rather constructive discussion in Ukrainian society, prompting Ukrainians to make some more realistic assessments of the future prospects of the war. If substantial positive changes in the West's military support for Ukraine do not occur, then after a while there will inevitably be a discussion of a possible agreement to end hostilities (a "frozen war"). If such an idea is at least indirectly supported by authoritative military commanders such as V. Zaluzhnyi, it will significantly affect public opinion in Ukraine regarding the allowable format and conditions for ending the war.

However, in any case, the Ukrainian government and society will not recognise Russian sovereignty over parts of Ukrainian territory, even if this territory is de facto under Russian control.

### Russia's Position

The Kremlin calls the war against Ukraine a "Special Military Operation" (SMO). However, the goals of this

“operation” were not clearly defined, and have obviously changed over the course of the war. The official position of the Russian Federation on the conditions for ending the war against Ukraine has not yet been declared.

Based on the public statements of Russian President Vladimir Putin, this war was initially about “protecting” the separatist republics of the Donbas, “demilitarising” and “denazifying” Ukraine (which in practice would mean the elimination of Ukraine’s independent statehood and Ukrainian national identity), and preventing Ukraine from joining NATO. It seems that Russia’s leadership sought to change the government in Ukraine, as evidenced by the attempt to storm Kyiv, the capital, and thus restore Russia’s political control or at least claim most of the country’s territory. However, this attempt failed. Moreover, Russian troops ultimately lost control of a large part of the territories they seized in February 2022.

Gradually, in the Kremlin’s rhetoric and political actions, the position of joining (“returning”) allegedly former Russian lands to Russia has come to the fore. These territories include the “People’s Republics” of the Donbas and the Ukrainian lands that Russia occupied in 2022. The decision to annex the “new territories” in autumn 2022 formalised this agenda. There are also periodic calls in Russia to annex further Ukrainian territories to Russia.

Russian officials occasionally express their readiness for negotiations, but at the same time, they insist that Ukraine must recognise the new political and territorial “realities,” i.e., the fact that Russia has annexed parts of Ukraine’s territory. Also at the same time, Russia is trying to resume offensive actions in Ukraine and seize the strategic initiative in the war. Moscow is probably hoping for at least a limited victory before Putin’s re-election as president of the Russian Federation in March 2024. It also seems that the Kremlin is betting on a war of attrition in Ukraine and wants to drag out the hostilities at least until the US presidential election in November 2024, after which a favourable outcome for Russia could strengthen its hand in any eventual negotiations.

### External Actors

Thus, neither Ukraine nor Russia is yet ready for serious peace talks. President Zelenskyy, the Ukrainian leadership, and most Ukrainians are not yet psychologically ready for a peace that does not include the liberation of at least a significant part of the territories occupied by Russia. For its part, Russia is still seeking to win the war and push Ukraine to peace on its own conditions (recognition of Russia’s annexation of the occupied Ukrainian territories, blocking Ukraine’s eventual NATO-membership, etc.), and in order to enable entry into any real peace talks in the first place, Russia will still have to

be “forced to peace.” This, in turn, would be possible only through military means (infliction of heavy military and economic losses on Russia, tangible military defeats) and effective sanctions. Any future peace talks will inevitably face a fatal problem: the impossibility of compromising on the status of the temporarily occupied territories of Ukraine. Russia will not give up the Ukrainian territories that it has incorporated over the past years; Ukraine will not give up its legal rights to these territories. This is a deadlock in the key issue of the current war and the future peace process to end it.

The further course of the war and the possibility of peace negotiations will be influenced by the key partners of the warring parties: on the part of Ukraine, the West (the US and the EU), and on the part of Russia, China. It is already clear that the longer the war lasts, the more actively these peripheral nations will push Ukraine and Russia to reach some kind of peace agreement. Both parties to this conflict are unlikely to be ready for direct negotiations in the foreseeable future; therefore, if at some point both Russia and Ukraine would psychologically and politically accept the possibility of peace talks, a mediator will be needed.

There would be many candidates for this role. However, currently Turkey seems to have the best chance of acting as a real mediator in peace talks between Russia and Ukraine. It already has relatively successful experience in such negotiations, and, most importantly, today Turkey is probably the only country that has close and friendly relations with both Russia and Ukraine. External guarantors of a possible peace agreement could be China on the part of Russia, and the EU on the part of Ukraine.

The likelihood of peace talks actually beginning will be influenced by domestic political developments in Russia and Ukraine, as well as some foreign policy developments, especially the results of the US presidential election. The chance for an end to the war will arise when both warring parties are ready for peace talks at approximately the same time. In a situation in which only one side wants peace talks, it will be difficult to start negotiations, and even more difficult to achieve a productive outcome.

The content (agenda) of possible peace talks is quite obvious. The primary goal of any talks would naturally have to be the complete cessation of hostilities on land, in the air and at sea. Particularly, mechanisms for monitoring this ceasefire would need to be defined. Second, the release (exchange) of all prisoners and deportees would be required: the release of all Ukrainians held captive by Russia is a matter of principle for President Zelenskyy and the Ukrainian society. Ukraine would also raise the issue of the withdrawal of Russian troops from the entire territory of Ukraine and the restoration of the

country's territorial integrity, as well as the fulfilment of the other conditions specified in Zelenskyy's "Peace Formula." However, it is extremely unlikely that Russia would agree to this. In turn, Russia would put forward counterdemands to Ukraine, such as ensuring the official status of the Russian language in Ukraine, an official renunciation of all efforts to join NATO, a reduction of the Armed Forces of Ukraine and the removal of certain types of Ukrainian weapons. Ukraine, in turn, would not agree to this.

### Conclusion

The only realistic compromise between Russia and Ukraine at this stage would be an agreement only on a ceasefire and the release (exchange) of all prisoners. The status of currently occupied Ukrainian territories would, due to the immense distance between the two sides on this issue, have to remain open. Unfortunately, there would be no absolute guarantees that such a ceasefire agreement would be fully implemented, even if it were signed. There would also be no such guarantees if Ukraine managed to restore full sovereignty within its 1991 borders. But there are no other realistic alternatives for ending the war at the moment.

Such an agreement could be signed by authorised representatives of the warring countries or by authorised representatives of the military command of both countries. This would allow the Ukrainian leadership to bypass the official ban on negotiations and agreements with Russian President Vladimir Putin and to overcome the current political and psychological barriers to top-level negotiations between Russia and Ukraine. This type of peace agreement could suit the political leadership of both countries, as they would not bear direct political responsibility for the agreement. A ceasefire agreement can be prepared and even signed through parallel negotiations with the help of intermediaries, without direct contact between the warring parties.

#### *About the Author*

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The main drawback of such an agreement on the cessation of hostilities is that it would not be a true "peace" agreement, but in fact would only freeze the current war. Since the systemic contradictions that existed before this war (which have only intensified over its course) would not be overcome, the war could restart at any time. As the sad experience of the Minsk agreements has shown, a broad political agreement does not guarantee peace. The main problem is the aggressiveness of Putin's regime and its tendency to violate any agreements.

Therefore, it is not enough to agree on a cessation of hostilities, or even peace. To prevent Russia from starting the war again after an eventual deal is made, Ukraine must receive strong and effective international security guarantees, and the Kremlin must understand the enormous risks that would be associated with new attacks on Ukraine. These could take the form of treaty-based security guarantees for Ukraine at the intergovernmental level from its partners; however, Ukraine is convinced that the most effective security guarantee for Ukraine is NATO membership. Political reality shows that, despite its anti-Western rhetoric, the Putin regime does not dare to engage in a direct military conflict with NATO members. A future democratic political transformation in Russia could reduce the risks of a new war between Russia and Ukraine, but thus far, this appears to be a hypothetical scenario.

Ukraine will be able to become a NATO member only after the end of hostilities. Accordingly, from the point of view of Ukraine's strategic interests, NATO membership cannot be used as a bargaining chip in peace negotiations with Russia, which would only concern the cessation of hostilities. Undoubtedly, Ukraine's accession to NATO will depend on the readiness of the alliance and its individual members to make such a responsible decision. If there is no such readiness, there will always be a risk of new aggressive actions by Russia against Ukraine.