

Ukraine-Russia: Twelve Proposals Towards Negotiated Peace

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The Right to Food: The First Human Right

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The situation in Ukraine is dire and already has many immense negative consequences for the whole world. What are the options and are there ways for de-escalation, end of war and for peace?

The longer the war continues, the more decision-makers and people believe that there will be only a winner and a loser or potentially only losers. Various scenarios could unfold:

- a) Ukraine, supported by a certain number of countries, wins and can recapture the occupied territories; Russia is defeated and plans revenge, including outside of Ukraine;
- b) Russia wins and can defend occupied territories in the long run, but isolation and selected sanctions against Russia continue, but with limited short- and medium-term effect as Russia continues to benefit from substantial revenues and military reserves;
- c) The two options (a and b) include a high risk of escalation, affecting neighboring territories also beyond Ukraine or leading to the use of chemical, biological or atomic weapons with disastrous loss of life and destruction;
- d) A stalemate between Ukraine and Russia happens, with a ceasefire and de facto, but not de jure, acceptance of occupied territories;
- e) Legal cases are filed in the International Court, continued military incidents and financial turbulences lead to a longer period of instability and volatility.

In all these options, a long-term peace agreement seems to become less and less possible. However, in the following text, we raise questions and suggest proposals to overcome the current impasses and reduce dilemmas. At the end of each military confrontation, a peace agreement is concluded, in one way or another. Also Ukraine President Zelensky recently said that the war can finally only end with a diplomatic solution. Various plans for de-escalation have been formulated, such as by the Foreign Minister of Italy, Luigi di Maio, submitted to the UN Secretary General Antonio Gutierrez on 18 May. It referred to four points: cease of fire, neutrality of Ukraine, solutions for territorial questions and a security pact.

To occupy territory of another country is a clear violation of internationally agreed conventions and of ethical values. There is no way to justify it, neither by historical or cultural nor by economic or ideological reasons. In this article, we call for negotiations in order to reduce the risk of unpredictable disastrous further escalation and further increase of victims in the conflict area and worldwide.

The suffering of the Ukrainian civilian population and losses of lives of the Ukrainian and Russian armies are immense and need to be relieved as soon as possible. The longer the conflict goes, the more the destruction and resentment grows on both sides. It makes a future reconciliation much harder.

Therefore, a rapid ceasefire is vital. It is a pre-condition for any negotiation, since bilaterally negotiated agreements cannot be reached and would legally not be valid under the pressure of ongoing military attacks (Vienna Convention on the Law of Treaties, art.52).

The capacity to rely on mutually trusted and neutral third-party mediators will increase the likelihood of a peaceful settlement. The following proposals aim to take into account the concerns, character, and needs of both Ukraine and Russia as well as other nations. Twelve elements are proposed to get the two nations back to integrative dynamics. Those twelve elements are interrelated. However, they can also be considered and supported one by one.

In light of the fast changing realities and perceptions of this conflict, these twelve proposals are a contribution for discussion and are open for adaptation to further developments.

We call on all actors to still give negotiated peace a chance.

1) Political Balance: Ukraine as a Bridge between Europe and Russia

Since 1991, Russia has searched for its place between the West and the East. During the same time, Ukraine has searched for its place between Russia and Europe. While Ukraine has been considerably divided since then, the present military conflict has clearly generated a much stronger sense of national identity among Ukrainians.

To respect international law, avoid tearing the country apart or making it a perceived threat for one or the other side, it is proposed to have Ukraine play the role of an inclusive bridge between West and East. Political neutrality would be one promising option among others to play the role of a bridge. Such an arrangement would allow Ukraine to build closer economic associations with both the EU and Russia, but also with any other jurisdiction. Heads of key EU member states (France, Germany, Italy, Romania) encouraged Ukraine during their visit to Kijev on 16 June to apply for EU membership and the EU welcomes the application. This is a political signal, but it would take many years to be implemented and would be ethically fair only if other nations who are candidates since long time, would be seriously see progress in their applications.

EU Membership can be combined with political neutrality, as Austria, Finland (until 2022), Ireland and Malta show. However, EU-membership is not indispensable, as there are many ways to build prosperous ties with Europe. Switzerland and other countries with comprehensive agreements tying them to the EU (but also many other States) illustrate that this is indeed a workable avenue too. Ukraine could potentially even ask to join the European Free Trade Association (EFTA), with whom it already has signed a Free Trade Agreement in 2010.

Political neutrality of Ukraine would substantially contribute to de-escalation and stability in the region! It would neither dismembering Ukraine, nor hindering it from thriving economically and socially over the medium and long-term, especially if Ukraine's reconstruction process is ambitious and backed by a significant multi-party trust fund (see point 7 below).

Ukraine obviously needs to retain the capacity to form the government corresponding to the will of its people.



2) Military Neutrality with Defense Capacity and Cyber-Peace Mechanisms

It would support peace in the future if Ukraine would formally renounce joining NATO and therefore amend its constitution. Both the Finnish (post WWII) and Swiss (1815) examples prove that political neutrality coupled with defensive military capacity is possible. Ukraine's neutrality and territorial integrity furthermore needs to be recognized and guaranteed by neighbors and great powers. This would need to be an essential piece of the internationally backed Ukrainian-Russian peace treaty, which would supersede the 1994 Budapest Memorandum and the 2014 Minsk Agreements. Ukraine, could end up benefitting significantly from such a neutral status, as it would strengthen the positioning of Ukraine as a bridge (discussed under point 1).

Realistically, a peace agreement may not be possible with the demand of Ukraine to Russia to withdraw from all occupied territories in the East of Ukraine. Russia would obviously have to commit to not further expand and end all further aggression and occupation of territories.

In the short run, an international peace-building and peacekeeping force could be deployed to make sure any peace treaty is implemented in a fair and swift way. The detailed consequences of the rupture of such an overall demilitarization of Ukraine's offensive capacity has to be elaborated.

The massive increase of weapons in Ukraine represents a massive danger for the future stability of the wider regions as these weapons could fall into the hands of terrorists and criminals, as many war areas in past decades show. Programs are needed to secure weapons under public control.

It is acknowledged that cyber-warfare is an increasingly pivotal part of any conflict. Therefore, specific and verifiable cyber-peace mechanisms have to be an integral part of a peace treaty. The Ukraine-Russia conflict has shown the need for having in place the international legal frameworks to deter cyber warfare and promote cyber peace. With state and non-state actors increasingly engaging in cyber offensive activities, the absence of global legal frameworks on cyber peace is beginning to bite all stakeholders. The time has come up for lessons to be learnt from Ukraine-Russia war and solidify attempts and efforts to empower cyber peace efforts through multilateral legal institutional mechanisms. This will take time and may start with bilateral and Plurilateral efforts.

In the long run, if both Ukraine and Russia would request to apply for NATO membership (an unlikely scenario), it should be agreed that both requests would be treated and come to fruition simultaneously, following the 2001 China and Chinese Taipei accession to the WTO precedent.



3) Power to the Regions – Towards a Ukrainian Confederation

Non-respect of the rights of Russian minorities, especially in the East of Ukraine was one argument of Russia to occupy the East of Ukraine. The respect for minorities can be addressed by giving significantly more powers to the regions and transforming Ukraine into a Ukrainian Confederation. By doing so, Ukraine can reduce tensions between regions and demonstrate a clear commitment to the respect of cultural diversity within its national borders. The risk of one side of the country taking ascendant power over the other would diminish significantly.

Such a commitment could also shield Ukraine from subsequent demands from Russia regarding the Eastern Donbass or other regions. Whether this is enough for the two provinces in the East to stay Ukrainian remains to be seen. A well-surveilled self-determination referendum in those two regions could possibly be an alternative way forward. The UN and OSCE could play an observer role when it comes to the respect of the minorities, both in the East and the West of Ukraine.



4) An Innovative Special Status for Crimea

Instead of attributing Crimea to Russia or Ukraine, which would either make Crimea a permanent loss for Ukraine or Russia, can it not be made a condominium? A condominium can be defined as a political territory in or over which multiple sovereign powers formally agree to share equal sovereignty and exercise their rights jointly.

Although very rare, such condominium have already existed. The Antarctica is an example of a successful de facto condominium, since it is governed by the 29 parties to the Antarctic Treaty that have consulting status. A Ukraine-Russia Peace Treaty would have to contain clear guidelines for negotiating the specific framework of the future Crimea condominium. To verify that it is subsequently implemented properly, in terms of trade flows for instance, a strictly independent verification mechanism is needed. An example is the one foreseen (but never implemented) in the Russia-Georgia WTO mediation done by Switzerland in 2011. The UN and OSCE could also play an important observer role when it comes to respecting the shared sovereignty.

A joint sovereignty on Crimea could prove to be a significant win-win, with the joint administration of Crimea becoming the symbol of a new period of reconciliation and cooperation between the two countries. Such a solution could be combined with a well-surveilled second referendum on the political status of Crimea e.g. after five or ten years. The UN and OSCE would have to play an observer role in such a case.

In any case, adequate guarantees would need to be given to Russia with regard to its capacity to permanently retain Sebastopol as its naval base. Since the days of the Tsars, this has been key for Russia as an all-year naval access to the seas.



5) Official Languages – Ukrainian and Russian

Another invoked reason for the current conflict is the present obligation to speak Ukrainian in most aspects of public life in Ukraine, which is required since 2019 by the adoption of the present state language law. Even if it seems very difficult for Ukrainians with this war experience to accept Russian as language we suggest to consider - as part of a peace treaty - both Ukrainian and Russian with an official language status. Such a commitment to bilingualism would be both symbolically and practically very powerful, also for Ukraine, which makes it an ideal win-win component of a peace settlement. As countries such as Canada, India, Singapore South Africa and Switzerland demonstrate, official multilingualism can be a powerful instrument of inclusiveness, integration and stability.



6) Hunger as Weapon: Reopen Food Exports from Ukraine and Russia

Hunger as weapon is as old as war. The blockage of export of wheat and other food products from Ukraine affects innocent victims all over the world and creates a serious hunger crisis, especially in many countries in Africa. Many African governments and populations are still relatively friendly to Russia, but the blockage of food exports may increase anti-Russian reactions. The humanitarian International Law, especially the Geneva Convention IV for the protection of the civil population, obliges the warring parties to guarantee access to food for the population. This has to include people outside the war zones if they cannot get food supply from other parts of the world in due time. According to the Global Network on Food Crises, 50 percent of North Africa and the Middle East cereal needs and a large share of wheat and barley import are from Ukraine and Russia. 50 percent of the global market of sunflower seed oil is provided by the Ukraine. 36 out of 55 countries with food crises depended on Ukrainian and Russian exports for more than 10

percent of their total wheat imports in 2021. 30 percent of areas under winter crops in Ukraine are estimated to remain unharvested during the 2022/23 season. Fertilizer prices are rocketing since the war in Ukraine. Ukraine and Russia need to remove mines and other blockages on sea and land on all sides in order to reopen timely and affordable ways for food exports.



7) Economic Package – a Multi-party Reconstruction Plan

To both deal with the catastrophic consequences of the war and to get Ukraine to move towards integrative bargaining and positive sum dynamics with Russia, the world will need to come together. The international community needs to provide Ukraine with some sort of Reconstruction Plan, with a preference for donations rather than grants or war reparations, as such a mechanism would constitute a far too heavy burden for Russia and generate significant resentment within the Russian population over the medium and long term. This plan will enable to reconstruct the country while simultaneously avoiding governance shortfalls, which would diminish success. The impact of the international community's effort is going to be key in this context.

It would be essential to have several multilateral and regional development banks including the World Bank, the Asian Infrastructure Investment Bank, the European Bank for Reconstruction and Development as well as the International Monetary Fund to play a significant role in the reconstruction effort. The involvement of the US, the EU, China and Russia would be equally important in such an ambitious multi-party trust fund.

To make such a plan even more of a win-win for Ukraine and the World given our fight against climate change, a special focus should be made on reconstructing Ukraine by making it a global laboratory for infrastructure transformation and reconstruction with climate resilience and net environmental, social, and governance positive dynamics in mind.

Given the importance of solid institutions, which do privilege the requirements of human dignity and help imposing anti-corruption standards, it is suggested that Ukraine benefits from capacity building from leading international bodies in this field. Such an effort would help Ukraine overcoming some of the past macro- and micro-economic challenges.

At the same time, it will also be crucial to undertake a step-by-step reintegration of Russia into the world economy, which is indispensable, given its global systemic importance and the need for the dignity of its people and culture. Learning from the past, it will be essential not to repeat the mistakes of post-WWI settlement, which left Germany ensanguine. It ultimately created the conditions, which led to the outbreak of WWII. In addition, cross-border business cooperation is crucial to rebuild trust, jobs and prosperity.



8) Water Management for Cohabitation

With Climate Change, access to water and water conflicts are becoming more and more relevant. The erection of the North Crimean Canal dam by Ukraine after the 2014 annexing of Crimea by Russia, led to a very substantial diminution of the peninsula's fresh water source. It led to severe consequences for the local population and agricultural productivity of the peninsula.

While Russian soldiers have removed the dam during the present conflict, a peace treaty between Ukraine and Russia needs to provide a long-term solution for shared water management, whatever the final settlement of Crimea status will be. It is proposed that water diplomacy experts offer to the two sides its assistance and expertise to resolve the crisis in a balanced way, making it another integrative element of a peace treaty. However, the withdrawal of Russian troops from Ukrainian territory is a condition also for such a water management agreement.



9) Religious Cohabitation in an Ecumenical Spirit

The Human Right to religious freedom needs to be respected in all countries including Ukraine and Russia. The different Christian denominations and other religions should negotiate their fair recognition in the constitution and practical agreements. It should include the special recognition of the historical importance of Kiev/Kyiv as the origin of the Orthodox churches in Eastern Europe and especially the Russian Orthodox Church.

The World Council of Churches (WCC), based in Geneva/Switzerland, which includes manifold orthodox churches and all other denominations as members, would be well-placed to offer its facilitation services for the different steps towards peace as mentioned in this text. WCC member churches who gathered as Central Committee (Parliament) 15-18 June in Geneva and will gather at the WCC General Assembly in August in Gerany, have the chance as church community to openly criticize and admonish each other while remaining engaged as a world community without exclusion.



10) Restart Cooperation on Higher Education and Research

For rebuilding trust, people-to-people exchange and cooperation across borders is important. A special responsibility lies with the Higher Education Institutions (HEIs) as they build the future elites of the countries. Joint international research projects should restart, as they contribute to scientific solutions for problems of humanity such as climate warming. Therefore, it is very important to lift restrictions against HEIs and to reinforce cross-border cooperation, academic exchanges, curriculum development, joint online courses, joint research projects and institutional partnerships.



11) A Solid Reconciliation Process from People to People

Rebuilding trust between Russia and Ukraine and building trust between third parties and these nations will take a very long time, as poisonous seeds of division, fear and hate have been sowed ahead of and during this dramatic conflict. Given the imperative necessity to limit and overcome those negative emotions, it is suggested that the two countries kick-start a truth and reconciliation commission, which can usefully draw upon the South African experience and expertise. However,

it should be noted that reconciliation processes do not exclude responsibilities of the parties with regard to the International Criminal Court or other relevant national or international bodies.



12) Fighting Together against Climate Change

It is now proven beyond any reasonable doubt that human-induced climate change significantly destabilizes the Earth's temperature equilibrium and has far-reaching effects on human beings and the environment. Climate change will exert a significant force on Russia's future, while likely reshaping its politics, economy, and society for decades to come in the process, as it is expected to warm 2.5 times faster on average than the rest of the world. Similarly, global warming will cause shifts in agricultural zones and lead to marked water deficiencies in Ukraine, compromising its economic development and vital capacity to act as one of the major breadbaskets for the world. We recognize that the conflict in Ukraine and its geo-strategic as well as geo-economic consequences have direct disastrous environmental consequences for Russia, Ukraine and the rest of the world. The latest landmark IPCC scientific report clearly warns, that any further delay in climate action will miss a "brief and rapidly closing window of opportunity to secure a liveable and sustainable future for all".

Therefore, it is suggested that a Ukraine peace treaty reaffirms the importance of Ukraine, Russia and the rest of the world fighting together against the existential threat of climate change. As part of that effort, the Arctic climate-change research efforts as well as all the other systemically important international collaborations, which have been upended as a result of the conflict in Ukraine, should get restarted without delay.

Concluding words

The twelve elements above aim to take into account the concerns, character, and needs of Ukraine, Russia as well as nations on all continents, which directly and indirectly suffer from this war by increased arms race and thus reduced means for health, education, climate measures etc. and suffering from economic recession. They aim at providing a perspective to transform this very threatening situation into a way forward beyond war.

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