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Negotiating an End to the War in Ukraine:

Ideas and Options to Prepare for and Design a Negotiation Process

Briefing Note

Key Messages

- Almost 18 months into the war, neither Russia nor Ukraine have achieved a decisive victory on the battlefield. At the time of writing, military analysts do not expect such a scenario to materialise for the remainder of 2023, at the least.
- Comparative evidence suggests that negotiations statistically constitute the most likely chance of sustainably ending the war. Fighting and negotiating are not necessarily mutually exclusive.
- Negotiations need to be thoroughly planned and prepared. There are various preparatory activities that state and non-state actors can pursue, including creating diplomatic coordination mechanisms, forging civilian alliances, preparing the substance of the negotiations and tapping into technical peace process support expertise, and developing communication strategies around negotiations.
- The war in Ukraine is a multidimensional conflict encompassing two levels: a “hot” inter-state war between Russia and Ukraine and a “cold” war between NATO and Russia. A more comprehensive negotiation format could help to address these related but distinct conflict dimensions.
- Ukrainian ownership is key: the Minsk I and Minsk II negotiation process in 2014/2015 highlights the danger of side-lining Ukrainian interests in any potential negotiation process.
- There are various options for including civil society in preparing for a negotiation process and the process itself. Civil society actors can also proactively influence the preparation process and shape the design and outcomes of the negotiations.
- The significant damage to Ukraine’s infrastructure and environment and the potential damage to the country’s social cohesion underlines the need to design and implement an inclusive reconstruction process that is owned and led by Ukrainians

Context and Purpose

Since it began on 24 February 2022 with the Russia’s full scale military invasion, the war in Ukraine has displaced one-third of the Ukrainian population, killed a verified 9,369 civilians, killed or wounded around 130,000 Ukrainian soldiers and at least 200,000 Russian troops (the true figure for military casualties on both sides is likely to be significantly higher), and caused vast economic, infrastructural, and environmental damage in Ukraine. It has led to food and fuel shortages around the world, worsening existing food insecurity and making the cost-of-living crisis more acute. The war has also given rise to broad geo-political repercussions: it is

transforming the post-Cold War security architecture in Europe, demonstrating the struggle of bodies such as the Organization for Security and Co-operation in Europe (OSCE) to maintain peace on the continent and resulting in substantial increases in military spending on all sides as well as significant shifts in Finnish, Swedish, and German defence and security policy. The war has also greatly exacerbated tensions between Russia and NATO, including around the fear of potential nuclear escalation, and has accelerated an already increasing trend of militarisation around the world.

Almost 18 months into the war, neither Russia nor Ukraine have achieved a decisive victory on the battlefield. At the time of writing, military analysts do not expect such a scenario to materialise for the remainder of 2023, at the least. This suggests that the fighting will drag on over an extended period, accompanied by continued military and civilian casualties and infrastructural and environmental damage, and the continued latent threat of a nuclear disaster.

Dialogue between the two sides has so far been limited, but since the start of 2023, momentum for a diplomatic solution to the war has been building, notably through Ukraine's ten-point peace formula and subsequent meetings, and the launch of peace and mediation initiatives by states from the Global South—notably Brazil, China, India, South Africa, and Türkiye—some of which Russia has begun to engage with in an exploratory way. There has also been a shift in Western public policy discourse, beginning to acknowledge the likelihood of negotiations occurring at some stage.

The aim of the comprehensive [research report](#) and this companion briefing note is therefore to provide ideas and options for a negotiation framework to end the war in Ukraine, and an overview of the technicalities of preparing for negotiations. The publications are directed at decision-makers and experts in politics, civil society, and business, as well as the media. They deliberately avoid discussing the substance and outcomes of any potential agreement. Instead, they draw on comparative evidence¹ to illustrate how and why a negotiation process could start, how different actors can prepare for negotiations, and what the negotiation process could look like.

The Empirical Case for Peace Negotiations

- Comparative evidence indicates that since 1800, negotiations have been the most common way to end wars between states: 38 (or 68%) of the 56 interstate wars that were fought between 1800 and 1980 ended through negotiation;² between 1989 and 2010, four of the eight interstate armed conflicts resulted in a peace agreement.³

1 The full report presents comparative country examples to illustrate the various points, arguments, and dynamics summarised in this briefing note. The full report also provides complete and additional references.

2 Pillar 2014, p. 25.

3 Wallensteen 2015, p. 142.

- Fighting and negotiating are not necessarily mutually exclusive. While there is a danger under such circumstances of negotiations being instrumentalised, fighting and genuine negotiations have proceeded in parallel in past armed conflicts. 79 percent of all inter-state wars fought between 1823 and 2003 saw at least one negotiation while the fighting continued. Negotiations in wartime vary in length and have been more frequent since the end of the Second World War.⁴
- Peace processes are generally more likely to lead to a 'high quality peace' than military victories because they are better placed to address the underlying causes of armed conflict.

How Peace Negotiations Start

Conflict parties most often agree to start peace negotiations at what is known as a moment of 'ripeness'. This involves two main conditions: first, they realise they are trapped in a mutually hurting stalemate on the battlefield. Second, they consider a negotiated settlement realistic. There are some factors that can hasten this realisation such as external shocks, like a financial crisis, disasters, or outbreaks of disease. Pressure by non-governmental actors like civil society organisations and the business community can also help to push for peace negotiations.

How to Prepare for Peace Negotiations

Negotiations require thorough preparation and planning. Preparation activities can start well before conflict parties publicly commit to negotiating or even to exploring the possibility of negotiating. Concrete steps to prepare for negotiations include creating diplomatic coordination mechanisms among states (e.g. contact group, group of mediators); forging alliances among civil society actors, and defining which actors assume what role in that preparation process; identifying key negotiation topics and deciding which actors take the lead on preparing the substance of negotiations of which topic; creating thematic expert groups to support this work and seeking advice from peace process support experts on designing and implementing all phases of a peace process; preparing for how to change the public discourse around negotiations; developing communication strategies around the negotiations; discussing mechanisms to promote inclusion and national ownership throughout the negotiation process; building conflict parties' trust in the negotiations; and defining the core values of the negotiation process.

How Peace Negotiations Can Produce Sustainable Outcomes

A range of factors influence if and when peace negotiations can start, what the negotiation process looks like, and what outcomes it can produce, including:

4 Min 2020.

- Elite support or resistance (one of the most decisive factors in all these respects), particularly political elites, but also other economic and military elites.
- Public support for negotiations, which is also tied to the question of legitimacy. Peace processes and agreements that are perceived as exclusive and elitist often lack legitimacy and therefore struggle to sustainably address the drivers of armed conflict.
- A minimum level of trust in the viability of the negotiating process is needed for peace negotiations to start and to reach sustainable outcomes.

These three factors also serve to highlight some of the shortcomings of the Minsk I and Minsk II negotiation process in 2014/2015. Both agreements presented a settlement that was acceptable to Russia (at the time) and Ukraine's patrons in France and in Germany, but side-lined Ukrainian interests. This led to a lack of both elite and popular support in Ukraine for either agreement. An absence of confidence-building measures also perpetuated the low level of trust between Ukraine and Russia.

How Peace Negotiation Formats Can Work

Peace negotiations generally comprise two main formats: direct negotiations between principal conflict parties and multi-party negotiations. A range of subtypes are also possible, varying in the level of transparency/secretcy and the number of actors involved. Many past peace negotiations processes have employed a mixture of some or even all of these different formats, either sequentially or in parallel.

Direct negotiations involve high-level representatives of the conflict parties, but sometimes also representatives of civil society, faith-based actors, or the business community. Secret direct negotiations allow adversaries to build trust and explore political solutions to armed conflict without publicly crossing red lines or granting concessions to the other side. Formal peace negotiations are an alternative to secret negotiations or can follow on from fruitful secret talks. Their existence is usually public, but the substance of the talks may remain confidential. Formal peace negotiations have increasingly involved third parties as facilitators, mediators, witnesses, or guarantors. If tensions between the conflict parties prevent direct interaction, proximity talks or shuttle diplomacy can help to ensure diplomatic exchange.

Multi-party negotiations feature multiple actors in addition to the main conflict parties—mainly international and regional organisations or third-party states. The number of actors can vary considerably.

Peace talks are often divided into separate tracks to address different thematic issues, either sequentially or in parallel. A multi-party format typically involves specialised working groups or commissions that support the work of the respective

thematic tracks. This allows for flexibility in the sequencing of negotiations in relation to questions that might be unanswerable when negotiations begin, such as whether a ceasefire can be reached while other issues remain unresolved.

There are various modalities for including stakeholders beyond the main armed conflict parties and potential intermediaries in the above negotiation formats. Civil society actors have made influential contributions to past peace negotiations as direct participants in high-level talks, observers, participants in official consultative forums set up in parallel to official negotiations, or around public referenda on the final peace agreement, and also as facilitators between conflict parties.

Conflict Dimensions and Negotiation Process Design Options

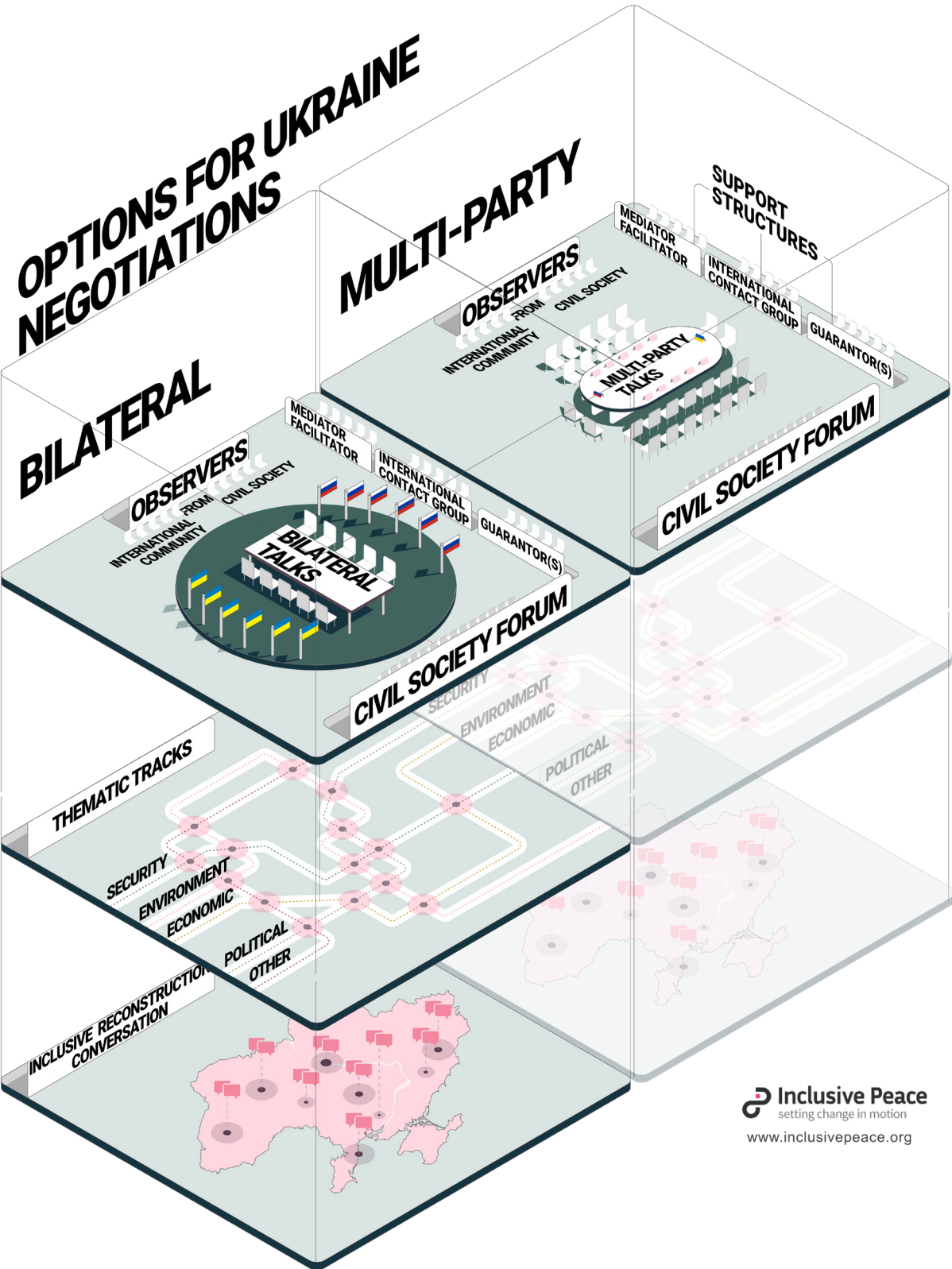
The war in Ukraine is a multidimensional conflict, encompassing two overlapping but distinct levels:

- An interstate “hot” war between Russia and Ukraine dating from February 2022, in which Ukrainian interests are manifestly survival, sovereignty, and territorial integrity. Russian priorities are seemingly a combination of regional security concerns including limiting NATO expansion to the East, pan-Russian irredentism, and specific strategic goals like securing a land bridge to Crimea. This inter-state war has subsumed the internationalised intra-state conflict⁵ in Ukraine from 2014 to 2022 concerning fighting in the Donbas and the annexation of Crimea by Russia.
- A “cold” war between Russia and NATO concerning Russia’s military intervention in Ukraine and regional ambitions, NATO expansion, Western military and intelligence support to Ukraine, as well as US/EU sanctions.

This calls for a negotiation framework with at least two—and potentially three—interrelated but distinct levels of negotiation: bilateral talks (that could ultimately result in a ceasefire/armistice/peace agreement), multi-party negotiations (including Ukraine) on new terms for the Eurasian peace and security architecture, and—potentially—a space for intra-Ukrainian exchange on an inclusive reconstruction process.

5 Davies et al. 2023.

Figure 1. Bilateral and multi-party variations of a possible negotiation framework



Bilateral talks between Ukraine and Russia are the default format option for ceasefire and peace negotiations. The Minsk agreements again provide a cautionary example of the need to ensure Ukrainian interests are not side-lined and to include Ukraine in any negotiation format both in the spirit, and to the letter, of “nothing about Ukraine without Ukraine.” However, given the need to integrate a regional security dimension, bilateral talks between Ukraine and Russia come with the risk of overwhelming Ukrainian negotiators with the burden of representing EU and US interests. As such, two possible options are:

- A small group of states could be given official roles in the Ukraine-Russia talks short of full participation.
- A multi-party format (including Ukraine) could be adopted to foster a more cooperative dynamic by extending a degree of representation to a larger number of actors, either in one comprehensive format or in two parallel but connected formats.

Both these options could also include a small group of third-party states, and actors from civil society, business or faith organisations as participants or guarantors or in other roles. Some form of external intermediary(ies) could play a mediator or facilitator role.

This briefing note was written by Alexander Bramble, Philip Poppelreuter, Nick Ross, and Thania Paffenholz.

About the study

This briefing note is a summary of a comprehensive [research report](#) published by Inclusive Peace, which draws on comparative evidence and conceptual analysis of the war in Ukraine to explore options to prepare for and design a negotiation process.

About Inclusive Peace

Founded and led by Dr Thania Paffenholz, Inclusive Peace is a ‘think and do tank’ supporting peace and political transition processes. Inclusive Peace undertakes comparative research on peace and political transition processes and draws on this knowledge to provide advice in global political change processes.

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