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Negotiating an End to the War in Ukraine:

Ideas and Options to Prepare for and Design a Negotiation Process

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Report

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Abbreviations

AKP	Justice and Development Party (Türkiye)
AU	African Union
CBI	Confederation of British Industry
CTBM	confidence and trust-building measures
DRC	Democratic Republic of the Congo
ECOWAS	Economic Community of West African States
ELN	Ejército de Liberación Nacional
EU	European Union
FARC	Revolutionary Armed Forces of Colombia
HDP	Peoples' Democratic Party (Türkiye)
NATO	North Atlantic Treaty Organization
NGO	non-governmental organisation
OSCE	Organization for Security and Co-operation in Europe
UCDP	Uppsala Conflict Data Program
UK	United Kingdom of Great Britain and Northern Ireland
UN	United Nations
UNGA	UN General Assembly
UNSC	UN Security Council
US	United States

Executive Summary

Since it began on 24 February 2022, 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 significant economic and environmental damage in Ukraine. It has led to food and fuel shortages around the world, worsening existing food insecurity and causing an acute cost-of-living crisis. The war has also given rise to broad geopolitical repercussions: it is transforming the post-Cold War security architecture in Europe, demonstrating the struggle of bodies such as the OSCE to maintain peace on the continent. It has greatly exacerbated tensions between Russia and NATO and an already increasing trend of militarisation around the world. Sweden and Finland have relinquished decades of military non-alignment with simultaneous applications to join NATO, with Finland officially joining NATO on 4 April 2023. Germany has enacted a major shift in its peace and security policy, authorising arms transfers to Ukraine and pledging to invest EUR 100 billion into its armed forces with the aim of becoming a leading European military power.

Almost 18 months into the war, neither Ukraine nor Russia have achieved a decisive victory on the battlefield. After Ukrainian gains between September and November 2022 and an ensuing period of stalemate following a wave of Russian mobilisation, the mooted Ukrainian spring counter-offensive was delayed until early summer, with some initial signs of tentative progress. At the time of writing, military analysts do not expect a decisive Ukrainian or Russian military operation to materialise for the remainder of 2023, at the least.¹ This suggests that the fighting is likely to drag on over an extended period, perpetuating both the ramifications described above and the attendant threat of (nuclear) escalation.

UNGA Resolution ES-11/2 “strongly encourages the continued negotiations between all parties, and again urges the immediate peaceful resolution of the conflict between the Russian Federation and Ukraine through political dialogue, negotiations, mediation and other peaceful means in accordance with international law.”² Dialogue between the two sides has thus far been limited—several rounds of initial peace talks in February and March 2022, including two rounds facilitated by the Turkish government, did not generate tangible outcomes—and the space for a meaningful peace process is still extremely narrow. Yet, since the start of 2023, there has been a shift in the global public policy discourse towards consideration of a diplomatic resolution to the war in Ukraine. Since January 2023, a number of states from the Global South, including Brazil, China, India, and South Africa, have either called for immediate negotiations between Ukraine and Russia or launched tangible peace and mediation initiatives to end the war as quickly as possible. Both Ukraine, whose president, Volodymyr Zelenskiy, published a ten-point peace

1 Leaks of classified Pentagon materials in April 2023 include an analysis by the Defense Intelligence Agency that predicts the war is likely to drift into 2024 with no resolution in sight (see Tharoor 2023).

2 United Nations 2022.

formula in November 2022 that identifies Russia’s withdrawal from the entire Ukrainian territory as a prerequisite for negotiations, and Russia have rejected these initiatives as premature. In recent months, certain Western leaders—chief among them French president Emmanuel Macron—are beginning to publicly state that negotiations are ultimately the most likely path to end the war. The issue of how to end the war is also starting to prove contentious in the initial stages of the US presidential campaign and will likely continue to do so throughout the primary phase into national election season.

Despite these diplomatic initiatives and the tentative recent shift in the international public policy discourse beginning to acknowledge the possibility of negotiations, a negotiation process still seems a distant prospect, particularly in the eyes of the two main conflict parties. Nevertheless, as far-off or, in some quarters, unpalatable as negotiations may seem—especially to Ukraine and Russia—this would not be the first inter-state war involving deeply felt grievances to end through negotiations, which comparative evidence suggests statistically constitutes the best chance of ending the war.

The purpose of this report 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 report is directed at decision-makers and experts in politics, civil society, and business, as well as the media. It deliberately refrains from discussing the substance and outcomes of a negotiation process and a potential agreement. Instead, it draws on comparative evidence 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.³

The Case for Peace Negotiations, How They Start, and the Factors that Affect Them

Comparative evidence indicates that since 1800, negotiations have been the most common way to end wars between states: 38 (or 68 percent) of the 56 inter-state wars that were fought between 1800 and 1980 ended through negotiation;⁴ between 1989 and 2010 four of the eight inter-state armed conflicts resulted in a peace agreement.⁵

Peace negotiations most often begin when conflict parties feel that they can better achieve their goals through negotiation than on the battlefield; namely the point at which a conflict is “ripe for resolution”.⁶ A mutually hurting military stalemate that prevents either of the conflict parties from clinching military victory has proved a

3 Importantly, most of the recent data on peace processes come from studies of intra-state wars, which have been much more prevalent than wars between states since 1946. As such, the study’s comparative examples draw on both intra-state and inter-state wars.

4 Pillar 2014, p. 25.

5 Wallensteen 2015, p. 142.

6 Zartman 2000.

strong incentive for conflict parties to embark on peace negotiations. Other spurs for negotiations include external shocks—such as financial crises or disasters, changes in the political leadership of a conflict party, and pressure from the business community and/or civil society. Fighting and negotiating are also not necessarily mutually exclusive. While there is a danger under such circumstances of negotiations being instrumentalised, fighting and negotiations have proceeded in parallel in many past wars: 79 percent of all inter-state wars fought between 1823 and 2003 experienced at least one episode of war-time negotiations.

A range of factors govern if and when peace negotiations can start, what the negotiation process looks like, and what outcomes it can produce. Elite support or resistance (particularly among political elites) is one of the most decisive factors in all of these respects. Public support is also crucial and tied to the question of legitimacy; peace negotiations and agreements that are perceived as exclusive and elitist often lack legitimacy and hence struggle to sustainably address the drivers of armed conflict. Finally, establishing conflict parties' trust in the viability of negotiations is a prerequisite, albeit often a challenging one, for negotiations to start. Regular diplomatic exchange between representatives of the conflict parties, including their external supporters, but also diplomatic alliances of third-party state and civil society actors who work to support negotiations have proved conducive in this regard. Provision of information, monitoring, mechanisms to ensure conflict parties' compliance with the agreement, and realistic external security guarantees have equally helped to mitigate the commitment problem of militarily superior conflict parties to not attack their weaker adversary, both in the short and long term.

How to Prepare for Negotiations

Negotiations require thorough preparation and planning. Preparation activities may start well before conflict parties publicly commit to negotiating or even exploring the possibility of negotiating. This is mainly because peace negotiations are often complex, addressing multiple topics (many of which are controversial) and affecting various stakeholders. Concrete steps to prepare for negotiations include creating diplomatic coordination mechanisms among states as well as 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 core values of the negotiation process.

Peace Negotiation Formats

Peace negotiations generally comprise two main formats: direct negotiations between conflict parties and multi-party negotiations. These can be further classified according to a range of subtypes that vary in the level of transparency/ secrecy and the number of actors involved.

Secret direct negotiations allow conflict parties to build trust and explore political solutions to the armed conflict without publicly crossing red lines or abiding by concessions to the other side. Formal peace negotiations constitute an alternative to secret negotiations or can follow on from fruitful secret talks. Their existence is usually public, but (some of) the substance of the talks may remain confidential. Formal peace negotiations have increasingly come to embrace third parties as facilitators, mediators, witnesses, or guarantors. If tensions between the conflict parties prevent direct interaction, proximity talks or shuttle diplomacy (where the parties are not in one venue together) can help to facilitate diplomatic exchange.

Multi-party negotiations feature multiple actors in addition to the main conflict parties—mainly international and regional organisations or third-party states—although the number of actors can vary considerably. Most importantly, many past peace negotiation processes have employed a mixture of some or even all of these different formats, either sequentially or in parallel.

There are various modalities for including stakeholders beyond the main conflict parties and potential intermediaries in the negotiation formats presented above. 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 referendums on the final peace agreement, and sometimes even as mediators between conflict parties.

Importantly, peace negotiations can be conducted either in parallel to ceasefire negotiations (parallel approach) or upon the conclusion of a ceasefire (sequential approach). When adversaries manage to cease armed hostilities but otherwise struggle to reconcile their negotiation positions this may freeze the conflict for a long period without a decisive outcome materialising.

A Negotiation Framework for Ukraine

The war in Ukraine is a multidimensional armed conflict, encompassing two overlapping but distinct levels. Firstly, there is a “hot” inter-state war between Russia and Ukraine, which has subsumed the preceding internationalised intra-state conflict in the east of Ukraine, both of which have caused significant physical and social destruction. Secondly, there is a “cold” war between Russia and NATO, and its geopolitical ramifications. The complex situation calls for at least two and potentially three interrelated but discrete 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.

The Minsk Agreements (2014 and 2015) provide a cautionary example of the need to ensure Ukrainian interests are not sidelined and to include Ukraine in any negotiation format both in the spirit, and to the letter, of “nothing about Ukraine without Ukraine.” Bilateral talks between Ukraine and Russia constitute the default format option. However, given the need to integrate a regional security dimension, this format comes with the risk of overwhelming Ukrainian negotiators with the burden of representing EU and US interests. As such, two further options present themselves: a small group of states could be given official roles in Ukraine–Russia talks short of full participation; or a multi-party format could be adopted to foster a more cooperative dynamic by affording a degree of representation to a greater number of actors. Both these options could also include a small group of third-party states, and actors from civil society, business, or faith organisations in the modalities described above. Some form of external intermediaries, such as mediators, facilitators, or guarantors, could support the parties in pursuing negotiations, both for bilateral talks between Ukraine and Russia, and a multi-party format.

The negotiations—in both bilateral and multi-party formats—could be divided into separate tracks to address different thematic issues, either sequentially or in parallel. They could also involve specialised working groups or commissions that support the work of the respective thematic tracks. One rationale for this would be to create a degree of flexibility regarding the sequencing of negotiations in the face of currently unknowable questions, such as whether a ceasefire can be reached while other issues remain unresolved.

1 Introduction

Since the start of the inter-state war⁷ in Ukraine, which began on 24 February 2022 with Russia's military invasion, over 13 million people have been displaced internally and across borders,⁸ a verified 9,369 civilians have died, and 16,646 more have suffered life-changing injuries.⁹ Unverified estimates in leaked US intelligence documents hold that by April 2023 the war had resulted in the killing or wounding of around 130,000 Ukrainian soldiers and around 200,000 Russian troops (the true number of military casualties on both sides could be significantly higher).¹⁰ The war has so far caused USD 147.5 billion in damaged infrastructure in Ukraine,¹¹ in addition to significant environmental destruction.¹²

Against the backdrop of two years of the global COVID-19 pandemic and the ensuing global economic recession, the war has led to food and fuel shortages around the world, which have exacerbated existing food insecurity and provoked an acute cost-of-living crisis. Furthermore, like any crisis, beyond the battlefield the war in Ukraine disproportionately affects the poorest and most vulnerable, especially women and children. The impact on the Global South has been equally dramatic, with food shortages and price volatility in the energy sector increasing inflation and causing popular unrest as living standards drop, pushing many states to the brink of catastrophe.¹³

The war's geopolitical ramifications are also pronounced. Most immediately, it is transforming the post-Cold War security architecture in Eurasia. In late February 2023, Russia controlled around 17 percent of Ukrainian territory, including Crimea, which it annexed in 2014.¹⁴ These figures demonstrate how bodies that were founded to prevent wars between states, such as the UNSC and the OSCE, have struggled to prevent the escalation of this kind of crisis into a war. The war in Ukraine has challenged the European and NATO security and military alliances, and has prompted an accelerated policy shift away from energy dependence on Russia. It has also significantly exacerbated tensions between the West and Russia—which had been steadily growing over the past 15 to 20 years—to an extreme degree of polarisation, leading to an abandonment of dialogue in favour of major militarisation.

7 The remainder of the report uses “war in Ukraine” when referring to the inter-state war in Ukraine that began on 24 February 2022, which has subsumed the internationalised intra-state conflict that started in 2014.

8 DFS and IMPACT 2023, p. 2; UNHCR 2023, 2023a.

9 The latest estimates reflect the situation as of 30 July 2023, see OHCHR 2023.

10 Faulconbridge 2023.

11 KSE 2023.

12 Alverin et al. 2022; Angel 2022; Binder 2022; Le Page 2022.

13 United Nations 2022a.

14 Gutiérrez and Kirk 2023. At the time of writing, a precise and reliable figure for the percentage of Ukrainian territory occupied by Russia is hard to come by. Given the relatively minor territorial gains of either side since February 2023, it seems fair to conclude that the figure cited remains largely accurate.

The US, EU member states, and NATO member countries have largely responded to the war by supplying Ukraine with military technology and armaments and by trying to weaken Russian power and political cohesion with sanctions on influential individuals and major economic sectors, including oil and gas. Western military supplies have thus far proved critical to Ukraine's efforts to halt the Russian offensive and launch a counter-offensive. Western sanctions against Russia, on the other hand, have so far had a limited effect on the resolve of the Russian leadership to pursue its war effort.

The reactions and stances of states beyond the direct and indirect conflict parties thus far can be characterised as a mixture of ambiguity, impartiality, and neutrality. At special emergency sessions of the UNGA in March 2022 and February 2023 to address the war in Ukraine, a total of 141 states voted in favour of UNGA Resolutions ES-11/1 and ES-11/6. Both resolutions condemned "the aggression by the Russian Federation against Ukraine" and called for the immediate, complete, and unconditional withdrawal of Russian troops from Ukraine.¹⁵ Yet, 35 and 32 countries abstained from voting on the two resolutions, respectively. Several countries from the Global South were among the abstainers, including Angola, Bangladesh, China, Ethiopia, India, Iran, Pakistan, South Africa, and Vietnam. Moreover, almost no countries from the Global South have applied the sanctions on Russia issued by the US and the EU.

All of this is proof of the emergence and consolidation of a new Global South non-aligned movement, which, unlike during the Cold War, is trying to avoid taking sides in the ongoing crisis and instead is adopting positions that states from the Global South perceive as protecting their respective interests. This emergence of a new non-aligned movement was apparent before the war in Ukraine but appears to have been galvanised by it. Several peace and mediation initiatives that states from the Global South have launched since January 2023 demonstrate the growing divergence between them and their Western counterparts on how to end the war in Ukraine.

UNGA Resolution ES-11/2 "strongly encourages the continued negotiations between all parties, and again urges the immediate peaceful resolution of the conflict between the Russian Federation and Ukraine through political dialogue, negotiations, mediation and other peaceful means in accordance with international law."¹⁶ However, Ukraine and Russia currently remain committed to a military victory and respectively reclaiming or taking further territory. Fighting therefore seems likely to drag on over an extended period of time. In terms of concrete dialogue to date, international actors have brokered temporary ceasefires, negotiations have taken place between Ukrainian and Russian politicians on humanitarian corridors, and initial peace talks in Istanbul have been facilitated by the Turkish government. These talks did not generate tangible outcomes. However,

15 United Nations 2022b, p. 3. See also United Nations 2022c, pp. 1–2; United Nations, 2022d.

16 United Nations 2022, p. 4.

in July 2022, Türkiye and the UN brokered a deal between Ukraine and Russia that provided for an end to the blockade of Ukrainian grain exports via the Black Sea.¹⁷ Ukraine and Russia undertook to extend the agreement for another 120 days in November 2022. Similar extensions were agreed in March and May 2023, but with a reduction of the validity period to 60 days. At the time of writing, negotiations on renewing the deal had collapsed due to Russia's withdrawal.¹⁸

Despite its stated commitment to a military victory, Ukraine has simultaneously begun to pursue a framework for a diplomatic end to the war. In November 2022, the Ukrainian president, Volodymyr Zelenskiy, published a ten-point peace formula that identifies the withdrawal of Russian troops from the entirety of Ukrainian territory as a prerequisite for negotiations. In late June 2023, top security officials from several state supporters of Ukraine as well as countries that have pushed for immediate negotiations, including Brazil and India, met in Denmark to informally discuss pathways to peace.¹⁹ A Ukraine-led peace summit in Copenhagen or Paris could materialise in the second half of 2023.

Russia has also formulated preconditions for joining negotiations with Ukraine.²⁰ The list includes neutrality and non-bloc status of Ukraine; guarantees that Ukraine will join neither NATO nor the EU, nor possess nuclear weapons in the future; and international acknowledgement of annexed Ukrainian territory claimed to belong to Russia. High-ranking Russian officials have also repeatedly stressed that any negotiation process must be constructed in such a way as to address Russian interests and concerns as a prerequisite for negotiations to begin.

Overall, endeavours to pursue diplomatic pathways towards ending the war have increased since January 2023. Driven by the desire to mitigate the detrimental global repercussions of the war described above, a number of states, including Brazil, China, India, Indonesia, Kenya, South Africa, Sri Lanka, and Uganda, have either called for immediate negotiations between Ukraine and Russia or launched tangible peace and mediation initiatives to end the war as quickly as possible.²¹ However, to date, a consensus is yet to emerge on which pathway to take towards negotiations.²² The existence of several parallel but loosely connected peace initiatives also suggests limited coordination among states from the Global South. Nonetheless, the (re-)emergence of a non-aligned movement further strengthens the influence Southern states can exert in building momentum around negotiations and, ultimately, in the conduct of peace negotiations to end the war in Ukraine.

17 Glauber and Laborde 2022.

18 Picheta et al. 2023.

19 France24 2023.

20 Burç 2023.

21 Araujo and Simoes 2023; Bavier and Kumwenda-Mtbambo 2023; Bhattacharjee 2023; Kapoor 2023; Shepherd 2023.

22 Gowan 2023.

All of the contextual analysis above underlines the fact that the war in Ukraine is a multidimensional conflict. Conceptually, two distinct but interrelated levels of conflict can be identified.

Firstly, there is an inter-state “hot” war between Russia and Ukraine, started by Russia’s invasion in February 2022. In this war, Ukrainian interests are manifestly survival, sovereignty, and territorial integrity, and Russian interests are seemingly a combination of regional security concerns (including limiting NATO expansion to the east), pan-Russian irredentism, and specific strategic goals such as securing a land bridge to Crimea. This inter-state war has subsumed the internationalised intra-state conflict²³ in Ukraine from 2014 to 2022 concerning fighting in the Donbas and the annexation of Crimea by Russia.

The full-scale inter-state war in Ukraine starting in February 2022 and the years of fighting in eastern Ukraine during the internationalised intra-state conflict that preceded it have also brought about major physical damage—chiefly to Ukraine’s infrastructure and environment—as well as significant damage—both already apparent and potential—to the country’s social cohesion. This has given rise to the challenge of designing and implementing an impactful, sustainable, and inclusive reconstruction process.

Secondly, there is a Russia-NATO “cold” war involving the supply of NATO armaments and intelligence to Ukrainian forces, changing NATO’s force posture, expanded NATO membership, and EU and US sanctions against Russia. This “cold” war has additional geostrategic dimensions. Firstly, Finland and Sweden abandoned their long-standing status of neutrality and officially applied for NATO membership in May 2022. Finland officially joined NATO on 4 April 2023. Secondly, Germany has performed an equally radical policy shift, pledging to invest an additional EUR 100 billion into the Bundeswehr (Federal Defence) to become a leading European military power.²⁴ This reaction to the outbreak of the war, in combination with the delivery of 18 Leopard 2 battle tanks to Ukraine at the time of writing, marks a fundamental break with Germany’s post-Second World War foreign and defence policy, including in its stance towards Russia.

The impact of the war in Ukraine on the further development of a new non-aligned movement constitutes a broader geopolitical dimension to the war in Ukraine. While these actors are non-aligned, and thus by definition neither direct nor indirect parties to the conflict, they represent a large global constituency who are directly and indirectly affected by the ramifications of the war; the actors are accordingly seeking to safeguard their interests by pursuing a proactive approach to end the war that diverges from the one currently pursued by the direct and indirect conflict parties.

23 Davies et al. 2023.

24 Deutsche Welle 2022.

This complex situation calls for at least two and potentially three interrelated but discrete levels of negotiation: a bilateral negotiation process to end the war; a multi-party negotiation process on new terms for the Eurasian peace and security architecture, including its global dimensions; and—potentially—an intra-Ukrainian discussion on how to design and implement reconstruction initiatives in an inclusive fashion that takes account of all Ukrainian perspectives.²⁵ Importantly, any negotiation process that attempts to address any or all of these conflict dimensions in whatever format must necessarily include Ukraine. The Minsk Agreements, which had little support in Ukraine and therefore neither constituted a viable compromise nor managed to end the armed conflict in eastern Ukraine,²⁶ demonstrates the detrimental repercussions of undermining Ukrainian ownership and sidelining Ukrainian interests. The same argument applies to reconstruction processes: externally driven post-conflict reconstruction processes in countries such as Afghanistan, Bosnia and Herzegovina, Iraq, and Somalia have struggled to generate sustainable peace²⁷ or equitable and lasting economic development.

The war in Ukraine is particularly exceptional and significant due to the far-reaching global repercussions in the form of the high number of refugees and internally displaced people, surging global food and energy prices, the risk of a military (and potentially nuclear) escalation between Russia and NATO, the scale of Western arms deliveries to Ukraine, the geopolitical and strategic realignment the war has engendered, and the inability of the regional and international security architecture to prevent the outbreak of the war or so far bring it to an end. At the same time, challenges around establishing conflict parties' trust in the viability of a negotiation process, adequately preparing for negotiations, and establishing a viable negotiation process that can give rise to inclusive and sustainable results are inherent to every inter-state war, including the one in Ukraine. Therefore, in addition to demonstrating that, statistically speaking, the majority of inter-state wars end through some form of negotiation process (as will be discussed in Section 2), comparative evidence on how past wars ended can suggest potential entry points for creating a conducive environment for negotiations, preparing for negotiations, and conducting negotiations.

25 The war in Ukraine also demonstrates patterns consistent with a closed civic space, authoritarianism, ambitions regarding territorial expansion, and competing security forces in Russia. These patterns point to long-standing, potentially increasing intra-Russian grievances and raise questions about the country's political and socio-economic development. However, unlike Ukraine, Russia has not experienced several years of externally-fuelled armed violent conflict within its territory. Reconstruction, transitional justice, and reconciliation hence remain irrelevant topics for Russia in the context of the war in Ukraine as of July 2023.

26 Hess Sargsyan 2019.

27 In the context of this report, sustainable peace is understood as reaching a negotiated settlement that ends armed conflict and paves the way for the peaceful coexistence of Ukraine, Russia, and other Eastern and Western European states. Sustainable peace as such currently seems aspirational and might not occur any time soon. The report therefore seeks to provide ideas and options for how to prepare for and pave the way towards negotiations.

The purpose of this report is therefore to draw on this kind of comparative evidence and the aforementioned conceptual analysis of the war to, firstly, provide suggestions as to what the key features of a potential negotiation framework could look like and, secondly, help the actors mentioned above to develop concrete ideas about how to prepare for negotiations and establish such a framework once the time is ripe. The report deliberately avoids addressing the substance and outcomes of a potential agreement, instead focusing on what the negotiation process could look like and how to get there.

The report first presents comparative evidence to describe how wars have been ended through negotiations, often with civil society involvement, offering context through discussion of a series of lessons learned (Section 2). It then develops options for a negotiation framework and preparatory steps that take into account the complexity of the various conflict dimensions (Section 3). The report concludes with a succinct presentation of the key messages (Section 4).

2 Comparative Evidence on Negotiations to End Wars

With very few exceptions, inter-state wars do not end with the unconditional surrender of one party.²⁸ There is almost always a treaty with something to be negotiated, particularly when both conflict parties continue to exist in the post-war phase. Work by Paul R. Pillar indicates that negotiation has proved to be the most prevalent means of ending inter-state wars over the past two centuries: 38 (or 68 percent) of the 56 instances of inter-state war between 1800 and 1980 ended through negotiation.²⁹ The 2023 edition of the German Peace Report notes that almost half of all inter-state wars end through negotiations.³⁰ Data from the Uppsala Conflict Data Program (UCDP) reveals that four of the eight inter-state armed conflicts between 1989 and 2010 resulted in a peace agreement.³¹ Overall, negotiations have therefore been the most common way to end wars between states since 1800.³²

Two factors have driven the prevalence of negotiated settlements to inter-state wars.³³ Firstly, the development and proliferation of ever more destructive weaponry have rendered swift military victories increasingly unlikely. Encountering militarily strong adversaries on the battlefield has forced conflict parties to enter negotiations at some point. Secondly, their growing determination to ensure the persistence of their own value system has incentivised state leaders to fight wars they might not have waged in the past. American participation in the Korean War to contain communism is a case in point. At the same time, state leaders have been increasingly committed to defending international norms, such as the territorial integrity norm,³⁴ by threatening or employing violence. The resulting involvement of heavily armed states on both sides of a conflict has produced military stalemates in inter-state wars. Section 2.1 shows that these stalemates are conducive to negotiated settlements.

To Ukraine, negotiations with Russia may seem inadmissible at this point given the suffering and destruction caused by the war. But this would not be the first war involving deeply felt grievances to end in a negotiated settlement. As with Russia

28 Weisiger 2013, p. 4.

29 Pillar 2014, pp. 18–25.

30 Baumgart-Ochse et al. 2023, p. 14. The report also notes that 20 percent of all inter-state wars end with a decisive military defeat or victory, and 30 percent do not generate a decisive outcome.

31 Wallensteen 2015, p. 142.

32 The share of armed intra-state conflicts ending through negotiation was considerably lower between 1800 and 1980 (Pillar 2014, p. 25). However, the proportion of armed intra-state conflicts producing a negotiated peace agreement increased considerably during the 1990s (see Howard and Stark 2017).

33 Pillar 2014, pp. 26–8.

34 Zacher 2001.

and Ukraine, most inter-state wars are between neighbours.³⁵ Short of assimilation or permanent occupation, neighbouring states eventually must be able to live with one another—they cannot retreat to the other side of the globe.

This section presents comparative evidence to illustrate how negotiations to end wars have been conducted, and what implications different design choices may have. A note of caution should be sounded here: most of the recent data on peace processes come from studies of intra-state wars, which have been much more prevalent than wars between states since the end of the Second World War.³⁶ As such, this section makes use of examples from both intra-state and inter-state wars to consider potential options for reaching a negotiated settlement to the war in Ukraine.

2.1 The Case for Peace Negotiations and How They Start

Several examples demonstrate that warring state dyads that pursue peace negotiations³⁷ are more likely to tackle the underlying causes of conflict in a robust fashion as compared to dyads that experience the total military defeat of one state.³⁸ This is particularly true for territorial disputes, even though the low incidence of inter-state wars since 1946 makes drawing firm conclusions from recent evidence challenging. The 1957 treaty on the Saarland between France and Germany and the 1998 peace agreement between Ecuador and Peru are two cases in point. Both agreements mitigated long-standing territorial disputes by demarcating the shared borders and hence paved the way for in-depth economic and political collaboration between the formerly warring parties. On the other hand, the absence of agreement or a lack of implementation of a negotiated agreement between other warring parties—such as Cambodia and Vietnam, India and Pakistan, or Iran and Iraq—has made it difficult for these states to establish cordial relations. The potential for rapid escalation of tensions or even outbreak of armed conflict between these pairs of countries is a persisting cause of concern today.³⁹

The question of why peace negotiations begin has been the subject of considerable study. The most widely accepted explanation draws on the concept of “ripeness.” According to I. William Zartman, states may realise that they are trapped in a mutually hurting stalemate in which neither party can defeat the other on the battlefield.⁴⁰

35 Vasquez 1995.

36 The Uppsala Conflict Data Program indicates that the number of inter-state wars has been well below five for each year since 1991 (see Pettersson et al. 2021).

37 Peace processes have been conceptualised in minimal terms—encompassing only the negotiation phase—but are increasingly understood in broader terms that also encompass the implementation of peace agreements as well as long-term peace in a country.

38 Joshi and Wallensteen 2018; Wallensteen 2015.

39 Wallensteen 2015.

40 Zartman 2000.

Several other factors can lead to forms of ripeness for negotiations beyond a mutually hurting stalemate. Peace negotiations are also often prompted by new and unexpected events, such as financial crises, disasters, or outbreaks of disease. In South Sudan (1989) and Indonesia (2004), environmental disasters—a guinea worm plague⁴¹ and a tsunami⁴² respectively—incentivised conflict parties to (re) start negotiations to alleviate humanitarian situations. In the Philippines, a typhoon incentivised the New People’s Army to declare a unilateral ceasefire in 2012. That ceasefire expired once the New People’s Army had regained its strength and resumed fighting against the Philippine government.⁴³ In another example, warring parties in Colombia (2012–16) used negotiations as a strategy to gather information about their adversary’s terms for a potential peace deal. This new information helped both sides to assess whether negotiations or fighting would assist them in reaching their objectives.⁴⁴

Another potential trigger of peace negotiations is a change in the political leadership of a conflict party.⁴⁵ New political leaders have found it easier to break with the policies of their predecessors and initiate negotiations. Moreover, incumbent political leaders fear losing power after signing an unfavourable peace agreement and thus keep fighting. The ousting of Pakistani president Yahya Khan in 1971 after the country’s defeat in the Bangladesh Liberation War and the Indo-Pakistan War, both in that year, serves as a cautionary example in this regard.⁴⁶ New political leaders who assume power during a war initially tend to be protected from popular anger and in turn any personal consequences when seeking to reach a negotiated settlement.

Conflict parties’ access to external support is another important catalyst of both ceasefire and peace negotiations. External support can take financial, political, economic, or military forms (e.g. know-how and military technology) and is key for conflict parties to continue fighting.⁴⁷ Statistical analyses suggest that independent interventions—that is, a third party sending troops into an ongoing armed conflict to pursue its own agenda—prolong fighting.⁴⁸ Most evidence on external support stems from intra-state conflicts but it shows interesting results nonetheless. For example, the evidence indicates that an increase of external support for non-state conflict parties on average increases the odds of ceasefires materialising in intra-state conflicts.⁴⁹ This is because access to external support for a non-state armed

41 Brickhill 2018, p. 28.

42 Le Billon and Waizenegger 2007; Nemeth and Lai 2022.

43 Walch 2014, 2018. Statistical evidence presented by Nemeth and Lai (2022) indicates that peace negotiations are more likely to materialise in territorial armed intra-state conflicts if all conflict parties are affected by a natural disaster.

44 Sticher and Vuković 2021, p. 1293.

45 Ryckman and Braithwaite 2020.

46 Goemans 2000, p. 565.

47 Meier et al. 2023.

48 Cunningham 2010.

49 Clayton et al. 2022.

group mitigates the power asymmetry between them and government conflict parties. On the other hand, non-state armed groups' access to fungible external support in the form of weapons and money delays civil war termination (i.e. the signing of a peace agreement).⁵⁰ For example, following an agreement between Cuba and South Africa in 1988, the countries respectively ceased supporting the Angolan government (Cuba) and the UNITA (National Union for the Total Independence of Angola) non-state armed group (South Africa), and withdrew their forces from Angola. The sudden end of long-standing external support created a conducive environment for intra-Angolan peace negotiations, which culminated in the 1991 peace agreement.⁵¹

Special events such as religious holidays, an initiative from a mediation party, or vaccination programmes may also halt fighting. This is mainly because conflict parties need a political justification to enter negotiations. Temporary ceasefires materialised repeatedly in the Afghan civil war (1989–92) when Ramadan came to an end and people celebrated the traditional breaking of the fast. The Farabundo Martí National Liberation Front (FMLN) non-state armed opposition group in El Salvador abandoned fighting and entered negotiations, claiming that it wanted to make a concession to the UN Secretary General, who acted as the mediator.⁵² Finally, conflict parties in places such as Afghanistan, Colombia, Democratic Republic of the Congo (DRC), El Salvador, Lebanon, Pakistan, the Philippines, Sudan, and Yemen have agreed ceasefires to allow for vaccination campaigns.⁵³ Vaccination ceasefires, which conflict parties in El Salvador and Sri Lanka referred to as “days of tranquillity,”⁵⁴ allow domestic and foreign actors to mitigate humanitarian situations in conflict- and disease-affected regions. Moreover, they may initiate or reinforce peace processes. The temporary vaccination ceasefires established in El Salvador, for example, paved the way for the 1988 peace accords.⁵⁵

The significant economic costs associated with armed conflict have also prompted members of the business community to push for peace negotiations, using various strategies. In Northern Ireland, the Confederation of British Industry (CBI) calculated the major economic losses caused by the prevailing sectarian conflict. Summarising its findings in one coherent document, the CBI sought to increase public support and pressure for peace negotiations.⁵⁶ South Africa's business community pursued a more direct approach. Significantly impacted by the severe international sanctions against the apartheid regime, South African business actors mediated between

50 Sawyer et al. 2017.

51 Cunningham 2010, p. 117.

52 Elhardt 2022.

53 MacQueen et al. 1997; Russell et al. 2021.

54 Russell et al. 2021, pp. 5 and 8.

55 MacQueen et al. 1997, p. 185.

56 Banfield and Gündüz 2006, p. 438.

the apartheid regime and the opposition parties from 1988 onwards. Their efforts to explore opportunities for a negotiated settlement ultimately paved the way for the peaceful political transition process in the country.⁵⁷

Pressure by civil society organisations has also supported negotiations in the face of ongoing fighting. In several countries, including Colombia, Liberia, and Nepal, civil society organisations and women's organisations have taken to the streets to pressure conflict parties to engage in peace talks.⁵⁸

Finally, in spite of the fact that ongoing fighting erodes the trust between conflict parties and complicates the launch of negotiations, it is important to note that fighting and negotiating are not mutually exclusive but can be—and often are—pursued simultaneously.⁵⁹ Indeed, 79 percent of all inter-state wars that were fought between 1823 and 2003 saw at least one negotiation while the fighting lasted.⁶⁰ Table 1⁶¹ presents the number of negotiation periods and the aggregated lengths of war-time negotiation days for those inter-state wars between 1823 and 2003 that experienced simultaneous fighting and negotiating.

57 Marais and Davies 2015.

58 Anderlini 2004, p. 17; Paffenholz 2014, p. 87; Wallensteen and Eriksson 2009.

59 Höglund and Nilsson 2022, p. 289; Min 2020.

60 Min 2020.

61 Based on Min 2020.

Table 1. Inter-state Wars between 1823 and 2003 by Number of Negotiation Periods and Number of Negotiation Days

Number of Negotiation Periods	Total Number of Negotiation Days during Inter-state Wars		
	10-49 days	50-99 days	>100 days
One	<ul style="list-style-type: none"> • Naval War (1865-6) • Spanish-American War (1898) • Russo-Japanese War (1904-5) • Second World War (1939-45) • Taiwan Straits War (1958) • Turco-Cypriot War (1974) 	<ul style="list-style-type: none"> • War over Lebanon (1982) 	<ul style="list-style-type: none"> • Arab-Israeli War (1948-9)
Two	<ul style="list-style-type: none"> • Assam War (1819-22) • Mexican-American War (1846-8) • Roman Republic War (1849) • Lopez War (1864-70) • First Sino-Japanese War (1894-5) • Latvian Liberation War (1918-20) • Franco-Thai War (1940-1) • Ugandan-Tanzanian War (1978-9) • Bosnian War of Independence (1992) • Kargil War (1999) 	<ul style="list-style-type: none"> • Anglo-Persian War (1856-7) • Second Schleswig-Holstein War (1864) • War of Attrition (1969-70) • War over the Aouzou Strip (1986-7) • War for Kosovo (1999) 	<ul style="list-style-type: none"> • Crimean War (1853-6)

Number of Negotiation Periods	Total Number of Negotiation Days during Inter-state Wars		
	10-49 days	50-99 days	>100 days
Three	<ul style="list-style-type: none"> • Lithuanian-Polish War (1920) • Falklands War (1982) 	<ul style="list-style-type: none"> • Franco-Prussian War (1870-1) • First Balkan War (1912-3) • Second Greco-Turkish War (1919-22) 	<ul style="list-style-type: none"> • Sino-French War (1884-5) • Franco-Turkish War (1919-21) • Korean War (1950-3)
Four	<ul style="list-style-type: none"> • Estonian Liberation War (1918-20) 	<ul style="list-style-type: none"> • Second Sino-Japanese War (1931-3) 	<ul style="list-style-type: none"> • War of the Pacific (1879-83)
Five or more	<ul style="list-style-type: none"> • Azeri-Armenian War (1993-94) 	<ul style="list-style-type: none"> • First World War (1914-18) • Iran-Iraq War (1980-88) 	<ul style="list-style-type: none"> • Russo-Polish War (1826-8) • First Schleswig-Holstein War (1848-51) • Italian-Turkish War (1911-2) • Chaco War (1932-5) • Third Sino-Japanese War (1937-41) • First Kashmir War (1947-9) • Vietnam War Phase 2 (1965-75) • Badme Border War (1998-2000)

War-time negotiations have taken various forms, including a peace conference (e.g. Second Schleswig-Holstein War, 1864), armistice talks (Korean War, 1950–3), and shuttle diplomacy (Falklands War, 1982). At the same time, they vary in both intensity and length. Some warring state dyads engage in one negotiation period or negotiate for a couple of days only (e.g. in the Ifni War, between Morocco and Spain, 1957-8, war time negotiations lasted for one day). In other cases, adversaries sat down for only one round of wartime negotiations, whereas others pursued multiple rounds of talks over an extended period (e.g. in the Vietnam War, 1955–75).

Sometimes, the coexistence of fighting and negotiating is to the detriment of the negotiation process. Actors such as the Revolutionary Armed Forces of Colombia (FARC), the Tamil Tigers in Sri Lanka, and the Myanmar government have used ceasefire negotiations to buy time, rearm groups, and mitigate international pressure to end a conflict.⁶² In these examples, the negotiations later collapsed as the parties remained committed to military victory. Yet, in certain cases, a subsequent more genuine process may follow on from initially instrumentalised negotiations. For example, the FARC used the 1999–2002 Colombian peace process under President Andrés Pastrana Arango to rearm and gain momentum. At the same time, both conflict parties retained an interest in negotiations. Formal negotiations resumed in 2012 and resulted in an agreement in 2016. Yet, both adversaries periodically continued to use armed attacks and violence to demonstrate their strength and improve their bargaining position. As such, the Colombian example illustrates how a degree of fighting and genuine negotiations can coexist.

2.2 Preparing for Peace Negotiations

Peace negotiations require thorough preparation and planning. Preparation activities may start well before conflict parties publicly commit to sitting down and negotiating or even before they explore negotiation possibilities. This is mainly because peace negotiations are often complex, addressing multiple topics (many of which are controversial) and affecting various stakeholders. Moreover, it often takes time to broker an agreement between conflict parties on key details—for example, the sequencing and scope of topics, or the format and facilitation of a negotiation. Dedicating sufficient time and thought to prepare for and design negotiations is therefore key to increasing the odds of ending a war.

Several actors need to prepare for negotiations. This applies particularly to the conflict parties, including the government and the political space, civil society, the business community, and the media, but also external actors who could be involved in future negotiations. Potential facilitators and mediators but also other external state and non-state actors who work towards creating a conducive environment for negotiations are cases in point. This section lists several concrete activities that can help these actors prepare for negotiations: forging diplomatic coordination mechanisms and civil society alliances, preparing substance for the negotiation agenda and outcomes, tapping into peace process support expertise, creating expert groups, preparing for public discourse change and developing communicating strategies, preparing for inclusion and national ownership, creating trust in negotiations, and defining the core values of the negotiation process.

⁶² Chounet-Cambas 2011, pp. 7–8 and 20; Sticher and Vuković 2021.

2.2.1 Diplomatic Coordination Mechanisms

Establishing diplomatic coordination mechanisms in cooperation with other states that embrace negotiations as a viable strategy to end a war can enhance the preparation for peace negotiations. The higher the number of states that are interested in preparing for negotiations, the more financial, technical, and human resources are available, which will benefit the preparation process, not to mention the political “weight” or impetus that often comes as a result. Importantly, state partners can divide prospective tasks in the negotiation preparation process between them. This includes both defining the roles that are part of the preparatory process and allocating them to single states. These efforts can include technical and logistical exercises, such as thinking about potential venues for negotiations, working on a draft list of negotiation themes, preparing concrete ideas for confidence-building measures between conflict parties, and drafting proposals for compromises on the identified topic areas (see Section 2.2.3).

Besides defining and allocating roles, members of diplomatic coordination mechanisms may also discuss the technical, financial, and political resources required throughout the preparation and negotiation process. This may lead to clear commitments by states to provide various forms of resources.⁶³

Importantly, diplomatic coordination mechanisms can serve different purposes before and during negotiations. Box 1 presents six important types of diplomatic coordination mechanisms around negotiations.

Box 1. Diplomatic Coordination Mechanisms

Contact Groups

Contact groups consist of powerful states that are interested in the outcome of an armed conflict. These states self-select into contact groups and may engage in coordinating and overseeing negotiations or raising funds to finance them.⁶⁴ For example, the UN, the EU, the US, and Russia set up the informal Quartet on the Middle East in 2002. The Quartet’s mandate was to mediate peace negotiations in the Middle East and support Palestinian economic development initiatives. However, internal communication issues, a lack of consensus between the four members, an imbalance of internal power, and a bias towards Israeli interests undermined the Quartet’s impact.⁶⁵ The International Syria Support Group is another example. The group was created in 2015 by UNSC Resolution 2254, which called for negotiations between the Syrian opposition and government in Geneva and an election

63 United Nations 2012, p. 7.

64 Whitfield 2010, p. 33.

65 Elgindy 2012, p. 6; Tocci 2013.

within six months to form a unity government.⁶⁶ However, the conflict parties never came to agree on the issues mentioned in UNSC Resolution 2254. This was mainly due to military dynamics on the ground and a second round of negotiations being initiated in Geneva.⁶⁷ Liberia and the Central African Republic have also seen the establishment of international contact groups. They have included inter-governmental institutions such as the UN, the Economic Community of West African States (ECOWAS), and the World Bank as well as several states.⁶⁸

Groups of Friends (of a Mediator or a Particular Negotiation Process)

Groups of friends are informal support structures that provide lead mediators with the logistical, financial, and technical resources necessary to facilitate the preparations for and implementation of negotiations. The number of groups of friends has surged since 1990, including in contexts such as

Afghanistan, Angola, Cambodia, Côte d'Ivoire, and Cyprus, where great powers have not been the main drivers of mediation initiatives. Comparative evidence suggests that groups of friends of four to six members are the most effective. Impactful groups of friends unite actors that bring different strengths to the table (e.g. knowledge, relationships, and political leverage) and that agree there should be no unilateral mediation initiatives. It therefore may help to factor in sufficient time to gather a strong group of friends during the preparations for negotiations.⁶⁹ Groups of friends have supported the UN as the lead mediator in Guatemala (1996), Colombia (1998–2002), and Georgia (2003–6).

Diplomatic Coordination Mechanisms Pushing for Negotiations

Small groups of states have also formed to push conflict parties to initiate peace negotiations. The EU, Norway, the UK, and the US jointly constitute the Troika, which presses for a diplomatic solution to the armed conflict in South Sudan and supports mediation efforts by the Intergovernmental Authority on Development in that regard. Similarly, a loose alliance consisting of the DRC, Kenya, South Africa, Tanzania, and Uganda formulated joint communiqués in summer 1996 to advocate for a negotiated settlement in Burundi.⁷⁰

Diplomatic Coordination Mechanisms Serving as Guarantors

Thinking about mechanisms for monitoring peace agreements is an important component of the preparation process. Small groups of states

66 UNSC 2015.

67 Ziadeh 2017.

68 Federal Foreign Office of Germany 2017.

69 Whitfield 2010, pp. 27–36.

70 Daley 2007.

have played important monitoring roles in various conflict contexts, acting as guarantors of peace agreements (see Section 2.4.3). For example, Chile, Cuba, Norway, and Venezuela acted as guarantors in the peace negotiations between the Colombian Government and the FARC. In 2022, as part of a separate peace process, the Government of Colombia and the Ejército de Liberación Nacional (ELN) agreed to invite Brazil, Chile, and Mexico as guarantors of the peace talks in 2022.⁷¹

Groups of Mediators

The role of mediation has shifted away from one big party mediator to several mediators. Co-mediators have come to support the work of the lead mediator in several conflict contexts, either openly or from behind the scenes.⁷² Peace negotiations in Tajikistan in 1992, for example, saw joint mediation efforts by Iran and Russia.⁷³ In Bosnia, representatives from France, Germany, Russia, the UK, and the US mediated the Dayton Peace talks (1995). Co-mediation may also take the form of regional mediation; Sudan and Uganda mediating the domestic armed conflict in South Sudan in 2018 is a case in point.⁷⁴ In Burundi, Julius Nyerere (1996–99) and Nelson Mandela (1999–2000) acted as lead mediators. They benefited from considerable financial support from regional states (including the DRC, Kenya, South Africa, Tanzania, and Uganda) and international donors (e.g. the EU, the UN, and the US). In Mozambique and Sierra Leone, faith-based actors played an important role as mediators and facilitators too.⁷⁵

Combining Different Roles

The different types of diplomatic coordination mechanisms described above may be combined under one negotiation initiative. In Burundi, as mentioned, several states provided financial support to the mediation effort by Nyerere and Mandela. In Libya after 2011, the UN collaborated with non-governmental actors such as the Dialogue Advisory Group to get access to remote areas that were out of touch with the mediation process.⁷⁶ Civil actors and states may also engage in job-sharing when trying to jointly initiate a negotiation process. In the case of the Philippines (2009–2014), for example, Japan took the lead on funding reconstruction projects, whereas the civilian actors in the international contact group focused on basic service delivery on the ground or topics such as power-sharing and wealth-sharing.⁷⁷

71 Sequera and Acosta 2022.

72 Daley 2007.

73 Sidibé 2020.

74 Slim 2008, p. 3; United Nations 2012, pp. 7 and 18; Whitfield 2019, p. 4.

75 Bramble et al. 2023.

76 Whitfield 2019, p. 7.

77 Leslie 2013.

Diplomatic coordination mechanisms can also include civil society actors. For example, Japan, Saudi Arabia, Türkiye, the UK, and four international non-governmental organisations (NGOs) formed an international contact group that accompanied the peace talks between the government of the Philippines and the Moro Islamic Liberation Front after 2009. The international contact group mainly served as an observer of the negotiations in Kuala Lumpur, where the NGOs fed their technical expertise into the process and used their flexibility to interact with all stakeholders.⁷⁸ These skills and expertise may also be an asset in the preparation of negotiations. It follows that civil society actors can play an important role in efforts to prepare negotiations.

2.2.2 Civil Society Alliances

Alliances of civil society actors may also contribute to the preparations for negotiations. Their subject matter expertise, networks, and mediation skills allow them to complement the work of state actors in preparing for and subsequently implementing negotiations.⁷⁹ Both local and international NGOs may also relay messages from state actors preparing for negotiations to the broader population and vice versa. Importantly, comparative evidence suggests that faith-based actors played an active role in the pre-negotiation phases of 75 percent of 43 examined peace and political transition processes.⁸⁰

Civil society actors have benefited from dedicated spaces for civilian exchange to prepare for and influence the negotiation agenda. In Colombia, for example, an alliance of church and civil society leaders set up the National Conciliation Commission in 1995 to systematically explore potential solutions to the conflict before formal negotiations began.⁸¹ Guatemala is a second example in this regard. Archbishop Rodolfo Quezada Toruño chaired the 1989 national dialogue, which civil actors used to convene and discuss priority issues for the planned negotiations. The issues that civil actors identified later appeared on the negotiation agenda. In 1994 Archbishop Toruño also headed the Civil Society Assembly (Asamblea de la Sociedad Civil), which brought together ten civil society representatives, including women's organisations, religious groups, and trade unions.⁸² Assembly members had the mandate to make non-binding recommendations on the substance of six out of seven topics that the parallel formal negotiations touched upon.⁸³

Other actors have emulated the Guatemalan civil society advisory mechanism. For example, the Catholic Archdiocese in El Salvador set up the Permanent Committee on the National Debate for Peace in 1988. This body had no formal role in the

78 Leslie 2013.

79 Ibid.

80 Bramble et al. 2023.

81 Ibid.

82 IPTI 2017.

83 Blunck et al. 2017, p. 119.

negotiations but gave various actors a platform to exchange views on the negotiations.⁸⁴ In another example, the UN established a three-day civil society consultative forum during the 2001 Afghanistan negotiations in Bonn; 150 representatives from Afghanistan's civil society used the forum to provide inputs into the parallel formal negotiations through the mediation team.⁸⁵ Finally, the Regional Civil Society Forum was created in the African Great Lakes region in 2011 as a permanent consultative mechanism for civil society. It allows civil society actors from the 12 member states of the International Conference on the Great Lakes Region to support their governments in preventing and resolving armed conflict, peace and security, good governance, and economic development in the region.⁸⁶

States and international organisations can support civil society actors in setting up and maintaining similar platforms and forums to those described above to contribute to the preparation process for negotiations. In such cases, it is particularly important to discuss the frequency of these actors convening and being consulted. Civil actors and NGOs will also benefit from a clear mandate when seeking to contribute to the preparations for negotiations in an informal setting.⁸⁷

Importantly, domestic as well as external civil society actors can enrich the preparatory process. Local NGOs' in-depth knowledge of the context and their role of speaking on behalf of civil society makes them a key asset in the pre-negotiations phase. Serapaz in Mexico and ACCORD in Sudan are cases in point. Both organisations have used their mediation and peacebuilding expertise to contain local violence in their respective countries, help victims to coordinate, and increase the pressure on their respective governments to end the armed conflicts.⁸⁸ International NGOs, on the other hand, have directly launched dialogue and negotiations between conflict parties (e.g. Aceh 1999–2003), thereby playing the key role during the preparations for negotiations; they have also persuaded armed groups to embrace international humanitarian norms (e.g. in the conflict between Türkiye and the Kurdistan Workers' Party, 2000–2007),⁸⁹ made substantive proposals on potential negotiation topics and road maps, shuttled between conflict parties, and provided logistical support (e.g. in the Philippines peace negotiations between 2009 and 2014).⁹⁰

84 Bramble et al. 2023.

85 IPTI 2019.

86 ACCORD et al. 2016.

87 Greminger et al. 2007, p. 11.

88 Ibid., p. 9; Romo and Smeets 2014.

89 Hofmann 2012.

90 Leslie 2013.

2.2.3 Substance for the Negotiation Agenda and Outcomes

A major part of the preparation for negotiations involves reflecting on and discussing the substance of the prospective discussions. While the drivers of every armed conflict are—in some way—contextually unique, there are certain topics that feature prominently in most negotiations. They include security arrangements (including ceasefires in the short term, and security guarantees or Disarmament, Demobilisation, and Reintegration processes and security sector reform in the longer term), political and economic measures, access to natural resources, governance issues, the return of refugees, physical reconstruction, border demarcation, accountability, transitional justice (including reparations), processes for resolving future disputes, and monitoring and compliance mechanisms.⁹¹

A thorough conflict and peace process analysis that identifies the drivers of the observed conflict, past resolution attempts, and the key actors involved provides a useful entry point for any preparatory activities regarding negotiations. Incorporating various stakeholders in the conflict and peace process analysis will be conducive to meaningful and comprehensive proposals on how to strike thematic compromises between the conflict parties further down the road.⁹²

Some armed conflicts have seen the establishment of working groups to guide specific thematic discussions. In some cases, these working groups are facilitated by individual member states, or multilateral actors such as UN and African Union (AU) envoys and political missions. A proposed roadmap on how to end the armed escalation in Sudan, which broke out in April 2023, foresees the establishment of separate working groups on security, humanitarian issues, and the political process. Saudi Arabia and the US are planned to head the first working group, whereas the UN and the AU will take the lead on the second and third of these working groups, respectively.⁹³ The single members of the international contact group in the Philippines (see Box 1) also sought to bring their expertise into the peace process. Japan, for example, took the lead on funding infrastructure projects whereas the UK shared key insights from the peace process in Northern Ireland with various Philippine stakeholders. The NGOs in the international contact group provided inputs and led discussions on governance, power-sharing and wealth-sharing, and police reforms.⁹⁴ This clear division of labour can increase the efficiency of thematic preparations and later the implementation of peace talks and their outcomes.

The various parties preparing for negotiations may frequently convene to exchange views on and assessments of the status of their work and discuss different scenarios around whether or not it would be beneficial for the negotiations to deal

91 American Bar Association 2018; Meehan 2018, p. 11.

92 ACCORD and African Union 2014, pp. 28–9; UN DPPA 2017, p. 15.

93 De Waal 2023.

94 Leslie 2013.

with the various topics in parallel or sequentially. In some instances, addressing topics sequentially can help to build momentum, while in other cases “nothing is agreed until everything is agreed” is the most effective strategy to stop fighting and thereby contain humanitarian suffering. Carefully considering the costs and benefits of either approach—or a hybrid approach—is an important element of preparation that can have a fundamental bearing on the trajectory of a negotiation process. For example, it can be beneficial to start implementing partial agreements instead of waiting for the entire negotiation process to be finalised.

2.2.4 Peace Process Support Expertise

Besides preparing for the substance of negotiations, actors involved in negotiations or in supporting the creation of a conducive environment can also benefit from access to expertise on designing and implementing all phases of a peace process. Academic and civil society actors and institutions with a track record in peace process support are potential assets in this regard. Potential forms of external peace process support expertise include:

- ideas and options on designing a roadmap, overall and detailed process design that includes all relevant actors, and spaces for negotiating partners to exchange with actors excluded from formal negotiations to render the negotiations more inclusive;
- techniques to resolve tensions and build trust among negotiating parties, overcome setbacks in the negotiation process, and deal with hardliners;
- ways of working through negotiation scenarios and “gaming” proactive and reactive strategies, including in relation to public communications;
- facilitation support;
- targeted training and capacity-building initiatives (including psychosocial support) that are tailored to the needs of specific stakeholders involved in the negotiation process.

Peace process support experts can draw on their rich experiences to help negotiating parties, mediators, facilitators, and their supporters to identify opportunities for and address challenges in developing different options for a negotiation and possible follow-up process design.

2.2.5 Expert Groups

Once the thematic working groups have been planned or even established, the responsible actors may start identifying and convening experts on the topics. An inclusive group of individuals and institutions that can bring different kinds of expertise to the table will enrich the discussions. Actors can think about how often

they want to reach out to the experts and what kind of input they want from them.⁹⁵ Non-state actors can be particularly relevant in this regard. For example, expert conversations organised by peace process support institutions bringing together high-profile eminent persons to exchange and share their insights on pertinent topics have taken place in almost all armed conflict settings. They either centre around a specific topic (e.g. prisoner exchange, ceasefires, or reconstruction) or provide information about process design options along different scenarios.

Expert inputs into strategy spaces are required for a variety of topics related to the negotiations. They include peace process designers (see Section 2.2.4), country and regional specialists, legal advisers, and administrative and logistical specialists.⁹⁶ Experts may also help to conduct conflict analyses on a regular basis and critically reflect on the progress made during the preparation and negotiation processes. This can point to opportunities to adjust the negotiation approach.

Conflict parties often establish their own expert group when entering peace negotiations. For example, in 2006, Greek and Turkish negotiating parties created separate working groups to receive expert advice on a variety of issues, including territory, the economy, and EU-related matters. Parallel technical committees featured experts from both sides to discuss the implications of a potential agreement in various realms, including cultural heritage, the environment, and economic and commercial matters.⁹⁷ Emulating this structure in future preparatory processes may help to anticipate thorny issues in the formal negotiations between conflict parties. Specifically, expert groups may first look at the various negotiation topics from the perspective of one conflict party before discussing their positions in a plenum.

Expert groups can be formal or informal. Formal expert groups may be set up as part of other formalised mechanisms in the negotiation process, such as groups of friends or mediators (see Box 1). The 2001 Afghan peace talks witnessed the establishment of a formal expert group that provided inputs on various negotiation topics and the design of the peace process. That expert group also helped to facilitate the civil society forum, which happened in parallel to the formal peace talks in Bonn (see Section 2.2.2). Formal expert groups may also help to enhance the influence of specific population groups over the negotiation process. For example, an expert group of women advised women delegates in the 2003 inter-Congolese negotiations on several negotiation topics, including security sector governance.⁹⁸

Think tanks and other non-state actors may initiate informal expert groups to provide recommendations on how to prepare for and subsequently conduct

95 ACCORD and African Union 2014, p. 45.

96 United Nations 2012, p. 7.

97 Demetriou and Hadjipavlou 2018.

98 Krause et al. 2018, p. 1004.

negotiations. Informal expert groups may publish papers or prepare confidential non-papers that they share with the mediator(s) and facilitator(s), the conflict parties, and civil society groups. These papers and non-papers may cover various topics, including strategies to address thorny issues or enhance the influence of certain groups over the negotiations.

2.2.6 Public Discourse Shift and Communication Strategies

It is important for all actors who seek to contribute to a conducive environment for future negotiations to enhance the support of their own constituencies for the approach of pursuing a diplomatic strategy to end a war. This requires mitigating the often polarised public discourse and promoting discussions around the potential of negotiations to end the armed conflict. Consistent messaging is key in this regard.⁹⁹

The media play a crucial role in this effort. Newspapers, radio programmes, and television shows can promote peace and depict negotiations as a viable option to end the ongoing war in the public space. This applies equally to countries that are directly involved in the war and countries that support a diplomatic approach to creating sustainable peace. In Burundi, for example, a weekly radio programme initiated by an international NGO sought to reconcile Hutus and Tutsi in 1995.¹⁰⁰

Treating negotiations as a viable alternative to military victory will often require a radical shift in the way the media report about the war. The fluctuation in Türkiye's Justice and Development Party's (AKP) discourse on the Kurds indicates that conflict parties may perform such radical shifts in public discourse.¹⁰¹ After it had won the 2002 presidential elections in Türkiye, the AKP presented itself as a peace-maker. President Recep Tayyip Erdogan pursued a silent revolution towards a Kurdish opening, which included a peace process between Ankara and the Kurds. As part of this campaign, the country's Undersecretariat of Public Order and Security published a book titled *The Silent Revolution*. President Erdogan also conceded that previous Turkish governments had made mistakes in addressing the Kurdish question in a speech he delivered in Diyarbakir in 2015. The media was given more scope to report on a new Kurdish party, the Peoples' Democratic Party (HDP), and other opposition actors too.¹⁰²

The case of the Philippines is an apt example of the importance of influencing public attitudes in preparing for negotiations. In 1993, the Office of the President created the Office of the Presidential Adviser on the Peace Process (OPAPP) to

99 United Nations 2012, p. 18.

100 ACCORD and African Union 2014, p. 72.

101 Özpek 2019.

102 Kayhan Pusane 2014; Özpek 2019. The AKP reversed its new Kurdish policy after the HDP's electoral success in 2015. President Erdogan re-embraced the long-standing narrative that depicts the Kurds as a threat to Türkiye's security. This renewed shift in public discourse helped the AKP to gain support from nationalist voices and consolidate its power.

spearhead an effort to inform the general public about the peace process and generate public buy-in. The OPAPP dedicated particular attention to mitigating the negative coverage of the peace process in the media.¹⁰³ It also led public awareness campaigns, worked closely with a group of media professionals, orienting towards achieving certain metrics and objectives within specific timelines (monthly, half-yearly, annually, and multi-annually). The case of the Philippines stands in contrast to the example of Colombia, where the first referendum regarding the outcomes of the 2016 peace agreement between the government and the FARC failed. This was at least partly due to the inability of the government to relay the value of the agreement to the general public and to counter the misinformation promulgated by the opposition.¹⁰⁴

Identifying and approaching relevant media outlets in countries directly involved in an armed conflict and beyond to highlight the importance of discussing negotiations as a viable option to end a war can help to increase public support for negotiations. To this end, the media can focus on negotiations as a process rather than an event and avoid biased coverage of the setbacks and challenges inherent in negotiations.¹⁰⁵ Think tanks and research institutes can support this endeavour. Comparative evidence and concrete proposals on how to prepare for, design, and conduct negotiations could increase public backing for a diplomatic end to an armed conflict.

Besides showcasing efforts to create a conducive environment for meaningful public discussions on the potential of negotiations, comparative evidence suggests that it is vital to prepare a comprehensive communication strategy for the negotiation phase. Communication around negotiations is key to ensuring that the public does not feel excluded but also receives unbiased information that all negotiating parties agree to share. A communication strategy for negotiations would ideally clarify how often there will be communication around the negotiations, to whom, and via which platforms. This particularly concerns the distinction between general process information, which is uncontroversial to share with a broader audience, and process-critical information whose dissemination could derail the negotiations.¹⁰⁶ Managing public expectations about the speed of negotiations and the types of information publicly shared is equally relevant.¹⁰⁷

Strategies to deal with misinformation campaigns and prevent information leaks during the negotiations are equally key. Communication and media experts can provide valuable guidance in this regard. Conflict parties and external supporters of a negotiation process can appoint a spokesperson, who is responsible for sharing information on the mediation progress achieved with the public and

103 Cabalza 2014; Rosario-Braid 2009.

104 Amaral 2021; Gomez-Suarez 2017.

105 Wolfsfeld 1997.

106 Slim 2008, p. 21.

107 United Nations 2012, p. 15; Wolfsfeld 1997.

processing public requests for news updates on the negotiation process. In Kosovo, for example, the UN's special representative appointed a temporary media commissioner in 1999, who implemented a regulatory regime over Kosovo's television and radio stations to contain hate speech.¹⁰⁸

Actors involved in the preparations for negotiations may also explore mechanisms to create reliable, trustworthy communication between conflict parties, mediators and facilitators, and the media. Moreover, continuously monitoring the media can help actors to trace changes in the public discourse on negotiations as a viable option to end an armed conflict—and adjust the communication strategy accordingly.¹⁰⁹

2.2.7 Inclusion and National Ownership

Discussing strategies for how to promote inclusion and national ownership will enhance the preparatory and negotiation process's legitimacy and quality.¹¹⁰ Discussions around peace talks may intensify in the wider society of conflict parties and external actors, the longer the fighting goes on. These exchanges can generate ideas and inputs, which can enrich and complement formal preparations. It may therefore be important to create spaces for exchange between the business community, civil society, women's organisations, religious groups, and diaspora members on anticipated negotiation topics (see Section 2.2.3) as well as mechanisms to feed these groups' inputs into the preparatory process and later the formal talks.¹¹¹

Identifying and mitigating divisions within civil society and ensuring the inclusive representation of all non-state actors in these exchange and transfer mechanisms is also key to enhancing national ownership of the negotiation process.¹¹² Next to strategy, process design, and capacity-building support, external actors can also think about the extent and type of financial and technical resources they want to use to render the negotiations as inclusive as possible. Any such planning typically involves identifying the appropriate target actors for external support.¹¹³ Importantly, it may be unrealistic to fully achieve an inclusive negotiation process right away. It is therefore important to think about strategies that will gradually enhance the inclusivity of peace talks should the conflict parties insist on exclusive talks at the beginning.¹¹⁴

108 Lehmann 2015.

109 ACCORD and African Union 2014, p. 70.

110 UN DPPA 2017, p. 16.

111 United Nations 2012, p. 11; UN DPPA 2017, pp. 15 and 25.

112 Slim 2008, pp. 6 and 13.

113 UN DPPA 2017, pp. 16 and 23.

114 United Nations 2012, p. 13.

Actors involved in the preparations for negotiations can also develop mechanisms to protect the negotiation process from undue external influence to protect ownership of the process.

2.2.8 Trust in the Negotiating Process

States—particularly those unlikely to play a formal mediation or facilitation role—can often play an important backchannel facilitation role, engaging with conflict parties to gauge their receptivity towards various issues regarding a prospective negotiation. This backchannel engagement can take various forms, such as discrete consultations, or tabling proposals or options papers to one or more conflict parties or proxies. This function often goes together with other aspects outlined throughout Section 2.

Conflict parties join negotiations on a voluntary basis. Their consent is hence key to kickstarting negotiations. It is often mediators' and supporting actors' responsibility to prepare for enhancing conflict parties' trust in the viability and integrity of the negotiations. Preparing clear guidelines on the role and impartiality of the facilitators or mediator(s) and the core principles of the negotiations can be conducive in this regard. It is vital for facilitators and mediators to develop strategies that allow them to constantly interact with all conflict parties.¹¹⁵

Civil society actors, and in many contexts particularly faith-based leaders, have played an important role in convincing conflict parties to start negotiating with their adversary. Faith-based actors participated in the conciliation commission in Nicaragua, which was established in 1987 and organised as well as presided over the negotiations. The non-state armed actor Sandinistas ultimately joined the negotiations, following persuasion by Protestant church leaders. Faith-based actors in Liberia (1990–96/2003), the Philippines (1997–2014/2010–2016), Colombia (1998–2002/2012–2016), and Sierra Leone (1999) also reached out to conflict parties to lobby them to take a diplomatic approach to ending the wars in those respective countries.¹¹⁶

Bringing conflict parties to the table is only the first step towards meaningful negotiations. There are a variety of different reasons and motives that may induce conflict parties to join, for example, to save face, to give their military forces a break, or to seek agreement on certain topics only. A conflict party may therefore be reluctant to discuss certain topics that would be important to resolve to reach a comprehensive solution.¹¹⁷ It is therefore important for diplomatic coordination mechanisms and civilian alliances as well as experts to prepare for scenarios where the negotiations get stuck or risk being derailed, and develop mitigation

115 United Nations 2012, pp. 8–11.

116 Bramble et al. 2023.

117 Slim 2008, p. 8.

strategies to pave the way for meaningful exchanges on all topics. This is related to the wider task of identifying and mitigating potential resistance to the peace talks. Scenario planning and resistance mapping are useful tools in this regard.

Importantly, peace talks will also affect actors beyond the conflict parties and receive considerable international attention, with regional powers, neighbouring countries, and international powers having differing interests. Some will prefer a quick resolution whereas others will be more in favour of negotiating a long-term solution. Anticipating different streams of external pressure on the parties to end the conflict as quickly as possible will help to avoid an unprepared, rushed negotiation process. A strong communication strategy around the negotiations will be key in this regard, as mentioned in Section 2.2.6.¹¹⁸

2.2.9 Core Values of the Negotiation Process

Sections 2.2.1–2.2.8 have pointed to several potential obstacles to a smooth negotiation process, including conflict parties' reluctance to negotiate all topics, external pressure for quick results, and leaks of sensitive information. Thinking about the core values that guide the negotiations could help to contain such threats to a peace process and enhance the conflict parties' trust in the viability and integrity of the negotiations.¹¹⁹ In this regard, it may be conducive to seek the conflict parties' consensus on principles such as the goal to alleviate humanitarian suffering, a commitment to dialogue over violence, clear communication rules, and the idea that agreements are owned by the conflict parties.¹²⁰

At the same time, it is important for potential facilitators, mediators, and their supporting states, as well as civil society actors, to identify red lines in the process. In-depth thinking about the scenarios and behaviours that would require a suspension or even a cessation of the negotiations can help all parties to deal with challenging situations during the negotiation process. This can concern both the behaviour of conflict parties (e.g. committing human rights violations during the negotiations) but also external interference with the negotiation process.¹²¹

2.3 Sequencing Negotiations

There are two standard options when it comes to the question of whether to start peace negotiations only after a robust ceasefire has been established. The sequential approach involves the conflict parties agreeing on a ceasefire first before pursuing negotiations on how to resolve the underlying drivers of the conflict. In the Philippines, for example, the government and the Moro Islamic Liberation Front first negotiated a preliminary ceasefire (1997). Once this had been

118 Slim 2008, pp. 9-10.

119 United Nations 2012, p. 8.

120 Slim 2008, p. 17. These commitments are often expressed in process agreements, which in turn constitute a form of treaty: *pacta de negociando* (Owada 2008).

121 United Nations 2012, p. 5.

enforced, both conflict parties proceeded with defining a mutually acceptable negotiation framework, which paved the way for comprehensive peace negotiations (1998). The North–South armed conflict in Sudan (1983–2005) and the inter-state war between Ethiopia and Eritrea (2000) demonstrate a similar dynamic. The conflict parties first initiated negotiations without a ceasefire being enacted. Continued fighting soon threatened to derail the negotiation effort and incentivised the conflict parties to first focus on establishing a preliminary ceasefire before broadening the negotiations’ thematic scope.¹²²

Under the parallel approach conflict parties may negotiate without a ceasefire already in force. Practically, this mostly entails different negotiation agendas being discussed concurrently to the cessation of hostilities. To this end, conflict parties set up a security track that focuses on military confidence-building measures and the terms for a ceasefire, and this operates in parallel to negotiation tracks on other topics. These negotiation tracks typically proceed in different spaces and involve different types of experts. In a subset of cases where fighting and negotiating happens in parallel, many experienced the collapse or the misuse of a ceasefire.

Alternative means of de-escalation may help to mitigate conflict-related violence during negotiations. Unilateral ceasefires and confidence-building measures are two cases in point, as seen in Colombia (2012–2016), where fighting and negotiating occurred in parallel (see Section 2.1).¹²³

Importantly, peace negotiations that follow the implementation of a robust ceasefire agreement may get stuck without armed conflict resuming. This scenario materialises whenever adversaries find it impossible to reach a compromise on their negotiation positions, which they perceive as irreconcilable, while regarding a continuation of the war as unfeasible. The freezing of the conflict leaves the conflict parties in a stand-off that can last for decades. The situation between North and South Korea is a case in point. While the two conflict parties managed to halt hostilities by defining the 38th parallel north as the line dividing the Korean territory, peace negotiation attempts have not produced any meaningful results in 70 years. The Russia–Georgia dispute over Abkhazia and Ossetia and the Cyprus conflict featuring Greece and Türkiye are two other apt illustrations of a so-called frozen conflict.

Frozen conflicts may see sporadic, limited periods of military escalation between longer phases of military stand-off. India and Pakistan have struggled to settle their conflict over Kashmir since 1947. Three short “hot wars” in 1947, 1965, and 1971 each interrupted this enduring but mostly cold conflict. The dispute between Azerbaijan and Armenia over Nagorno-Karabakh is another example of a frozen conflict that turned hot again after some time. The two sides agreed a ceasefire in

122 Clayton et al. 2019, p. 2; UN DPPA 2022, p. 11.

123 Clayton et al. 2019, p. 3.

1994, but this collapsed due to skirmishes and later heavy fighting across the border in 2020. The conflict parties agreed on a ceasefire after roughly two months of fighting, but this collapsed during a two-day conflict in September 2022. Azerbaijan’s announcement to stay away from planned US-led peace talks in June 2023 indicates that the risk of a renewed escalation of armed violence continues to loom.

2.4 Agreement Types and Negotiation Formats to End Wars

Negotiations to end wars can produce various types of agreement. Table 2 provides an overview of the most important agreement types, which vary in scope, formality, and ambition. All agreement types aim at halting violence, at least for some time. If conflict parties are sceptical regarding the viability of a diplomatic approach to reconciling their conflicting interests, they or external actors have often prioritised a pause in the fighting. The corresponding agreements can vary in their level of formality, from truce agreement (least formal) to armistice (most formal). Following the sequential logic of negotiations (see Section 2.3), these agreements to stop fighting can pave the way towards peace negotiations and a comprehensive peace agreement.

Table 2. Agreement Types¹²⁴

Type of Agreement	Key Features	Examples
Truce agreements	<ul style="list-style-type: none"> • The least formal and binding type of ceasefire • Signals only a provisional agreement to temporarily suspend hostilities • May be unwritten or informal • May affect part or all of the armed forces of one or more parties to a conflict (e.g. to allow for the recovery of wounded or burial of the dead) 	<ul style="list-style-type: none"> • Christmas Truce, First World War (1914) • Yemen (2022)

¹²⁴ Clayton and Sticher 2021; Karakus and Svensson 2020; UN DPPA 2022.

Type of Agreement	Key Features	Examples
<p>Cessation of hostilities agreements</p>	<ul style="list-style-type: none"> • Slightly more formal • Involves one or more parties committing to suspend hostilities for a period of time <p>A reciprocal, usually negotiated agreement to suspend hostilities</p> <p>Includes more detailed elements such as troop withdrawals, cantonment, and the demobilisation of certain kinds of weaponry</p> <p>May be declared unilaterally, or include two (bilateral) or three or more (multilateral) conflict parties</p> <p>May vary in time and geographical scope</p>	<ul style="list-style-type: none"> • Indonesia (2002) • Colombia (government and ELN) (2017) • Ethiopia (2022) <p>Nationwide ceasefire: Myanmar (2015)</p> <p>Local (geographical) ceasefires: Syria (2011–17), Yemen (2018)</p> <p>Temporary ceasefires: Tajikistan (1994), Afghanistan (2018)</p> <p>Unilateral ceasefire: Free Aceh Movement (2004)</p> <p>Bilateral ceasefire: Colombia (2016)</p> <p>Multilateral ceasefire: Burundi (2000)</p>
<p>Ceasefire agreements</p>	<ul style="list-style-type: none"> • A reciprocal, usually negotiated agreement to suspend hostilities • Includes more detailed elements such as troop withdrawals, cantonment, and the demobilisation of certain kinds of weaponry • May be declared unilaterally, or include two (bilateral) or three or more (multilateral) conflict parties • May vary in time and geographical scope 	<ul style="list-style-type: none"> • Nationwide ceasefire: Myanmar (2015) • Local (geographical) ceasefires: Syria (2011–17), Yemen (2018) • Temporary ceasefires: Tajikistan (1994), Afghanistan (2018) • Unilateral ceasefire: Free Aceh Movement (2004) • Bilateral ceasefire: Colombia (2016) • Multilateral ceasefire: Burundi (2000)

Armistices	<ul style="list-style-type: none"> • Like a ceasefire, but includes the implication that it will lead to a conclusive end of the conflict 	<ul style="list-style-type: none"> • Germany and the Allies (1918) • Israel, Egypt, Lebanon, Jordan, and Syria (1949) • Korea (1953)
Peace agreements	<ul style="list-style-type: none"> • Constructively addresses the underlying drivers of conflict to establish peace • Can be partial, taking the form of several agreements that are limited in scope but that in their totality address the conflict drivers; these kinds of series of partial agreements can be negotiated sequentially or simultaneously • Can be negotiated as one comprehensive peace agreement 	<ul style="list-style-type: none"> • Peru–Ecuador (1998) • Ethiopia–Eritrea (2000) • Liberia (2003) • Sudan (2005) • Nepal (2006) • Colombia (2016)

Past negotiations to end wars have proceeded in two main formats, irrespective of whether they were focused on reaching a ceasefire, an armistice, or a more comprehensive peace agreement: direct negotiations between conflict parties and multi-party negotiations involving a greater number of actors.¹²⁵ There are various subtypes of these two negotiation formats, which differ in their level of transparency and involve varying numbers of diverse actors in the negotiations (see Table 3).

The remainder of Section 2.4 provides a concise overview of the various negotiation formats. It also places strong emphasis on inclusion strategies that have allowed actors outside the political leadership and/or beyond the main conflict parties to influence both direct and multilateral peace negotiations. In the context of this report, “inclusion” refers to the incorporation of broader segments of society into the negotiation process.

¹²⁵ Note that multilateral talks are one version of multi-party talks and involve a greater number of governments from around the world—that is, by involving inter-governmental institutions such as the UN. Moreover, direct talks that involve several parties are not necessarily multi-party talks as constituencies closer to the main parties than to the talks might be involved (see Section 3.1).

Table 3. Types of Negotiation Processes

		Format		
Features	Secret Direct Peace Negotiations	Formal Direct Peace Negotiations	Multi-party Negotiations	
Secrecy	Yes	Partial: existence of talks is public knowledge but the content is often confidential	Partial: existence of talks is public knowledge but the content of some tracks is sometimes confidential	
Actors	Official or unofficial high-level representatives of the conflict parties	Official high-level representatives of the conflict parties and sometimes other actors (e.g civil society and/or business)	Conflict parties; international and/or regional organisations; third-party states; and other stakeholders (e.g. civil society and/or business)	
Intermediary	Some talks are exclusive to the conflict parties; others involve intermediaries that can provide mediation, facilitation, good offices, proximity talks, and/or shuttle diplomacy	Some talks are exclusive to the conflict parties; others involve intermediaries that can provide mediation, facilitation, good offices, proximity talks, and/or shuttle diplomacy	Almost always involve one or more official mediators or facilitators; can also include intermediaries that can provide good offices, proximity talks, and/or shuttle diplomacy	

Format			
Features	Secret Direct Peace Negotiations	Formal Direct Peace Negotiations	Multi-party Negotiations
Inclusion modalities ¹²⁶	<p>Informal consultations with other actors, taking the form of parallel (mostly not directly linked) consultations or dialogue platforms, or workshops with lower-level representatives of the conflict parties or experts or civil society to pave the way towards negotiations and influence negotiations</p>	<p>Direct representation at the negotiation table:</p> <ul style="list-style-type: none"> • Inclusion of separate civil society and/or business delegations at the negotiation table • Inclusion of civil society and/or business actors in the formal negotiation delegations • Inclusion of civil society and/or business actors as expert advisers to the parties • Inclusion of entities with observer status at the negotiations • Inclusion of official consultative bodies • Informal consultations • High-level workshops • Public decision-making (often via referendums or elections) 	<p>Direct representation at the negotiation table via the same modalities as for formal direct peace negotiations, with the addition of the inclusion of regional civil society networks</p>

¹²⁶ For more details see Box 2.

2.4.1 Direct Peace Negotiations

Secret Direct Negotiations

The first format is strictly secret direct negotiations between a small number of high-level representatives of the conflict parties. Secret negotiations have three main advantages.¹²⁷ Firstly, in public negotiations, leaders must usually indicate their willingness to cross their own constituency's "red lines" as they set the terms on which negotiations will take place. For example, Arab state leaders refused to enter public negotiations with Israel for a long time as this would have forced them to acknowledge the latter's right to exist. Crossing such red lines can leave leaders exposed, facing allegations of weakness or even betrayal or treason. Secret negotiations allow leaders to present these concessions to their supporters with their adversary's reciprocal concession(s) already in hand.¹²⁸

Secondly, secret direct negotiations do not force the leaders of conflict parties to abide by any concessions to their opponent. While they remain secret, they are purely exploratory and hence come at a very low political cost. In the case of Israel and Palestine, for example, secret negotiations allowed the Palestinian leadership to explore opportunities for a negotiated settlement without officially recognising the existence of Israel. Israel, on the other hand, used the clandestine peace talks to work on a diplomatic solution without granting any legitimacy to the Palestinian Liberation Organization.¹²⁹ Other political leaders, including Nelson Mandela from the African National Congress and Gerry Adams from Sinn Féin (the political wing of the Irish Republican Army), have used secret back-channel communication as a means to conduct exploratory peace negotiations and avoid aggravating more combative members of their organisations.¹³⁰

Finally, secret negotiations allow conflict parties to restore trust and better understand their opponent's concerns and objectives.¹³¹ In the most adverse circumstances for peace talks, secret negotiations are sometimes conducted among unofficial insiders (retired leaders, sympathetic academics or journalists, affiliated NGOs, etc.), which avoids the additional risk presented by the revelation that unofficial negotiations have begun.¹³² For example, the first five rounds of the secret 1993 Oslo talks did not include direct encounters between Israel and Palestinian officials. Instead, Israel sent two university professors to interact with the Palestinian Liberation Organization.

127 Gilboa 2000, p. 279.

128 Pruitt 2008, p. 42.

129 Gilboa 2000, pp. 279–280.

130 Pruitt 2008, pp. 38 and 42–3.

131 McClintock and Nahimana 2008, pp. 81–2.

132 These talks are often called high-level problem-solving workshops, or occasionally track 1.5 workshops, in reference to their quasi-official character (i.e. track 1 peace talks are official secret or public talks, whereas track 2 talks are unofficial civil society dialogues).

Actors beyond the representatives of the main conflict parties are sometimes included in secret direct negotiations, predominantly through parallel informal means—such as consultations, dialogue platforms, or expert workshops—which bring together lower-level representatives of the conflict parties, experts, and/or civil society representatives with the aim of paving the way towards and influencing negotiations. For example, the Schlaining secret dialogue process (made up of 20 workshops between 2000 and 2007) involved representatives of the Georgian and Abkhaz Governments, as well as civil society leaders. The process was facilitated and organised by two international peacebuilding organisations and supported by governments in partnership with Georgian and Abkhaz civil society organisations. Similarly, the OSCE created space for international experts and local civil society members to exchange and comment on the work and positions of high-level negotiators in the Moldova–Transnistria political settlement process.¹³³

Formal Peace Negotiations

Formal peace negotiations constitute an alternative to secret negotiations between conflict parties or can follow on from successful secret talks. Formal talks are usually known to the public and the media, although conflict parties often refrain from sharing the details of the negotiations with the public. Formal peace talks can proceed either with or without an intermediary (see Table 3).¹³⁴ Diplomatic efforts to resolve long-standing conflicts, such as the one between India and Pakistan over Kashmir, have not involved third parties. Since the end of the Cold War, however, mediators have accompanied various peace processes, playing a number of different roles (see Section 2.4.3).¹³⁵

Proximity Talks or Shuttle Diplomacy

If tensions between the leaders of conflict parties render face-to-face meetings impossible, proximity talks or shuttle diplomacy can substitute for official negotiations. Both formats involve a go-between who seeks to understand the objectives and concerns of all conflict parties. This could simply be the provision of good offices (relaying messages between the parties in a manner that is secure and confidential) or extend to an approach that looks more like facilitation or mediation. Norway, for example, served as a facilitator in the clandestine Oslo talks between Israel and Palestine, taking on a less influential role.¹³⁶

If the parties nominate a mediator in proximity talks, the mediator interacts with the conflict parties in separate meetings held in the same place. The most famous example of proximity talks is the 1977 Camp David meetings, where the Israeli premier, Menachem Begin, and the Egyptian president, Anwar Sadat, refused to

¹³³ Hill 2013.

¹³⁴ Armengol 2013, p. 4.

¹³⁵ Beardsley et al. 2006; Blunck et al. 2017, p. 162; Curran et al. 2004, p. 514; Haspeslagh 2015; Lanz et al. 2008; Sidibé 2020; Wallensteen and Eriksson 2009, p. 16.

¹³⁶ Waage 2005.

talk directly to each other despite the fact that they were residing in the same venue.¹³⁷ The US president, Jimmy Carter, met with both sides in various separate meetings and drafted several proposals on the substance of a potential peace agreement. The proximity talks culminated in the Camp David Accords, which established peace between Egypt and Israel. UN and Arab League envoy Staffan de Mistura played a similar role in the Syrian peace negotiations (2014–2019). De Mistura relayed messages between the delegations of the Syrian president Bashar al-Assad, and the Syrian opposition forces, who were in the same venue but refused to enter into direct negotiations with each other.¹³⁸

An example of shuttle diplomacy concerns the efforts of US National Security Advisor Henry Kissinger to reach a ceasefire agreement between Israel and Arab nations following the outbreak of the Yom Kippur War in 1973. To this end, Kissinger repeatedly engaged both conflict parties in separate meetings. Business leaders in South Africa equally shuttled back and forth between the apartheid state and black opposition leaders to pave the way for formal negotiations in the late 1980s.¹³⁹

2.4.2 Multilateral Peace Negotiations

The second negotiation format concerns formal high-level talks that feature multiple actors, such as international and regional organisations and/or third-party states, alongside the main conflict parties. These actors can facilitate the coordination and communication between states, help states to convey information about their opponents to states, and serve as neutral and trustworthy intermediaries.¹⁴⁰ This is also true in situations of escalating hostilities between two states. Moreover, influential international organisations, just like powerful states, have joined negotiations to exploit their military or economic leverage to push conflict parties towards negotiations. In Bosnia and Herzegovina, for example, the leaders of the Bosnian Serbs agreed to join negotiations after this group suffered NATO air strikes and severe economic sanctions in 1995. NATO air assaults equally forced the Serbian leadership to re-enter negotiations in Kosovo in 1999.¹⁴¹

Both the number of third-party actors in negotiations and their collective role(s) may vary considerably. The multilateral Israeli–Arab negotiations between 1993 and 1995 are an example of the involvement of several actors.¹⁴² Co-sponsored by Russia and the US, these negotiations brought Israel together with Egypt, Jordan, and the Palestinian Authority, as well as the Arab Maghreb Union, Canada, the EU, the Gulf Cooperation Council, Japan, and Saudi Arabia. The multilateral negotiations

137 Hoffman 2011, p. 268

138 Habets 2016, p. 80.

139 Blunck et al. 2017, p. 78.

140 Abbott and Snidal 1998

141 Allen and Vincent 2011.

142 Kaye 1997; Solingen 2000.

proceeded in parallel to the bilateral negotiations between Israel and Palestine and helped to revive the latter's involvement when these stalled. Moreover, political leaders from both sides seized the opportunity to develop personal relations while collaborating in five working groups on topics such as arms control and regional security. This enhanced level of trust paved the way for future bilateral treaties between Israel and its Arab counterparts.¹⁴³ Box 1 elaborates on how additional stakeholders included in negotiation processes can play collective roles, including through contact groups, groups of friends, and mediator groups.

2.4.3 Intermediaries

One key way in which the negotiation formats outlined in Sections 2.4.1 and 2.4.2 can vary revolves around the role of the intermediary. Third-party intermediaries have contributed to peace negotiations through a range of functions and responsibilities.¹⁴⁴

There are different types of intermediaries, providing the conflict parties with different types of intermediation, ranging from lower to higher forms of influence over the process. Specifically, mediators are the most influential type, whereas good offices constitute the form of least influence.

Mediation

Mediation (sometimes considered a subcategory of negotiation) adds to a negotiation dynamic a third party to whom some control is ceded over the process, but who does not normally have any decision-making power over the outcomes. The role of mediators is to understand the issues of dispute between the parties to the conflict and assist the parties in arriving at a solution to these issues, mostly by tabling compromise solutions. For example, in 1992, ECOWAS proposed a structure for the bargaining process and an outcome document to which the two countries involved in the crisis—Liberia and Sierra Leone—agreed. In the Cyprus conflict, former UN Secretary General Kofi Annan tabled the so-called Annan Peace Plan, which sought to create a united Cyprus consisting of two federations. The peace plan underwent several rounds of revisions. Turkish Cypriots accepted the final version of the peace plan in a referendum in 2004. Greek Cypriots, on the other hand, clearly rejected the plan at the ballot box.

The OSCE has equally served as a mediator in a number of Eastern European and Eurasian conflicts. At the time of writing, the OSCE's recent mediation activities concern the dispute between Armenia and Azerbaijan over Nagorno-Karabakh. Most recently, Russia and Türkiye have served as mediators alongside the OSCE.¹⁴⁵ The Normandy negotiations aimed at ending the war in the Donbas region of

143 Kaye 1997, p. 174.

144 Paffenholz 2001.

145 Guliyev and Gawrich 2021.

Ukraine, which led to the Minsk I and Minsk II Agreements in 2014 and 2015, respectively, involved Ukraine and Russia, with the OSCE, France, and Germany serving as mediators. However, the example of the OSCE indicates the limitations of an overly formal format, especially when the interaction and relationships of the direct parties to the conflict and the additional parties involved in the negotiation format are so polarised. OSCE mediation has averted violence in many post-Soviet states. The recurrence of armed violence in Nagorno-Karabakh and eastern Ukraine, on the other hand, indicates that OSCE's endeavours to breed enduring peace have not always achieved their aim. Researchers attribute the mixed record of OSCE mediation to the organisation's structural flaws—that is, the lack of an OSCE mandate to impose sanctions on perpetrators of violence in the region, and Russia's foreign policy agenda.¹⁴⁶

Facilitation

Facilitation shares many features with mediation but is a milder form of intervention where the facilitator(s) do(es) not suggest solutions but rather create(s) an enabling environment for the talks. For example, Norway, Spain, and Switzerland financed the “House of Peace” in Medellín, Colombia, in 2005 where the Colombian government and representatives of the ELN met for peace negotiations, but the three states were otherwise not involved in the negotiations.¹⁴⁷ The term “facilitator” is often used when the conflict parties do not want a strong mediator but rather lighter support.

Intermediary roles can also change over time, with intermediaries starting as facilitators and becoming mediators if the negotiating parties agree. Norway's transition from the role of facilitator to that of active mediator in the peace talks between Israel and Palestine during the 1990s is a case in point.¹⁴⁸

Other Forms of Intermediation

Parties sometimes attempt to “embed” the resulting agreements in international law either through including state parties as guarantors or witnesses to the agreement, or through allocating these parties a role in the monitoring of the agreement. Cuba and Norway served as guarantors in the Colombian peace process and worked to ensure that both conflict parties delivered on the commitments they had made during the negotiations. US president Bill Clinton, on the other hand, witnessed the negotiations between the Israeli prime minister, Ehud Barak, and the president of the Palestinian Authority, Yasser Arafat, at Camp David in 2000. Alternatively, conflict parties can include third-state actors in peace negotiations through what Christine Bell calls a “contrived treaty form.”¹⁴⁹ According

146 Guliyev and Gawrich 2021, pp. 2–3.

147 Greminger et al. 2007, p. 7.

148 Waage 2005.

149 Bell 2006, p. 389.

to this latter approach, second and third states that have some involvement in the conflict—but are not the major armed party or parties—are involved in the negotiations and sign any resulting agreements. The Dayton Agreement (1995) in Bosnia and Herzegovina is a case in point. Besides the parties actively involved in the Bosnian War, US president Clinton, French president Jacques Chirac, German chancellor Helmut Kohl, Russian prime minister Viktor Chernomyrdin, and Spanish prime minister Felipe González signed the agreement. The rationale behind this configuration of signatories was to guarantee to all state and non-state conflict parties that their respective adversary would comply with the provisions of the agreement. The 1998 British–Irish Agreement, which was signed by the Governments of the Republic of Ireland and the UK and one of the two constituent parts of the Good Friday Agreement, followed a similar logic.

Where third-party states commit to guarantee or witness a peace process, or to monitor the implementation of the agreement, this may create international legal obligations.¹⁵⁰ State guarantors and witnesses are obliged not to frustrate the implementation of the peace agreement and to make their best effort to ensure party compliance.¹⁵¹ In cases where agreements specify commitments between a witness or guarantor state, only those obligations may be governed by international law.

2.4.4 Inclusion

The negotiation formats discussed in Sections 2.4.1 and 2.4.2 largely involve relevant high-level politicians from governments. One theory relating to this approach is that reducing the number of negotiating parties reduces the number of different actors that need to sign off on any agreed compromises, or who might want to deliberately undermine the process. Yet, peace agreements negotiated exclusively between high-level representatives of governments may struggle to generate public support and create sustainable outcomes, given that stakeholders beyond the main conflict parties, such as civil society, have not been able to shape the negotiations or the agreement.

There are several modalities that can render the negotiation formats presented above more inclusive.¹⁵² Whatever negotiation format the negotiating parties ultimately opt for, there is always a way for stakeholders from civil society to raise their voices and influence the negotiations.

Box 2 highlights the various modalities of civil society inclusion used in past direct peace negotiations between conflict parties. The examples provided illustrate the multiple ways in which civil society actors can influence peace negotiations.

¹⁵⁰ Oczelik 2020, pp. 9–10.

¹⁵¹ Varga 2021.

¹⁵² Paffenholz 2014.

Box 2. Inclusion Modalities¹⁵³

Direct Representation of Civil Society Groups in the Negotiations

In this modality, stakeholders beyond the main conflict parties, such as civil society and business actors, are present at the negotiation table; they might act as representatives of civil society, members of official delegations, or advisers to official delegations or mediators. In the DRC (1999–2003), for example, civil society actors including churches, taxi drivers, and human rights NGOs were present at the negotiating table as a separate civil society delegation. Similarly, civil society, women, and youth representatives attended the National Dialogue Conference in Yemen (2011–14) as independent constituencies. In Colombia (1998–2002), business leaders joined peace negotiations as part of the government negotiation team.¹⁵⁴

Indirect Representation in the Negotiations

Civil society and other experts can be expert groups advising either the conflict parties or the mediators or facilitators (or a combination thereof) on specific topics. In the case of the Philippines, four international NGOs joined the International Contact Group in Mindanao, which offered mediation support in the formal negotiations between the government and the Moro Islamic Liberation Front. In Syria, thematic experts advised the opposition delegation on every negotiation topic on the agenda.

Observer Status

This modality sees civil society actors observing the negotiations from inside the negotiation room but without any official mandate. As observers, civil society actors monitor the negotiations and remain informed about the latest developments, but can also advise the negotiation parties when necessary. Peace negotiations in Burundi (2000) and Liberia (2003) witnessed this mode of inclusion.

Official Consultative Forums in Parallel to Official Negotiations

In some cases, civil society actors have set up parallel forums to provide advice during the negotiation process. During the peace process in Northern Ireland that led to the 1998 Good Friday Agreement, these civil society forums encompassed researchers, the media, religious organisations, and women's groups. If embraced by mediators and negotiation parties, this modality allows civil society actors to make substantial contributions to peace negotiations without sitting at the negotiation table themselves. Examples include Guatemala (1994; see below) and Afghanistan (2001).

¹⁵³ The inclusion modalities presented in Box 2 draw on Paffenholz (2014) and Paffenholz et al. (2016).

¹⁵⁴ Rettberg 2003.

Less Formal Consultations

As in the previous model, civil society groups set up forums to influence the negotiation process from the outside. Civil society actors can use these forums to inform the mediator(s) about concerns that occupy the broader population. For example, Kofi Annan, mediator in the Kenyan negotiations following the 2007–8 post-electoral outbreak of violence, engaged directly with civil society actors after the negotiation parties had rejected civil society inclusion in the negotiations.

High-Level Civil Society Initiatives

Civil society actors have also initiated workshops to identify and discuss solutions to the drivers of conflict in their country. Such problem-solving workshops often proceed in secret and involve representatives who are close to the negotiating parties' leaders. One example is the 2000–7 Schlaining process, which allowed influential actors from the Georgian and Abkhaz sides to interact and explore strategies to address the key drivers of the conflict.

Public Decision-Making

Referendums allow broad segments of society to vote on the outcome of a negotiation process to ensure a degree of public buy-in and therefore legitimise the outcome. In Northern Ireland, the Good Friday Agreement (1998) only went into force after it had been approved by the Northern Irish and Irish electorates. In October 2016, the electorate in Colombia rejected the peace agreement between the government and the FARC at the ballot box.

Regional Civil Society Networks or Forums

Regional civil society networks or forums have been established to enable civil society to influence multilateral negotiations. Civil society organisations from OSCE member countries have conducted OSCE Civil Society Forum events to develop and share their thematic recommendations with OSCE member states, political bodies, and institutions as well as the international community. In the African Great Lakes region, the 12 member states of the International Conference on the Great Lakes region set up the Regional Civil Society Forum to support them in preventing and resolving conflict.¹⁵⁵

¹⁵⁵ Kamatsiko 2017.

Most importantly, many past peace negotiation processes have employed a mixture of some or even all the various formats presented in Box 2, either sequentially or in parallel. This is particularly relevant when secret negotiations between leaders are combined with some form of public consultation. Guatemala reflects the flexibility of this approach. In 1991, the two main conflict parties (the government and the opposition group, Guatemalan National Revolutionary Unity), agreed to gather for direct, secret peace negotiations. Three years later, formal talks started, and the Civil Society Assembly was established as a formal consultative body to the talks. The Assembly met in parallel to the negotiations to create a consensus on different agenda items, share the members' positions with the main conflict parties, and endorse the final agreement.

Alternating between different negotiation formats can also prevent deadlock or revive stalled peace negotiations. This is particularly true when it comes to sensitive incompatibilities, which can easily derail high-level negotiations. Delegating the discussion of these issues to technical working groups has allowed main conflict parties to reach a consensus on various other topics. For example, the Good Friday Agreement (1998) in Northern Ireland deliberately left it to future commissions to tackle the challenge of decommissioning.

Finally, various conflict parties have pursued sequenced negotiations to end an armed conflict under conditions of ongoing fighting. Under this approach, conflict parties first seek to rebuild mutual trust¹⁵⁶ (see Table 3) and discuss the conditions for the negotiations or the peace process¹⁵⁷ before focusing on more sensitive issues.¹⁵⁸ Peace negotiations that address all conflicting issues at once often culminate in a comprehensive peace agreement, as occurred in Burundi (2003), Liberia (2003), and Nepal (2006).

2.4.5 Factors Influencing the Start, Conduct, and Outcomes of Peace Negotiations

Several factors influence the start of peace negotiations, the negotiation process, and its outcomes, irrespective of the negotiation format chosen. If properly addressed, these factors can enhance negotiation processes and increase the legitimacy of their outcomes. Table 4 provides an overview of the factors that may affect negotiation processes.

156 There are military, political, cultural, social, and media CBMs that can help to restore trust between adversaries. For example, joint military commissions to monitor the ceasefire bred collaboration between the conflict parties in Sudan after 2002 (see Mason and Siegfried 2013).

157 Högbladh 2021, pp. 16–17.

158 *Ibid.*, p. 15; Ross and Schomerus 2020, p. 14; Wallensteen and Eriksson 2009, p. 33.

Table 4. Factors Affecting Negotiation Processes

Factor	Explanation
Pre-negotiation conditions and/or the negotiating context	A number of factors can spur “ripe moments” for negotiations, ¹⁵⁹ including a mutually hurting stalemate; new and unexpected events, such as financial crises, disasters, or outbreaks of disease; and triggers such as changes in the political leadership of a conflict party or pressure from stakeholders beyond the main conflict parties (e.g. civil society and business actors).
Experience of past peace negotiation processes	Conflict parties update their negotiation strategies based on their past experiences with negotiation processes. They emulate those negotiation strategies and demands that yielded tangible benefits for them in the past. On the other hand, experiences of past negotiations that failed to generate positive outcomes will incentivise conflict parties to change negotiation tactics. For example, the Palestinian leadership has derived several conclusions from a series of failed negotiations with Israel, which it applied to subsequent peace processes (e.g. avoid being blamed at all costs, avoid incrementalism, and push for assurances for agreements being implemented). ¹⁶⁰
Support by external actors	Technical, financial, and/or diplomatic support from the outside helps conflict parties to adequately prepare for and later engage in meaningful, inclusive negotiations. External support can express itself in various forms, such as logistical support in identifying and renting an appropriate venue for the negotiations (e.g. Norway, Spain, and Switzerland in Colombia’s ELN peace process) or financing peace talks (e.g. the Finance for Peace Initiative). External pledges to financially support activities in the post-agreement phase may also contribute to the completion of negotiations. In El Salvador, for example, the US, the European Community, the Netherlands, and the Scandinavian countries donated USD 2.5 million via a special UN fund to make a truth commission materialise. ¹⁶¹

¹⁵⁹ Zartman 2000.

¹⁶⁰ Elgindy 2010.

¹⁶¹ Buergenthal 1994, p. 504.

Factor	Explanation
Elite buy-in	Elite ¹⁶² resistance or support (chiefly among political elites) is one of the most decisive factors in determining if and when negotiations can start, the shape of a peace process, and its outcomes. ¹⁶³ Elites can be divided into two broad categories: those who have agreed to participate in and are included in a formal negotiation process and those who refuse to participate or are excluded from the process. Negotiation strategies dominate in the first cluster, but elites' efforts to influence political views, shape or change the setting of a process, or undermine the process in both categories can have significant effects on the negotiation process.
Role of hardliners	Hardliners can be armed or non-armed actors lobbying for intransigent positions to pursue economic, political, or military interests. To do this they may use various violent and non-violent means to undermine peace negotiation processes for multiple reasons, and to varying degrees. They may seek either to advance their specific interests in a peace process or to undermine any political solution to a conflict whatsoever if they advocate a military approach. While their inclusion may at times be necessary in order to prevent them from sabotaging any future agreement, it may complicate negotiations by giving rise to the need to seek compromise between disparate positions or make compromises and concessions harder to reach.
Role of mediators, facilitators, and/or guarantors	As outlined in Section 2.4.3, several types of intermediaries (i.e. mediators, facilitators, guarantors, witnesses, and/or monitors) can play various roles that serve to further the progress of the negotiation process.
Influence of stakeholders beyond the principal conflict parties	Stakeholders such as civil society, women's groups, and business actors can positively contribute to negotiation processes in a number of ways, including mediating between conflict parties, spurring peace negotiations, and influencing negotiations through the inclusion modalities outlined in Box 2.
Public support	Public support is crucial to ensure progress in any negotiation process. Yet, support for the process can decline over time if the public becomes frustrated with delays, diminishing legitimacy, or a lack of progress.

¹⁶² Elites are understood here as groups in society that have a disproportionate amount of political, social, and economic power compared to the rest of society.

¹⁶³ Hirblinger et al. 2019.

Factor	Explanation
Legitimacy	“Legitimacy” refers to the social and political contracts that manage formal and informal relationships between states and citizens. ¹⁶⁴ International policy has increasingly stressed the importance of legitimacy in preventing or ending armed conflict. Challenges to the legitimacy of a negotiation process can address extremely diverse aspects ranging from the very principle of a negotiated settlement to its design and modalities, and its outcomes. ¹⁶⁵ Importantly, legitimacy is inherently linked to other factors, including public support (see above).
Role of third-party states, regional organisations, international organisations, and eminent individuals	These individuals and groups can create a conducive environment for the negotiation process by exploring opportunities for negotiations (both official and unofficial) at the highest political level and providing various kinds of support (e.g. material, technical, etc.). Conversely, they can also serve to reduce the space for a negotiation process.
Process design and/or procedural mechanisms	As outlined throughout Section 2 above, the design and decision-making mechanisms of a negotiation process have a significant bearing on its ability to reach sustainable outcomes.
Confidence and trust-building	Various military, political, cultural, social, and security sector-related confidence- and trust-building measures (CTBMs) can help to restore trust between adversaries. This is key to initiating negotiations for a political settlement of a conflict. ¹⁶⁶ For example, the Organization of American States brokered an agreement on CTBMs between Belize and Guatemala to revive the negotiations on territorial disputes, which had collapsed in 2003. The CTBM agreement provided for, among other elements, military and police controls, more frequent exchanges between the defence ministries of both countries, and intensified inter-community contact. The CTBM measures contained violence on the ground and contributed to the two countries resuming negotiations at a later stage. In Sudan, joint military commissions to monitor a ceasefire bred collaboration among the conflict parties after 2002.

¹⁶⁴ Ramsbotham and Wennmann 2014, p. 6.

¹⁶⁵ Arnault 2014, p. 22.

¹⁶⁶ Mason and Siegfried 2013.

2.5 The Durability of Peace Agreements

Comparative research shows that the influence of political, economic, and military elites is crucial to the durability of peace agreements.¹⁶⁷ Political and military elites, and sometimes also societal elites, may be divided on whether peace is desirable and on what terms it can legitimately be made. A peace agreement concluded in the face of elite opposition can give rise to a politics of the “lost cause,” whereby an important constituency feels that peace was concluded on adverse terms while victory was still possible. This narrative can engender a revanchist political project, focused on restoring lost privileges or territories through a return to open war. “Lost cause” projects are usually elite but can also be popular. For example, German opposition to the Weimar Republic (the constitutional order accepted by German elites as part of the Treaty of Versailles in 1919) was founded in a lost cause narrative that held that the German army had been betrayed by its political representatives and specific groups of citizens in the German Empire (i.e. via the Dolchstoßlegende, or “stab-in-the-back myth”).¹⁶⁸ In representative democracies, where intra-elite factionalisation is managed by rotating power, “lost cause” opposition to peace settlements usually takes the form of partisan opposition to an agreement or its legacy. When in 2018 the administration of US president Donald Trump abandoned the Joint Comprehensive Plan of Action, an agreement on nuclear disarmament between Iran and the five permanent members of the UNSC, plus Germany and the European Union that had been concluded under the administration of US president Barack Obama, this reflected an opposition to the terms of the agreement and a preference for renewed hostilities (if not declared war) between the two powers. Similarly, the Democratic Center party in Colombia was opposed to the terms of the 2016 peace agreement concluded between the government of Juan Manuel Santos and the FARC. When Democratic Center candidate Iván Duque won the presidency, he reversed core commitments in the agreement, especially those related to environmental protection and natural resource governance.¹⁶⁹ In both cases, renegotiating the agreement was challenging and took time.

A lack of popular support can also be detrimental to the sustainability of peace agreements. This has proven to be the case where exclusive “elite deals” that silence or exclude societal actors beyond the main parties to the conflict have not generated popular support for the ensuing peace agreements. Citizens in Mali (2015)¹⁷⁰ and Armenia (2020)¹⁷¹ testified that peace agreements were imposed on them from the outside, and therefore they regarded the peace processes as something alien. In these cases, external governments acted as mediators and pushed for a quick negotiated settlement while sidelining civil and political

167 Bramble and Paffenholz 2020, pp. 42–44; Bull and Aguilar-Støen 2019; Hirblinger et al. 2019; Paffenholz et al. 2016, p. 50.

168 Deist and Feuchtwanger 1996.

169 Chatham House 2021; Müller 2021.

170 International Crisis Group 2015.

171 Chatham House 2020.

opposition actors. The peace agreement in Mali, for example, envisioned the improvement of dysfunctional political institutions and neglected popular concerns such as poor access to social services. The Russian-brokered peace agreement for Armenia was equally light on substance and relied on the presence of Russian peacekeepers to prevent the recurrence of violence. It follows that core drivers of conflict have remained unaddressed in both cases. The rejection of the 2016 Colombian peace agreement by public referendum also underlines the fact that even agreements reached through higher levels of inclusion may not prove sustainable and may fail to generate sufficient public awareness and support, as inclusion that generates public buy-in is not just a matter of greater numerical inclusion (i.e. quantitative inclusion) but rather a question of who is included and how (i.e. qualitative inclusion).

Finally, many peace agreements do not address the key causes of war. One example is the Dayton Agreement (1995) for Bosnia and Herzegovina, which was expedited by US mediator Richard Holbrooke and did not develop long-term solutions to address conflict drivers.¹⁷² This partially explains why the Bosnian society remains divided along the same ethnic fault lines today. Overall, data compiled by the UCDP shows that in the case of 42 percent of peace agreements concluded to end inter-state or intra-state wars between 1975 and 2011, armed conflict recurred within five years of the agreement being signed.¹⁷³ This statistical pattern illustrates that peace agreements often struggle to create lasting settlements to conflicts.

Nevertheless, as illustrated in Section 2.1, a negotiated settlement to a war is the most effective means of addressing the underlying causes of the conflict, thereby increasing the likelihood of building a lasting peace. Table 5 provides examples of some of the key enabling components of sustainable peace agreements in conflict-affected countries. Including these components in peace agreements helped these countries to address the obstacles to peace outlined above.

¹⁷² Curran et al. 2004.

¹⁷³ Högbladh 2011, p. 52.

Table 5. Enabling Components for Sustaining Peace Agreements

Components	Country Examples	Explanation
Confidence-building measures	<ul style="list-style-type: none"> • Guatemala (1994) • Kenya (2008) 	Confidence-building measures help to restore trust between conflict parties. For example, in Guatemala, conflict parties signed a human rights accord at the beginning of the peace negotiations in 1994. ¹⁷⁴
Public referendums	<ul style="list-style-type: none"> • Northern Ireland (1998) • Colombia (2016) 	Public referendums are one way to enhance a peace agreement's legitimacy. ¹⁷⁵ The reverse is true if the people reject the agreement (Guatemala 1999, Colombia 2016).
Dispute settlement and arbitration mechanisms	<ul style="list-style-type: none"> • Sri Lanka (2002) • Nepal (2006) • Sudan (2007–11) 	Dispute settlement and/or arbitration mechanisms may mitigate tensions that arise in the implementation of peace agreements. Arbitration can also be used as early as during peace negotiations (e.g. Sudan 2005).
Monitoring mechanisms	<ul style="list-style-type: none"> • Bougainville (1998) • Philippines (2003) 	Local and international monitoring groups have helped to ensure that conflict parties comply with all peace agreement provisions (e.g. Bougainville 1998, Philippines 2003).

¹⁷⁴ Anderlini 2004, p. 19.

¹⁷⁵ Public referendums can take many forms and deal with various themes other than peace agreements (Accetti and Oskian 2020, p. 125; Moeckli and Reimann 2022). No commonly accepted international legal standards exist to define a legitimate referendum. However, for a referendum to be broadly deemed legitimate, it is important for it to be universal, equal, and free as well as embrace secret suffrage. The broader political context in which a referendum takes place is equally relevant and should allow the competing sides to engage in a high-quality political deliberation process over an extended period before the electorate casts its vote (Accetti and Oskian 2020, p. 126).

Components	Country Examples	Explanation
Third-party (security) guarantees	<p>Security guarantees in the form of third parties promising to intervene if the peace agreement was violated:</p> <ul style="list-style-type: none"> • Lebanon (1958) • Sudan (1963–72) • Dominican Republic (1965) • Cambodia (1970–91) • Zimbabwe (1972–9) • Moldova (1992) <p>Security guarantees in the form of enforcement peacekeeping missions by international organisations:</p> <ul style="list-style-type: none"> • Liberia (1989–93) • Bosnia (1992–5) • Croatia (1995) 	<p>The distribution of power changes over time, and an awareness of this can make militarily superior powers reluctant to commit to not use their military strength to renege on an agreement and attack a weaker adversary in the future. This phenomenon is termed the “commitment problem.”¹⁷⁶ Information provision, leveraging costs, and monitoring mechanisms can mitigate the commitment problem in the short run and incentivise the weaker state to join an agreement.¹⁷⁷ In the long run, however, third-party security guarantees and provisions to increase the costs of an aggression are commonly necessary to prevent opportunistic behaviour by the stronger side and thereby sustain the agreement.¹⁷⁸</p>

176 Fearon 1995; Powell 2004; 2004a.

177 Beardsley 2008.

178 Mattes and Savun 2009; Walter 1997; 2002.

2.6 Towards Inclusive Reconstruction

The end of fighting inevitably raises challenges around the reconstruction of a conflict-affected country. These may include a wide variety of issues such as the rebuilding of the country's infrastructure, the need to address environmental damage, economic rehabilitation, the need to rebuild social cohesion through transitional justice and reconciliation processes, and governance-related matters. High levels of domestic support for the government in times of inter-state war may overshadow deviating domestic visions and perceptions about the ideal approach to reconstruction, transitional justice, and other topics. This "rally around the flag" effect, which describes higher levels of domestic support for the government during the beginning of a war or international crisis,¹⁷⁹ could well flatten off as the war drags on or comes to an end. If so, domestic disagreement and political differences that lost their relevance during a period of immediate threat to the state may return to the forefront over time. It is also likely that initial levels of foreign assistance will plateau (at best) or decline (at worst), exacerbating these dynamics.

Any efforts towards domestic reconstruction after armed conflict or war are therefore potential sources of controversy in any conflict-affected society. This kind of process is also at risk of being dominated by high-level political actors and, in the case of post-war reconstruction, the international community. Corrupt elites have used post-conflict reconstruction initiatives to enrich themselves, at the expense of the broader population and without stark international protest.¹⁸⁰ Bosnia and Herzegovina and Kosovo are cases in point.¹⁸¹ The cases of Cambodia (after 1991), Nigeria (after 1970), and Uganda (after 2008) demonstrate that the detrimental repercussions of corruption in a post-conflict setting may also concentrate on certain excluded (ethnic) groups or reinforce class divides.¹⁸²

Private corporations and NGOs have dominated reconstruction initiatives in various conflict-affected countries, including Afghanistan (2001–21), Bosnia and Herzegovina (after 1995), Cambodia (after 1991), East Timor (after 1999), and Iraq (after 2003).¹⁸³ The presence of international actors has often sidelined local authorities and civil society, in turn undermining local ownership of and agency in the reconstruction process. In such instances, as a result, the domestic elite grew increasingly passive to the reconstruction process, which they did not regard as

179 See Baker and Oneal 2001. Sharp increases in public approval rates for US president Franklin D. Roosevelt and US president George W. Bush following the Japanese attack on Pearl Harbor and the terrorist attacks on 11 September 2001, respectively, illustrate the rally-around-the-flag effect, which has also been observed outside the US (e.g. Lai and Reiter 2005). For example, public opinion polls in Ukraine recorded a similar steep upward trend in Ukrainian public approval of President Zelenskiy following Russia's invasion of Ukraine and the resulting outbreak of the war on 24 February 2022 (Minakov 2022).

180 Lindberg and Orjuela 2014, p. 728; O'Driscoll 2018.

181 Belloni and Strazzari 2014.

182 Lindberg and Orjuela 2014, p. 732.

183 Tzifakis 2023; Zinn 2016.

theirs.¹⁸⁴ Moreover, in the case of Bosnia and Herzegovina, a high number of external donors worked to implement their own reconstruction agenda, but the low level of coordination between external donors impeded the efficient realisation of the various reconstruction projects. While domestic elites are occasionally sidelined, civil society actors are routinely absent and ignored, often regardless of the level of civil society expertise and capacity or their pre-war engagement in governance issues and related matters.

In contexts facing post-war reconstruction and the associated political, economic, and social challenges (and opportunities), finding ways to broaden inclusion and ownership in shaping the country's future can be critical. Civil society inclusion in decision-making around reconstruction initiatives can help to ensure that the latter align with the local circumstances and centre on the population's needs, particularly those of women.¹⁸⁵ Reconstruction initiatives can therefore benefit from a forum to ensure the inclusion and ownership of as broad a base of the population as possible. National conversations, also called national dialogues or national roundtables, are one such format; if thoughtfully designed, they can provide an inclusive, broad, and participatory official framework for discussion and enhance national ownership of a process.

A report by UN-Habitat concludes that the inclusion of the local population in all reconstruction-related activities from the onset was a key enabling factor of the UN-led reconstruction initiative in Sri Lanka.¹⁸⁶ A dense network of partners from the government, community organisations, and donors as well as strong support for the initiative by the Sri Lankan government and local communities contributed to a conducive environment for an inclusive reconstruction process, at least with regard to the physical rebuilding of houses and health facilities. The example of Sri Lanka also demonstrates the importance of external financial and technical support to facilitate domestic exchanges about the development of the reconstruction agenda and also its implementation. International commitment to providing long-term and flexible support is key to ensuring the full implementation of reconstruction initiatives.¹⁸⁷

Yet, examples of recent reconstruction processes demonstrate how a strong emphasis on physical reconstruction comes with the risk of neglecting other elements of reconstruction in a conflict-affected context. Sri Lanka (after 2009) and Iraq (after 2003), for example, witnessed the implementation of costly but one-sided reconstruction programmes, which prioritised physical reconstruction at the expense of other kinds of efforts to rebuild the social cohesion that is significantly eroded by all forms of conflict. Programmes to strengthen social cohesion in conflict-affected communities can include related but distinct processes, such as

184 Tzifakis and Tsardanidis 2006, p. 79.

185 O'Driscoll 2018.

186 Eliatamby 2017.

187 See Collier and Hoeffler 2004.

transitional justice; truth, forgiveness, and apology; and reconciliation. In Sri Lanka, one-sided reconstruction programs perpetuated the marginalisation of the Tamil people, and in turn their grievances, up to the present day.¹⁸⁸ In Iraq, the de-Ba'athification initiative, and the resulting deconstruction of the state, created a power vacuum that was filled by intra-state conflict, which further destabilised the country and made building post-conflict social cohesion in Iraq even more difficult.¹⁸⁹

Dedicating attention to rebuilding social cohesion as part of an inclusive reconstruction process is particularly important in countries that have experienced foreign occupation. Comparative research suggests that the level of local resistance against the occupying force varies across conflict contexts. It also indicates that local actors collaborating with foreign occupants is a normal phenomenon in situations of occupation.¹⁹⁰ Afghanistan (2001–21), Cambodia (1979–93), Israel-Palestine (after 1967), Lebanon (1976–2010), and Vichy France and Czechoslovakia (during the Second World War). This raises the question of how the occupied state wants to both define “collaboration” and deal with local “collaborators” once it has retaken control over its territory.

188 ACCORD 2018.

189 Al-Marashi and Keskin 2008; Hinnebusch 2016; Keskin Zeren 2016.

190 Collard-Wexler 2013; Lemmes 2008.

3 A Negotiation Framework to End the War in Ukraine

As discussed above, understanding the multidimensional nature of the war in Ukraine is key to preparing for negotiations and identifying negotiation options.

Tensions between Ukraine and Russia about independence and territory have a long history dating back to the 13th century.¹⁹¹ Ukraine has experienced various episodes of foreign territorial invasion and occupation—for example, by Mongol warriors in the 13th century, by Polish and Lithuanian armies in the 16th century (in western Ukraine), by the tsardom of Russia in the 17th century (east of the Dnieper River), and by the Russian Empire in 1793 (in western Ukraine). In 1917, Ukrainian independentist forces entered a war against the Soviet Union, from which the latter emerged victorious. Subsequently, Moscow integrated most of Ukraine into the Soviet Union as the Ukraine Socialist Soviet Republic until Ukraine became independent in 1991. Russia’s interference in the Donbas and the annexation of Crimea gave rise to an internationalised intra-state conflict in Ukraine between 2014 and 2022.¹⁹² This conflict has been subsumed by the war in Ukraine following the full-scale Russian military invasion that started on 24 February 2022.

With the end of the Cold War in the early 1990s, the centre of contested geopolitical gravity in Europe shifted east. During the Cold War, the two Germanies (and particularly the division of Berlin, physically manifested in the form of the Berlin Wall) came to symbolise the two competing blocks. However, with the enlargement of NATO and EU expansion following the Cold War, Ukraine became the front line of the competing spheres of regional influence. As such, one of the main underlying causes of the current war can be seen in the unresolved renegotiations of the post-Cold War political and security order between Ukraine and Russia and between Russia and the combination of NATO and the EU.

As outlined in Section 1, this has given rise to two distinct but interrelated dimensions and dynamics of conflict. Firstly, there is an inter-state “hot” war between Russia and Ukraine, which has subsumed the preceding regionalised conflict in the Donbas and the annexation of Crimea. Ukrainian interests in this war are now manifestly survival, sovereignty, and territorial integrity, while Russian priorities are seemingly an opaque combination of regional security concerns, pan-Russian irredentism, and specific strategic goals such as securing a land bridge to Crimea.

The full-scale inter-state war in Ukraine since February 2022 and the years of fighting in eastern Ukraine that preceded it have also brought about major physical damage—chiefly to Ukraine’s infrastructure and environment—and also significant

¹⁹¹ Conant 2023.

¹⁹² Davies et al. 2023.

damage (both already apparent and potential) to the country's social cohesion. This has given rise to the challenge of designing and implementing an impactful, sustainable, and inclusive reconstruction process.

Secondly, geopolitical dimensions have been fundamentally changed as a result of the conflict. One of the core issues that sits at the heart of this relates to the positioning of the relationship between Russia and NATO going forward. Practically, this involves addressing issues around a Russia-NATO "cold" war involving the supply of NATO armaments and intelligence to Ukrainian forces, a changing NATO force posture, expanded NATO membership, and EU and US sanctions against Russia.

There is also a broader geopolitical dimension that continues to shift and take shape, with actors from the Global South becoming increasingly relevant. Non-aligned states by definition are not direct or indirect parties to the conflict. But they represent a large swathe of the global population who are directly or indirectly affected by the ramifications of the war. As such they might seek to play a number of roles in a potential negotiation process. A new Global South non-aligned movement is emerging that is affected by the global economic consequences of the war and does not want to be trapped within the new "cold" war. Non-aligned states from the Global South have therefore started to mobilise for peace negotiations, with China taking a strong pro-negotiation position. These countries' interests and agency will have to be taken into account when it comes to future peace talks.

While the aforementioned conflicts and tensions are being waged concurrently, they have distinct causes and dynamics and therefore involve multiple levels of negotiations: bilateral Ukraine–Russia negotiations to end the war, multi-party negotiations to explore a new basis for peace and security cooperation in Eurasia, and potentially some form of intra-Ukrainian space to collectively discuss an inclusive reconstruction process.

Drawing on the comparative evidence presented above, the remainder of this section presents options for preparing for designing negotiations that could tether these dimensions together in a single process, the various components of which could be undertaken either sequentially or in parallel.

Figure 1 illustrates the series of interrelated decisions that will determine the overarching negotiation process design, and summarises the preparatory steps ahead of negotiations.

Figure 1. Decision-making options and preparatory steps

OPTIONS FOR UKRAINE NEGOTIATIONS

How to read this graphic. The graphic illustrates a negotiation how process as made up of intersecting decisions about who will participate and how to manage the complexity of issues and actors. There is no "best practice" approach. Instead, different options entail advantages and disadvantages.

While bilateral talks along a single track might be considered the default approach, a more elaborate, flexible process may help to focus advantages and contain disadvantages (e.g. engaging third parties directly in multiparty talks to avoid overwhelming ceasefire talks with multilateral issues).

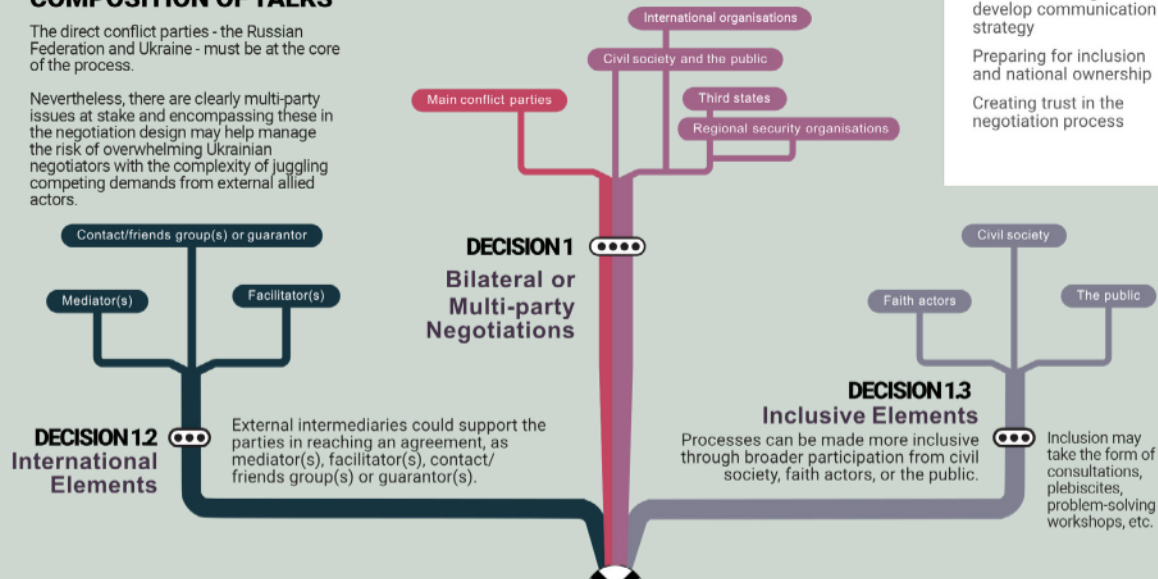
Steps to prepare for negotiations

- Creating diplomatic coordination mechanisms
- Forging civil society alliances
- Preparing substance for the negotiation agenda and outcomes
- Tapping into peace process support
- Convening expert groups
- Preparing for public discourse change and develop communication strategy
- Preparing for inclusion and national ownership
- Creating trust in the negotiation process

COMPOSITION OF TALKS

The direct conflict parties - the Russian Federation and Ukraine - must be at the core of the process.

Nevertheless, there are clearly multi-party issues at stake and encompassing these in the negotiation design may help manage the risk of overwhelming Ukrainian negotiators with the complexity of juggling competing demands from external allied actors.



STRUCTURE OF TALKS

Talks can take place in one or several venues, simultaneously or sequentially. The structure of the talks manages the complexity of issues and parties. Different tracks can feature different compositions of parties.

DECISION 2 Single or Multi-Track Talks

Tracks are distinct packages of issues negotiated separately, often with different parties.

For example, one option might be bilateral talks on a ceasefire and territorial definition, alongside multi-party talks on regional security.

DECISION 2.1 (Multi-Track)

DECISION 2.2 (Single Track)

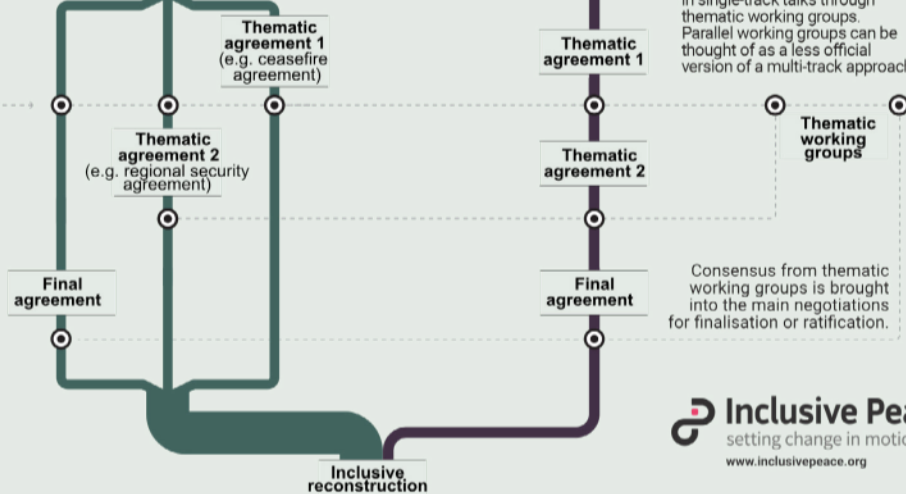
All issues negotiated in a single forum. Usually this involves a single set of parties that remains consistent over time.

DECISION 3 Parallel or Sequential Negotiations

Tracks can progress simultaneously or in sequence. Parallel talks allow work to progress as early as possible, while a sequential approach can help to build confidence by addressing red-line issues early on.

DECISION 3.1

Parallel negotiations are achieved in single-track talks through thematic working groups. Parallel working groups can be thought of as a less official version of a multi-track approach.



3.1 Preparing for Negotiations

Negotiations require thorough preparation and planning, which may start well before conflict parties publicly commit to negotiating or even before they explore negotiation possibilities. Section 2.2 used comparative evidence to present the following overarching entry points directed at state and civilian actors on how to prepare for negotiations to end the war in Ukraine:

- diplomatic coordination mechanisms;
- civil society alliances;
- substance for the negotiation agenda and outcomes;
- peace process support expertise;
- expert groups;
- public discourse shift and communication strategies;
- inclusion and national ownership;
- trust in the negotiation process.

This subsection elaborates on each of the entry points presented above and indicates concrete next steps for various state and non-state actors to contribute to the preparation process.

3.1.1 Diplomatic Coordination Mechanisms

Third-party states can play a key role in diplomatic coordination mechanisms that contribute to the preparation of negotiations on an end to the war in Ukraine. As a first step, it would be important for states that are interested in contributing to the preparatory process to familiarise themselves with the various options for diplomatic coordination (see Box 1). Governments could then jointly think about which type of mechanism they wish to establish and which other governments could be involved. Once interested governments have agreed to set up a preparatory coordination mechanism, they could define and allocate specific roles to the involved states to start the preparation process. Discussions within a newly established diplomatic coordination mechanism could also focus on the type of support each government can provide to enhance the preparations for negotiations, e.g. technical, financial, political leverage, or know-how. State representatives who aim to act as (co-) mediators or (co-) facilitators in the negotiation process would ideally start preparing for these roles early in the preparation process.

To enhance conflict parties' trust in the viability of the negotiation process, it will be important to ensure that any diplomatic coordination mechanism supporting the preparatory process is not perceived as biased by the conflict parties, i.e. that the combination of participating states together can be seen as multi-party biased. States such as Brazil, China, India, Indonesia, South Africa, or Türkiye have repeatedly pushed for negotiations to end war in Ukraine since January 2023. This renders them relevant actors in the formation of diplomatic coordination mechanisms in the preparatory process. Discussions among states on the formation of diplomatic coordination mechanisms would therefore ideally include states from both the Global North and the Global South.

3.1.2 Civil Society Alliances

Civil society alliances have played a core role in preparing for past negotiation processes (see Section 2.2.2). Regarding the war in Ukraine, it would be most efficient for civil society members of existing solidarity networks—including civil society platforms organised in the framework of the OSCE—to start thinking about the specific roles they would be able and would wish to play in the preparatory process.

Member organisations of civil society networks would ideally take deliberate, concrete, and specific actions to organise themselves and coordinate their discussions about how they seek to contribute to the preparatory process—both within and across organisations. This includes establishing dedicated spaces and platforms to promote exchange between civilian actors, and identifying what specific subject matter expertise, networks, and skills they could bring to the process. It also entails more technical questions, such as the frequency of civil society organisations convening to provide inputs to the preparatory process. Cross-border collaboration between civil society organisations could enrich the preparatory process. Civil society organisations could also contemplate forming a dedicated civilian network to coordinate their advocacy efforts in supporting the preparations for negotiations on an end to the war in Ukraine as well as support Ukrainian civil society to influence negotiations and play a key role in the country's reconstruction process.

3.1.3 Substance for the Negotiation Agenda and Outcomes

State actors and experts from civil society and business would ideally start with a comprehensive conflict analysis to identify the most salient issues that negotiations will likely have to address. Once a list of topics has been compiled, state and civilian actors could set up thematic working groups to prepare options (drawing on comparative evidence).

Thematic working groups could also support Ukraine in deciding whether to push for parallel or sequential negotiations with Russia. Setting up several thematic tracks is a third option to structure the negotiations. The parallel approach would

imply negotiating all topics at the same time; they could be discussed in the same venue among the same set of participants and intermediaries or in parallel where different topics are discussed in different venues led by different facilitators and including different sets of participants (see e.g. Colombia 2012–2016, Sudan 2002–5). The sequential approach would see conflict parties negotiating certain topics first and only turning to others once compromise has been reached on these initial issues (see e.g. Philippines 1998, Ethiopia–Eritrea 2000). Finally, under the track model, there are different facilitators and mediators for the negotiations on different topics. Negotiations on the different themes may also proceed in different countries (e.g. Libya 2019–2020).

3.1.4 Peace Process Support Expertise

Peace process support experts can prepare various scenarios for how negotiations might unfold. For each scenario, they could provide a discussion on how to adapt different negotiation process steps to create the most conducive environment for negotiations. This also includes offering guidance to mediators and facilitators on how to restore negotiating parties' trust in the viability of the negotiation process if it stalls or is at risk of derailing. Indicating potential sources of resistance to negotiations under each scenario and corresponding mitigation strategies could prove equally helpful.

Peace process support experts could also focus on civil society actors, particularly supporting them in increasing their influence during the preparatory phase and the negotiation process. This includes supporting internal coordination among civil society actors as well as external advocacy for appropriate civil society inclusion mechanisms. Importantly, state and civil society actors could concentrate on establishing links between Ukrainian civil society and peace process support experts to ensure that the former has access to any form of support from which it could potentially benefit.¹⁹³

3.1.5 Expert Groups

Formal expert groups could play an important role in supporting mediators and facilitators, contact groups, or groups of friends. Think tanks and other non-state actors may initiate informal expert groups, which could prepare confidential non-papers or organise capacity building exercises to prepare mediator(s), conflict parties, and civil society groups for the negotiations.

Convening roundtables that feature experts from various backgrounds—e.g. historians, legal experts, logistical specialists—could therefore help to prepare for negotiations. These expert roundtables could discuss the substance and process design of negotiations and both identify and advise on concrete next steps towards

¹⁹³ The closed civic space and the resulting marginalisation of civil society actors in Russia (see OHCHR 2023a) suggest that the incumbent Russian government is highly unlikely to either consult or include Russian civil society actors in any preparations for negotiations, or in the negotiation process itself.

realising them. Participants in initial expert roundtables could subsequently form expert groups, which might initially be informal but could later become formal reference groups attached to the negotiation process.

3.1.6 Public Discourse Shift and Communication Strategies

Debates in the Western media on how to end the war in Ukraine have been polarised since Russia's invasion began on 24 February 2022, with a Ukrainian military victory being depicted as the only viable option. Changing the public discourse on negotiations will therefore be important to ensure that Western constituencies support their governments' and civil society actors' efforts to prepare for negotiations and subsequently the negotiation process itself. To this end, media and communication experts, policy makers, and civil society representatives could jointly work on consistent messaging on why and how preparing for negotiations strengthens rather than undermines Ukraine's position. Affording negotiation and peace process support experts the opportunity to share their knowledge through the media could be conducive in this regard. Public events such as panel discussions or workshops could also enhance public awareness and understanding of the central role that negotiations play in ending wars.

Developing a communication strategy for the pre-negotiation and negotiation phase is another important element of the preparatory process. This mainly concerns answering technical questions regarding the amount of information and the frequency of updates on the negotiation process that will be relayed to the public. Managing public expectations about the type and the extent of information to which they will have access will be a key aspect of this endeavour.

3.1.7 Inclusion and National Ownership

Discussing strategies for how to promote both inclusion and national ownership will enhance the preparatory and negotiation process's legitimacy and quality. Specific criteria that ensure the inclusive representation of a conflict-affected country's groups of societal stakeholders have proven to be an innovative mechanism to foster inclusion in contexts such as Nepal (2008–2012) or Yemen (2013–2014). State and non-state experts could therefore, in close collaboration with Ukrainian actors, develop such inclusion criteria to pave the way towards inclusive negotiations and reconstruction. Selection criteria (potentially including quotas) for civilian representatives in any negotiation format could focus on age, gender, religion, economic income, sub-national regional distribution, and language.

Once the inclusion criteria or (gender) quotas have been finalised, it will be easier to design capacity-building exercises, which could help to prepare selected civilian representatives to take up an active role in and influence the negotiations. Organising spaces for the business community, women's organisations, religious groups, and other civilian actors to discuss and share their views on anticipated negotiation topics could also nurture feelings of national ownership among

Ukrainians. Finally, state and non-state actors could lobby for a mandate that allows civilian actors to formally contribute to the preparations for and later participate in the negotiations. Any such lobbying campaign would benefit from establishing direct linkages between civil society and state actors to facilitate information exchange.

3.1.8 Trust in the Negotiation Process

State and non-state actors could consider and develop concrete measures to increase the conflict parties' trust in the viability of the negotiation process. This could include the preparation of core values that could guide the negotiations and to which all negotiation parties are willing to commit. Examples include the strict neutrality of all mediators, the common goal to alleviate humanitarian suffering, a commitment to dialogue over violence, and clear communication rules.

Maintaining a constant exchange with representatives from all conflict parties will help to fully understand persistent aversions to negotiations and think about how to mitigate them. This also refers to potential external interference with the negotiation process. This would be particularly important to mitigate the risk, which could be heightened by specific negotiation configurations (see Section 3.1.2), of overwhelming Ukrainian negotiators with the complexity of juggling competing demands from external allied actors.

Finally, it would be important to anticipate potential external pressure on negotiating parties to end the war as soon as possible. Reaching out to proponents of immediate negotiations (e.g. Brazil, China, India, South Africa, etc.) to stress the importance of negotiating a long-term solution to the war will therefore be key to prevent an unprepared, rushed negotiation process. This further corroborates the need to develop a strong communication strategy around negotiations.

3.2 Design Options for a Negotiation Process

Figure 2 illustrates two variations of a possible negotiation process design—one in bilateral format, the other in multi-party format—for Ukraine and the region that address the two levels of conflict described above.

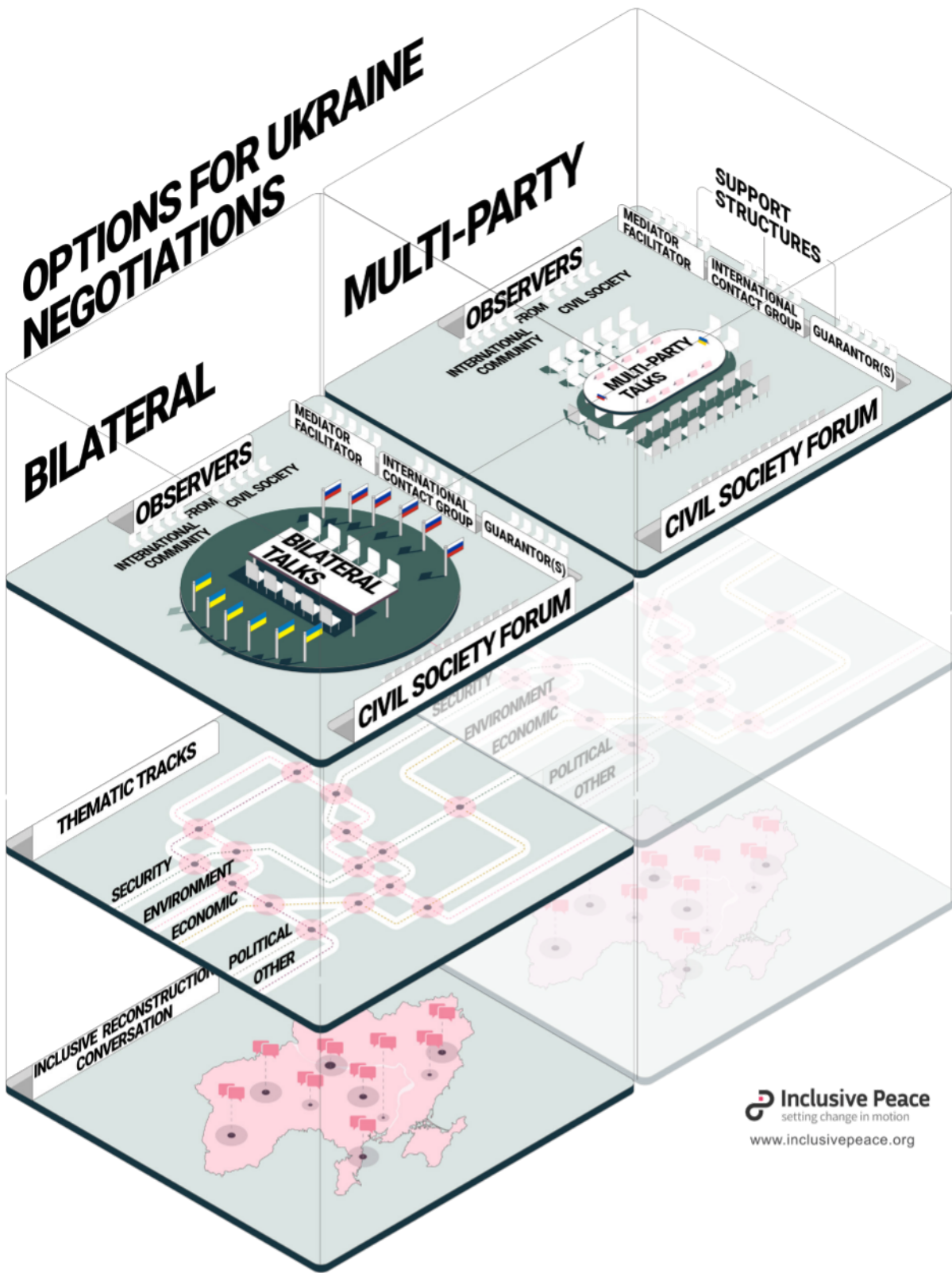
The framework begins with the assumption that bilateral Ukraine–Russia talks constitute the default option but that it will be necessary to incorporate both the regional security dimension (i.e. the Russia–NATO conflict) and inclusive reconstruction conversations within Ukraine. The “process options” listed below describe a range of additional mechanisms for, or reconfigurations of, the expected negotiations, explaining what each might add to the process. The options could be applied all together in a comprehensive process or added sequentially.

The framework is guided by the priority of ensuring that Ukrainian interests are not side-lined in any of the talks. The Minsk process (2014–15) to address the armed conflict in eastern Ukraine is a cautionary example: the two Minsk Agreements presented a settlement that was acceptable to Russia (at the time) and Ukraine’s patrons in France and Germany, but had little popular or elite support in Ukraine and did not reflect a viable compromise.¹⁹⁴

The planning of the post-war phase will require extensive exchanges both among the Ukrainians and between Ukraine and the international community on the country’s reconstruction process. It will be up to the Ukrainians to determine both the spaces and the topics they want to discuss, in order to ensure that, unlike in other post-conflict contexts (see Section 2.6), Ukraine’s reconstruction process is both Ukrainian-owned and -led, and incorporates the voices of all Ukrainians. Ukrainians might prefer to address some or all topics related to reconstruction in one single forum (whether this is bilateral talks with Russia, multi-party negotiations, or intra-Ukraine discussions) or in a mixture of these forums, with different topics potentially addressed through different forums. It will be up to Ukrainians to indicate which topics they want to address with whom and under what format.

194 Hess Sargsyan 2019.

Figure 2. Bilateral and multi-party variations of a possible negotiation framework



3.2.1 Process Option A: Bilateral or Multi-party Talks

Various options are available for including the regional security dimension in the negotiations (see Section 2.3, on negotiation formats). Firstly, in purely bilateral talks between Ukraine and Russia, the US and EU states could attempt to ensure their interests are understood and represented by Ukrainian negotiators through every diplomatic channel available. However, this would greatly increase the risk of overwhelming Ukrainian negotiators with the complexity of these competing demands and would be unlikely to create a conducive environment for the talks.

Secondly, a small group of states could be given official roles in Ukraine–Russia talks short of full participation. These roles might include sitting as observers in meetings and negotiations (observers could be allowed to be present and sometimes to speak in official spaces) or acting as guarantors (signing any resulting agreement and engaging in their own international legal obligations to implement its terms).

Thirdly, an international contact group of states, and potentially non-state actors, could be set up to support the lead mediator(s) and help to create a conducive international environment for the talks (see Section 2.2, on contact group in preparing for negotiations). Next to countries such as the US or those of the EU, countries from the Global South could play important roles in a prospective contact group.

The fourth option would be a comprehensive multi-party format (one in which more than two states negotiate to create an international treaty, including Ukraine). This need not necessarily add complexity to the talks: a multi-party format is best understood as multiple processes that happen at the same time and that can enrich each other.

When it comes to inclusive reconstruction talks within Ukraine, referring to Figure 2, these talks could be part of the multilateral discussions in the form of a working group on economics or could happen at the same time as a parallel national conversation. If such a national conversation were established, representatives could take part in the formal negotiations' working group on inclusive reconstruction. It is important not to confuse these inclusive reconstruction conversations with international pledging conferences. The two are interrelated, yet distinct: a pledging conference brings together the key donors to support the process whereas an intra-Ukrainian reconstruction discussion would establish the parameters, priorities, and ownership for the process to be supported by the international community.

3.2.2 Process Option B: Sequencing

In many peace negotiations, states negotiate under an armistice. An armistice is a specific form of ceasefire intended to create the conditions under which more holistic peace negotiations can take place (see Table 2). Bilateral and multi-party talks mentioned in Section 3.2.1 could both be combined with a sequenced approach, whereby the security track (issues related to ensuring the security necessary to achieve a ceasefire) is dealt with first, with the priority of ending further dislocation and loss of life in Ukraine. Following this, the various other tracks could be negotiated as part of a longer normalisation process between Ukraine and Russia, and Russia and NATO. The inclusive reconstruction conversations could run in parallel, though it would be important to ensure representation within each segment of the process and in each format.

3.2.3 Process Option C: Adding Tracks

Dividing talks into tracks—distinct packages of issues (e.g. security, the environment, economics, and politics), negotiated separately and with the possibility of varying who participates in these different tracks of negotiations and when, and the procedural aspects of the negotiation framework¹⁹⁵—may help to add flexibility and efficiency to the process. For example, there is a compelling humanitarian imperative behind reaching a ceasefire in the shortest possible time. However, the core question of “can a ceasefire be reached while other issues remain unresolved?” is likely fundamentally unknowable for the war in Ukraine, at least at this stage. A multi-track format would allow for an agnostic position on this question: if the security track can reach a provisional ceasefire or armistice (provisional on the remaining tracks reaching an agreement), this will save lives; if the parties decide they can only accept a ceasefire once other issues have been settled, this can be negotiated in parallel.

Some mediators prefer the approach that “nothing has been agreed until everything has been agreed.” This approach has both advantages—key issues cannot be sidelined—and disadvantages—any gains that can be immediately achieved and implemented (e.g. progress in the security track) remain in the air for a long time. The case of Korea (as outlined in Section 2.3) is an example of how the “nothing has been agreed until everything has been agreed” approach may freeze conflicts over decades.

A multi-track negotiation format typically involves specialised working groups or commissions that support the thematic work of the various tracks outlined above. Each track can theoretically take place in the same venue at the same or different time(s); however, more realistically, each track will have its own time frame and may also be facilitated by different actors in different venues.

¹⁹⁵ Procedural aspects of the negotiation framework involve process design aspects such as selection criteria and procedures, and decision-making criteria and procedures.

Civil society organisations, experts, and (in some cases) business actors have deep experience and expertise in all relevant tracks. In the case of Ukraine and Russia, these various types of experts could take part in the talks as members of these commissions and working groups, or provide input through less formal consultations. They could additionally directly take part in the high-level talks of each track. Selection of these actors could proceed in either of two ways. Firstly, each party could have a certain number of experts invited and the mediators and/or facilitators could ask actors to choose additional experts. Secondly, a joint list could be approved by all parties and the mediators and/or facilitators. The first option is more practical as it does not risk derailing the process. The same process could be applied to ensure direct representation in the track negotiations in the form of a separate independent expert delegation.

3.2.4 Process Option D: Adding Observers

Observers to negotiations can be representatives of states, civil society, religious faiths, or business. Usually, observers are included because they have potential influence over the process and its outcomes (e.g. if they are neighbouring states or regional powers). If states are not directly included in talks or a parallel multi-party negotiation, then granting observer status is a way of including them without giving them a formal decision-making role (see Process Option A). In multi-party talks, where influential states such as the US or EU member states would likely be present, observer status could be a way to represent states uninvolved in the regional conflict that nevertheless have a stake in the outcome (e.g. China and countries from the Global South).

Observers from civil society and business are mostly granted observer status if they either played an important role in laying the groundwork for the talks or are expected to have a role in the post-agreement phase. Civil society can also take part in the tracks or commissions in addition to having observer status (see above options A and C).

3.2.5 Process Option E: Including Intermediaries

It may be effective to nominate an intermediary or a group of external intermediaries, as (a) mediator(s) or facilitator(s) to support the parties in reaching an agreement (see Section 2.4.3). There are various options.

For Ukraine–Russia talks, one government could serve as the formal intermediary. There could also be a group of actors made up of either exclusively states or both states and civil society actors. For the multilateral format, a multilateral organisation such as the UN or a consortium of governments that are not directly connected to the conflict would be a natural fit.

When it comes to single governments as possible intermediaries, so far, Türkiye has served as a facilitator in the talks between Ukraine and Russia, given its various

advantages: as a NATO member with a constructive relationship with Russia, it is a country with good standing on all sides of the conflict. Türkiye also has leverage over both Ukraine and Russia, through its control over access to the Black Sea, which it has used judiciously during the war so far to avoid the implication of siding with one party or the other.

Alternatively, Ukraine and Russia may prefer a more distant facilitator from a country that has no connection to the conflict. Here, a range of states—including Kenya, Mozambique, Norway, Singapore, Switzerland, and Tanzania—have strong records as mediators. Otherwise, parties could nominate a panel of facilitators comprising either several trusted governments or eminent personalities backed by governments as guarantors.

Another option might be a civil society facilitator supported by a secretariat to provide the administrative, analytic, and technical support that a state (or UN or regional organisation) mediator has available in-house. Previous peace negotiations have often seen high-level civil society personalities (such as Archbishop Desmond Tutu in South Africa) or former politicians from adjacent countries playing this kind of role. In Kenya, Kofi Annan chaired an AU panel of eminent African personalities. This panel mediated between the country's ruling and main opposition parties following the outbreak of post-electoral violence in 2007–8. For the war in Ukraine, if such a team of personalities were compiled, it would be important for it to reflect the heterogeneous nature of the conflict.

When it comes to involving a group of states or actors, there are a number of options, but it is usually determined that the best approach is to have equal numbers of actors that each of the parties feel comfortable with or that represent different interests. For Ukraine–Russia talks, this could be a group composed of governments with which Ukraine feels comfortable (e.g. the EU, the US, and Türkiye) and on which Russia can agree (e.g. China and Türkiye), or countries from the Global South combined with an international contact group, or a mix of the aforementioned countries.

3.2.6 Process Option F: Space for Intra-Ukrainian Exchange

As discussed in the introduction to Section 3, the ramifications of the war will inevitably require a reconstruction process that ensures both Ukrainian ownership and that all Ukrainian perspectives are taken into consideration. It will be up to Ukrainians to decide which topics they want to discuss, with whom, and under what format. The Ukrainian people might ultimately prefer to address some or all of the multiple topics related to reconstruction through one or a mixture of several of the process options outlined above. They may also decide that a dedicated space for Ukrainian exchange on inclusive reconstruction is needed, in addition to the process options outlined above. In such a space, it would be possible to address topics pertinent to ensuring an effective and inclusive reconstruction process so that international efforts do not dominate the process but derive credibility from it.

It cannot be stressed enough that these questions are for the Ukrainian people to decide. Should Ukrainians agree on the need for a Ukrainian national discussion space, it would be important for the international community to stand by and provide support to Ukraine in setting up such a space whenever the Ukrainian people feel ready to have these discussions. International commitment to providing long-term support for the reconstruction process will moreover amplify the process's impact.¹⁹⁶

¹⁹⁶ See Collier and Hoeffler 2004.

4 Conclusion

While less remote than it seemed six months ago, at the time of writing, negotiations to end the war in Ukraine remain some way off. There are several possible explanations for this, chief among which is the degree of suffering and sacrifice—predominantly Ukrainian, but also for many “ordinary” Russians—that the war has demanded, which underpins both a strategic and an emotive commitment to a decisive military victory on both sides (with the associated fulfilment of their respective territorial objectives) as the only acceptable outcome of the war. This mindset is entirely understandable, and also typical of the kind of hyper-polarised environment engendered by war and occupation.

Yet, this would not be the first inter-state war between neighbours involving both deeply seated and extremely raw grievances to end through negotiation, which comparative historical evidence identifies as statistically the most likely path to end the war, and which an analysis of the military dynamics of the war and its appertaining geopolitical factors suggests is the most plausible alternative to perpetual war.

As with most endeavours, thorough preparation increases the likelihood of a negotiation process being designed and conducted in such a way that can heighten the chances of it giving rise to sustainable outcomes. While multiple negotiation configurations are possible, a more comprehensive negotiating framework may be better adapted to addressing the multifaceted conflict dynamics, and thereby avoid a frozen conflict. In addition to durably ending the war, a comprehensive negotiation process also presents an opportunity to start meaningfully rebuilding the kind of robust international geopolitical and security architecture that could prevent the further recurrence of wars of this kind.

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