

## Diplomacy in the context of the Russian invasion of Ukraine: continuation of war by other means

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# SWP Comment

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## Diplomacy in the Context of the Russian Invasion of Ukraine

Continuation of war by other means

Sabine Fischer

Direct negotiations on a ceasefire in Russia's war against Ukraine broke down within just a few months. Today, Moscow and Kyiv are pursuing diplomatic initiatives in order to shape the international context of the war in their favour. Russia's war diplomacy aims to weaken the "collective West" at the global level as part of its strategy to bring external support for Ukraine to a halt. Ukraine is seeking to isolate Russia internationally. Meanwhile, Russia's illegal war of aggression continues. If there is to be even a possibility of ceasefire negotiations in the future, Germany and its partners must carry on providing military support to Ukraine.

Winter 2023 will witness new calls for peace negotiations between Ukraine and Russia. But those who make such demands will be failing to recognize the dynamics of the negotiations so far and the complex web of diplomatic processes that has emerged since Russia launched its war against Ukraine in February 2022.

### War and negotiations

In this war, just like in any other military conflict, what is happening on the battlefield determines the space for diplomacy. Bent on achieving their respective war aims, the two parties are seeking to create a favourable "military exit horizon" for negotiations. Russia continues trying to annihilate the independent Ukrainian state through

occupation and destruction. Ukraine is aiming to prevent this by fighting to liberate the occupied territories and defending against Russian air attacks.

So far, there have been several phases of this war, each of which established the framework for activities at the diplomatic level. *Phase 1* lasted from the beginning of the full-scale invasion in February 2022 until the end of the first Ukrainian counter-offensive in autumn 2022. Russia's initially rapid advance gave the impression that the attacking side was overwhelmingly superior. However, in the face of strong Ukrainian resistance, the Russian forces were forced to abandon the siege of Kyiv and the northern front in April. Thereafter, Moscow concentrated its troops in the east and south of Ukraine. During its first counteroffensive between August and November 2022,



Ukraine was able to liberate significant parts of its territory in the east and south. Putin then proclaimed the annexation of the Ukrainian regions of Donetsk, Luhansk, Zaporizhzhya and Kherson, none of which was fully under Russian control at the time. He also announced a partial mobilization.

These Russian moves heralded the end of what until then had been comparatively intensive contacts between the two warring parties. At the beginning of the full-scale invasion, the Ukrainian side had negotiated from a position of existential threat. At the end of March, it offered far-reaching unilateral concessions in the so-called Istanbul Communiqué, in which it signalled its openness to permanent neutrality and bilateral negotiations on the status of Crimea over the course of 15 years. The process, which was mediated by Turkish President Erdoğan, ended in deadlock in May 2022 – for four reasons. First, Moscow showed no interest in the Ukrainian proposals and insisted on its maximum war aims. Second, Ukrainian resistance proved effective. Third, Ukraine's successes on the battlefield prompted an international coalition to step up supplies of weapons to the Ukrainian armed forces. And fourth, following the discovery of horrendous Russian war crimes in the liberated areas around Kyiv, support among Ukrainians for reaching a compromise with Moscow plummeted to zero.

In July 2022, Turkey and the United Nations brokered a Ukrainian-Russian agreement on the partial lifting of the Russian naval blockade of the Black Sea. Thanks to the Black Sea Grain Initiative (BSGI), Ukraine was able to resume grain exports, albeit on a much smaller scale than before the war. However, this limited diplomatic success failed to generate positive momentum for further negotiations – for example, on the safety of the Zaporizhzhya nuclear power plant – let alone pave the way for new ceasefire talks. Instead, the regular extensions of the BSGI stipulated by the agreement meant that the mediators had to perform a tightrope act as Moscow repeatedly threatened to walk away from the deal. Moreover, Russia used its inspection rights

under the BSGI to obstruct Ukrainian exports.

Russia's proclaimed annexation of the Ukrainian territories of Luhansk, Donetsk, Zaporizhzhya and Kherson on 30 September 2022 marked a turning point with regard to bilateral ceasefire negotiations. Since then, Moscow has demanded that Kyiv recognize not only Crimea but also the other (partly) occupied regions as Russian territory before such talks can begin. Foreign Minister Sergei Lavrov summarized this position in September 2023 as follows: "We are ready to come to an agreement, based on the realities on the ground and our [...] interests. Our security interests must also be taken into account and the emergence of a Nazi regime on our border must be prevented; a regime that openly aims to destroy everything Russian in Crimea and Novorossiia." Attempts to secure new, even more significant territorial gains through annexation have since blocked all peace efforts. At the beginning of October 2022, Ukrainian President Volodymyr Zelenskiy issued a decree prohibiting any further negotiations with his Russian counterpart.

The first Ukrainian counteroffensive and the Russian escalation were followed by a period of positional warfare from November 2022 to May 2023 (*Phase 2*). During that period, Russia sought to destroy Ukraine's energy infrastructure from the air and thereby break the Ukrainian population's will to resist. The warring parties fought extensive battles for single localities along the front line; both sides sustained heavy human and material losses. The battle for Bakhmut became the symbol of this war of attrition. Meanwhile, the front line barely changed.

In early June 2023, the Ukrainian forces launched their second counteroffensive (*Phase 3*). This time around, the Russian defensive lines have been much stronger, as a result of which Ukraine has been unable to make territorial gains comparable to those of last year. Besides advancing on the occupied territories in the east and the south, the Ukrainian military has been

attacking the supply lines of the Russian occupation forces in Crimea. Ukraine also succeeded in opening shipping routes west of Crimea for Ukrainian cargo ships again. The blowing up of the Kakhovka Dam on 6 June 2023 was in all likelihood a response by Moscow to the Ukrainian counteroffensive. As, indeed, was Russia's withdrawal from the grain agreement on 18 July 2023. Thereafter, the Russian air force bombed Ukrainian port and grain storage facilities on the Black Sea coast and in the Danube Delta to further impede Ukrainian grain exports. As was the case last year, Moscow has not responded to the Ukrainian offensive with conventional or even nuclear military escalation. Instead — and in an even more brutal manner — Russian warfare aims to destroy not only Ukraine's ability to defend itself but also the livelihoods of Ukrainians, in a bid to crush the popular will to resist. The mass deportation of men, women and children, the destruction of critical infrastructure, and the numerous cases of torture, murder, rape and oppression in the occupied territories all point to genocidal intentions. Russia wants to turn those parts of Ukraine that elude subjugation into a failing state. In other words, the Putin regime has adapted its means of warfare to the military realities of the neighbouring country, which, contrary to its expectations, are unfavourable for the Russian forces. But it remains doggedly intent on destroying Ukraine as an independent state. While Ukrainian troops scored partial successes between September and November 2023, the fighting is likely to lose momentum once again in the winter of 2023; it remains unclear where exactly the frontline will be at that time.

In the second and third phases of the war, direct contacts between the parties to the conflict remained limited to humanitarian issues and, in particular, prisoner exchanges. These continue to take place, in part facilitated by third countries. However, there is very little common ground between the two warring parties. For example, Ukrainian demands for the return of abducted children have all but fallen on deaf ears in

Russia. Currently, no talks are being held on ending the military confrontation and finding a peace solution. Nor is there any overlap between the position of the Russian aggressor and the victim of the aggression, Ukraine. The two sides are now focused on mobilizing international support for themselves.

### **Russia: Self-declared 'leader of the anti-colonial movement'**

A long-standing belief among the Russian political elite is that the "collective West" is waging a war against Russia. Despite having put up fierce resistance since February 2022, Ukraine is still not seen as an actor in its own right; in Moscow's eyes, it remains an appendage and puppet of Washington. It is because of this view of the neighbouring country that the Putin regime expects Kyiv to be forced sometime soon by the United States to agree to a ceasefire — one that includes ceding territory to Russia. Moscow is playing a waiting game and counting on its ability to exacerbate political crises in the Western democracies. Repeated threats of nuclear escalation are part of this strategy. At the same time, Russian war diplomacy aims at isolating and weakening the West within the international system. Since 2022, it has increasingly turned to the states of the Global South and fallen in with the anti-colonial, anti-interventionist and anti-Western narratives coursing through African, Latin American and Asian society.

The anti-colonial narrative first emerged in Russia's war rhetoric in the summer of 2022. Following the conclusion of the BSGI, Moscow accused the EU states of keeping the bulk of Ukrainian grain for themselves in "typical colonial" fashion, instead of sharing it with African states whose populations are particularly at risk of starvation. During his appearance before the Valdai Club in October 2022, Vladimir Putin suggested that the Western model of globalization was simply the continuation of European colonialism. The deterioration of values in the West, he said, jeopardizes the

foundations of traditional civilizations in Africa, Asia, Latin America (and, indeed, Russia). Putin explained: “We have had very good, traditionally good relations with Africa in general, including with the Republic of South Africa, since Africa’s struggle for independence and against colonialism, as you know. These absolutely unique relations were forged during the years when the Soviet Union and Russia supported African countries in their fight for freedom.”

Foreign Minister Lavrov has undertaken numerous trips since summer 2022 to secure the sympathies of governments in the Global South. From a Russian perspective, international gatherings such as the Shanghai Cooperation Organization summit (4 July 2023), the Russia-Africa Summit in Saint Petersburg (27–28 July 2023) and the summit of the BRICS states in South Africa (22–24 August 2023) demonstrate that the influence of the West is waning and Russia can depend on the support of such major powers as China, India, and Brazil, among others, in the newly emerging multipolarity. Moreover, Russia is seeking to position itself as mediator in the war between Israel and the Palestinian terrorist organization Hamas and has not refrained from claiming that the failed Middle East policy of the US is to blame for that conflict.

However, Moscow has had to suffer various setbacks. For example, while 49 African states attended the Russia-Africa Summit in Sochi in July 2023, only 17 were represented by the head of state or government – in sharp contrast with the 43 presidents and prime ministers who went to the first such meeting in 2019. Russia’s withdrawal from the BSGI just days earlier had a palpable negative impact on the atmosphere at the talks. Meanwhile, the preparations for the BRICS summit in August 2023 were overshadowed by the diplomatic tug-of-war over Putin’s participation. In the end, he decided not to travel to Johannesburg because the South African government felt bound to honour the arrest warrant issued against the Russian president by the International Criminal Court (ICC) on charges of war crimes.

## Ukraine: Internationalization of war diplomacy

In autumn 2022, Ukraine changed its strategy in the diplomatic arena. At the G20 summit in Indonesia on 15 November 2022, President Zelenskiy presented his “peace formula” in 10 points. This second Ukrainian proposal to end the war differs fundamentally from the Istanbul Communiqué of March 2022, which resulted from direct Ukrainian-Russian talks and was designed as a draft treaty between the two warring parties. At that time, Ukraine was under immense military pressure and offered far-reaching concessions.

Unlike the communiqué, the peace formula is addressed not to Russia but to the international community. It is intended to explain Ukraine’s position and put it into the context of relevant global issues (the global food crisis, climate change and environmental degradation, the energy crisis) as well as strengthen international solidarity with Ukraine. Instead of offering compromises, it spells out the conditions which, from a Ukrainian perspective, must be met before a peace treaty can be signed. These include the complete withdrawal of Russian troops from Ukrainian territory, the return of all deportees, the prosecution of war crimes and reparations.

Since the beginning of Russia’s full-scale invasion, Ukraine has been demanding reliable security guarantees. While the Istanbul Communiqué included Russia in the group of possible guarantor states, Kyiv’s willingness to consider this option faded as the war progressed. In September 2022, the Office of the President of Ukraine published a concept for future international security guarantees for Ukraine (Kyiv Security Compact). The document envisages a combination of legally binding bilateral and multilateral treaties involving Ukraine, a core group of Western guarantor states and a broader international support group – one that excludes Russia, which the document labels as aggressor. There is no emphasis on a commitment to mutual assistance, such as that provided in Article 5 of the NATO

Treaty. Instead, the focus is on expanding Ukraine's capabilities to deter and, if necessary, repel future Russian attacks. To this end, according to the Kyiv Security Compact, the guarantor powers should invest massively in Ukraine's defence budget and industry, supply weapons, air defence systems and high technologies, and help train the Ukrainian armed forces.

Zelenskiy's 10-point peace formula has formed the basis of Ukrainian diplomacy since autumn 2022. From Kyiv's perspective, the demand for security guarantees is a logical addition to the peace formula: in the face of Russia's aggression, a ceasefire – let alone a peace treaty – is inconceivable unless Ukraine is able to rely on strong international guarantees for its security. And that would apply even after the liberation of the occupied territories.

Like Russia, Kyiv is focusing its diplomatic efforts on the Global South, especially countries in Africa. Foreign Minister Kuleba has visited the continent three times since Russia began its full-scale invasion. The opening of a new embassy is envisaged in various African capitals. In autumn 2022, Ukraine launched the humanitarian programme "Grain from Ukraine", under which Ukrainian grain is supplied to countries particularly affected by the global food crisis. By June 2023, 170,000 tonnes of Ukrainian grain had been sent to Somalia, Ethiopia, Kenya and Yemen, according to the Ukrainian Foreign Ministry. Among other things, it is this programme that Russia's decision to walk away from the BSGI is aimed at sabotaging. At the Russia-Africa Summit in July 2023, Putin announced that his country would start supplying grain to African states free of charge.

Germany and other Western partners are supporting Kyiv in its diplomatic efforts. On 23 June 2023, the national security advisers of Brazil, Canada, Denmark, the EU, France, Germany, Great Britain, India, Italy, Japan, Saudi Arabia, South Africa, Turkey and the United States met in Copenhagen to discuss Zelenskiy's peace formula. The Danish government had agreed to co-host the gathering with Ukraine (represented by the head

of Office of the President of Ukraine, Andriy Yermak). Kyiv's aim was to launch preparations for the international peace summit envisaged by the peace formula and to involve as many states as possible in this format. The second such meeting took place in Jeddah on 5–6 August 2023 at the invitation of the Saudi Arabian leadership. On this occasion, more than 40 states were represented and China attended for the first time. The participants agreed to continue discussions at the working group level on the individual points of the Ukrainian "peace formula". The third meeting, which took place in Malta on 28–29 October, was attended by representatives of no fewer than 66 states. The Ukrainian leadership has also been promoting the peace formula at the diplomatic missions in Kyiv. According to the Office of the President of Ukraine, more than 70 ambassadors were participating in the process at the last count.

Meanwhile, in the run-up to the NATO summit in Vilnius on 11–12 July 2023, Kyiv made an intensive pitch for NATO accession and security guarantees. The summit declaration reiterated the commitment in principle to admit Ukraine to NATO but omitted any mention of an accession timeline or longer-term security guarantees. For their part, the G7 countries announced on the sidelines of the Vilnius summit that they intend to reach a formal agreement with Kyiv on "security commitments". In early September 2023, Washington and Kyiv became the first to launch talks on this project.

### **International mediation initiatives**

The protracted nature of the war and its global impact have prompted various players to come up with peace initiatives. So far, none of those initiatives has been successful.

*Turkey:* During the first phase of the war, Turkish President Recep Tayyip Erdoğan established himself as the most influential mediator. In 2022 Erdoğan was the only head of state who had stable access to the

political leaderships of both parties to the conflict, but especially to Vladimir Putin. This justified his playing a role in the attempts to negotiate first a ceasefire (between February and May 2022) and then, with the support of the UN, the BSGI (in June-July 2022). But the eventual failure of both these efforts demonstrates the limited possibilities open even to Erdoğan. The proclaimed annexations in September 2022 further diminished the Turkish leader's room for manoeuvre. However, in October 2022 he was able to dissuade Vladimir Putin from terminating the grain deal.

That proved no longer possible in summer 2023. Since the catastrophic earthquake in February 2023, Turkey has faced huge humanitarian and economic challenges. For this reason, following the May 2023 presidential elections, Erdoğan has been seeking to reconnect with the West. In July 2023, in the hope of receiving Western financial aid and investment, he withdrew his veto against Sweden's NATO accession. He allowed officers from Ukraine's Azov Regiment who had been sent to Turkey as part of a Russian-Ukrainian prisoner exchange to return to Ukraine. And he even spoke out in favour of Ukraine's joining NATO. These steps met with anger in Moscow. A meeting between the Russian and Turkish presidents in Sochi on 4 September 2023 did not lead to the revival of the BSGI. Indeed, it is possible that Erdoğan did not insist on such an outcome as Azerbaijan's military operation to recapture Nagorno-Karabakh was imminent. Both Ankara and Baku were counting on Russian restraint over what was going to happen in the exclave – not least the expulsion of the Armenian population.

*China:* On 24 February, Beijing submitted a "position paper", the 12 points of which remained vague. While the text commits to the principle of territorial integrity and rejects the use or threat to use nuclear weapons, the Chinese document is much closer overall to Russia's position than that of Ukraine.

At the end of April 2023, the Chinese government appointed the diplomat Li Hui

as special envoy for the settlement of the war. Li has since visited Moscow, Kyiv and various other European capitals. His attendance at the international meeting in Jeddah in August 2023 was considered by Ukraine and its supporters to be a good sign. But China continues to calibrate its approach very carefully. The diplomatic and security relations between Beijing and Moscow have become extremely close since February 2022. Li Hui's participation in the Jeddah meeting was preceded and followed by other high-level government contacts to avoid giving Moscow the impression of a change of course. And the Chinese diplomat did not attend the Malta peace formula meeting in October.

*African peace initiative:* In mid-June 2023, a delegation of heads of government and other representatives from seven African countries (Egypt, Comoros, Republic of the Congo, Senegal, South Africa, Uganda and Zambia), led by South African President Cyril Ramaphosa, visited Kyiv and Moscow. However, their 10-point peace plan, presented by Ramaphosa in Kyiv, received a lukewarm reception from both warring parties. So far, there has been no follow-up on the African initiative. South Africa and other African states are participating in the process related to the Ukrainian peace formula.

*Brazil and Indonesia:* While further advances have been made in recent months by Brazil's President Lula da Silva and by the Indonesian government, there have been no concrete follow-up activities. At the BRICS meeting in Johannesburg, Lula announced that he would travel to Russia in 2024 for the BRICS summit and hoped to welcome Putin in Brazil thereafter. The ICC, whose statute has been signed by Brazil, would be seriously compromised in such an event.

*Vatican:* In May 2023, Pope Francis appointed Italian Cardinal Matteo Zuppi as "special peace envoy for Ukraine". However, the strained relations with the Russian Orthodox Church cast doubt on the Vatican's ability to exert any influence over Moscow. Moreover, Zuppi's choice of inter-

locutors raises serious questions. For instance, during his visit to Moscow in June 2023, he met with Maria Lvova Belova, Putin's "children's rights commissioner", who has been indicted by the ICC, along with the Russian president, over the mass abduction of Ukrainian children. Further, recent pro-Russian statements by the Pope have heavily damaged the Vatican's reputation in Ukraine.

*Saudi Arabia:* Riyadh is the last player – for now – to appear on the scene of international mediators. While it facilitated a prisoner exchange between Russia and Ukraine back in 2022, its decision to host the meeting in Jeddah in August 2023 on the Ukrainian peace formula is in keeping with foreign policy ambitions of the Saudi leadership, which aspires to the role of geopolitical mediator in the region and beyond. As in the case of other international developments, Riyadh is instrumentalizing the Russian war against Ukraine in a bid to shed its reputation as an oppressive regime that violates human rights. In the run-up to the Jeddah meeting, Saudi Arabia was able to capitalize on its good contacts with both warring parties as well as with China and other important stakeholders in the Global South.

## Conclusion

Russia continues to wage war against Ukraine with the aim of destroying that country. Even though it remains far from achieving its goals, the Putin regime shows no willingness to compromise. Moscow is playing for time: the political leadership still believes that it can militarily exhaust Ukraine and corrode international support for Kyiv.

The apparent aim of this strategy is to freeze the war more or less along the current front line – at least for the time being. The probable Russian calculation is that this would weaken Ukraine both politically and militarily. Russia, meanwhile, could use the pause to regroup while continuing its policy of destabilization vis-à-vis the

neighbouring country, including, if necessary, by restarting the war at some point.

Ukraine, for its part, has developed a new diplomatic strategy since any prospect of bilateral ceasefire talks evaporated during the summer of 2022. The political leadership around President Zelenskiy has succeeded in establishing contact with a growing number of states via the peace formula, thereby gaining more influence over the international debate. Ukraine's diplomacy contrasts with Russian efforts on the international stage. It remains to be seen who will ultimately win this "battle of the narratives". While the goal of Ukraine and its Western partners to isolate Russia as much as possible is important, the war will ultimately be decided by other factors.

Indeed, it will be the course of the war itself that determines whether ceasefire negotiations are likely or possible. Ukraine must be put in a military position that can serve as a favourable starting point for negotiations – in other words, Russia must suffer such massive defeats on the battlefield that the cost-benefit calculation of the Putin regime (or significant parts of the Russian elite) changes. Only then will international mediation efforts gain traction. If Germany and Ukraine's other international partners want to ensure such an outcome, they must resolutely continue and step up their military support for Kyiv.

A favourable starting point for negotiations also entails guaranteeing Ukraine's security beyond the current hot war. Western governments – including the Biden administration in Washington and the German government – are struggling with Kyiv's calls for security guarantees and a clear timeline for Ukraine's accession to NATO. Both issues should be much more closely linked, including in public debates, to a future negotiated settlement. Since 2014 the Putin regime has broken all international treaties and agreements with Ukraine; and for the past 20 months, it has been waging a war with genocidal intent against the neighbouring country. For the people of Ukraine, there can be no trust in any agreement with Moscow. And ceasefire



negotiations will be extremely difficult to kick-start without reliable guarantees for Ukraine's security.

Germany and Ukraine's other partners should continue to support Kyiv in its efforts to isolate Russia internationally. They must tenaciously seek to counter Russian policies and the anti-Western, so-called anti-colonial narratives in the Global South. The issue of food shortages is particularly relevant here. Ukraine should be supported in its efforts to export grain via the Black Sea even after the end of the BSGI. The same applies to the "Grain from Ukraine" programme, to which the Western states could make contributions of their own. Further, formats such as the diplomatic process related to the Ukrainian peace formula could be used to engage with as many international actors as possible about what caused the war, how it can be ended and what can be achieved through Western sanctions.

Ukraine is facing a second winter of war. The Israel-Hamas conflict is currently diverting political attention from support for Ukraine and further escalation in the Middle East could lead to a shortage of Western military resources. Meanwhile, the basic parameters for a settlement to the Russian war against Ukraine remain the same: if ceasefire negotiations that will secure Ukraine's existence as an independent and sovereign state are to get under way at some point, Ukraine must win on the battlefield and Russia must sustain losses to the extent that it is significantly weakened.

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