

UKRAINE PEACE SETTLEMENT INITIATIVE

This is the third contribution in a series addressing a possible peace settlement for Ukraine. The first offered a [narrative overview](#) of some of the issues that arise. The second provided a more [detailed overview of key approaches and likely issues](#). This instalment extends these contributions into the full text of a draft framework agreement.

Any settlement, if ever it comes, will reflect the balance of power on the ground at the time of its conclusion, among other factors. Any proposals offered in this format are bound to be overtaken by developments on the ground. Moreover, while it is possible to anticipate the key, red line issues for the sides, it is still too early to know what alternatives they may be willing to explore in order to overcome the likely deadlock they will face.

As this situation evolves, and as the sides put forward further proposals in the negotiations, it will be possible to update this draft.

For now, this text merely hopes to contribute in two rather modest ways.

First, this venture simply proves that a Framework settlement could be reached in a relatively compact and thus expeditious way. Peace is possible if both sides can agree to reach for it. Second, the draft hopes to offer some ideas that might help overcome otherwise apparently insurmountable issues.

*This text will be accompanied by a whole series of more detailed options papers. These will address the main issues for discussion among the sides in turn, offering a broad range of options in relation to each of them. We will feature these initially in *Opinio Juris*, and then collect them on a dedicated website in the University of Cambridge, along with some other materials that may assist the sides.*

The text is mindful of the fact that Russia is pursuing broader aims relating to NATO and the West, going beyond Ukraine itself. On 17 December of last year, Moscow put forward to the US two draft agreements on security arrangements. A settlement between Ukraine and the Russian Federation will likely need to be supported by broader discussions about security in Europe. In addition, it is likely that the Russian Federation will seek a commitment on the removal of sanctions adopted in response to its armed action. Presumably, a traffic-light scheme for gradual relaxation of economic counter-measures in parallel with implementation of the agreement would need to be negotiated.

Similarly, while Ukraine is offering to contemplate permanent neutrality, this is to be balanced by security guarantees involving a range of third states. Again, any agreement between the sides will need to be supplemented by such guarantees on the part of third states.

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Possible Draft of a Framework Agreement on the Restoration of Peaceful Relations between Ukraine and the Russian Federation, Updated, 31 March 2022

Desirous to bring the armed operations in Ukraine to an immediate end, to preserve lives and to end further destruction, and to lay the ground for a peaceful, common future, Ukraine and the Russian Federation

HAVE AGREED AS FOLLOWS

1. Aims

This Agreement provides the legally binding Framework for the termination of armed operations in Ukraine, for the withdrawal of the armed forces of the Russian Federation from Ukraine according to an agreed time-table, for the permanent neutrality of Ukraine according to firm security guarantees, and for other steps towards future peaceful relations between the Parties and within their wider region.

2. Principles

This Agreement is based on full recognition by its Parties of the following principles:

- territorial integrity and unity of states as enshrined in the UN Charter, the Friendly Relations Declaration 2625 (XXV) of 1970, the 1975 Helsinki Final Act, the Alma Ata Protocol of 1991, the 1994 Budapest Declaration and other applicable standards;
- the prohibition of the threat or use of force as established in Article 2 (4) of the UN Charter, including the prohibition of the acquisition of territory by force;
- commitment to maintain the *de facto* territorial *status quo* as of 20 February 2022;
- the principle of sovereign equality of states, and non-intervention in their sovereign rights, including the right freely to determine their political, economic, social and political system and their foreign policy;
- the principle that the authority to government must be based on the will of the people, freely expressed in genuine and periodic elections, at the local, regional and national levels;
- full respect for human rights and fundamental freedoms and the provisions of humanitarian law;
- the equal treatment of all segments of the state population, including the full range of linguistic and cultural rights and other entitlements of members of non-dominant groups;
- constitutionally-anchored, significant self-government for Luhansk and Donetsk, and for individual localities within both Oblasts, including in particular those featuring a majority of Russian-speakers.

3. Cessation of Violence

- (1) There shall be an immediate cease-fire. All hostile military operations and all forms of armed violence shall cease upon entry into force of this agreement. From that point onwards, all regular and irregular armed forces of both Parties or under their control will conduct themselves in accordance with the *Protocol on Disengagement and Withdrawal* annexed to this Agreement (Annex I). Each Party will issue the appropriate instructions and ensure their rigorous implementation.
- (2) A Mixed Commission shall be established upon entry into force of this Agreement with a view to addressing allegations of cease-fire violations or other infractions of the *Protocol on Disengagement and Withdrawal* (Annex I) and preventing tensions and incidents between the respective armed forces. The Commission will establish local Sub-commissions in all regions of contact between the respective armed forces.
- (3) The Commission and its Sub-commission may be chaired by senior military experts appointed from a list agreed by both sides who are neither Ukrainian nor Russian Federation nationals. Its modalities and procedures are set out in the *Protocol on Disengagement and Withdrawal* (Annex I). If the Parties cannot readily agree on these appointments, they will be made by the OSCE Secretary-General from the list.

4. Withdrawal of Forces

- (1) Subject to Article 4 (3) of this agreement, there shall be a full and complete withdrawal of all armed forces that were not present in Ukraine on 23 February 2022 according to the time-table established in the *Protocol on Disengagement and Withdrawal* annexed to this Agreement (Annex 1).
- (2) The withdrawal shall be front-loaded and, subject to Article 4 (3) of this agreement, completed within a period of four weeks from entry into force of this agreement.
- (3) A transitional group of lightly armed forces of the Russian Federation of a strength of up to 3500 shall remain within the former line of control in Luhansk and Donetsk as it existed on 20 February 2022. They will be completely withdrawn upon entry into force of the *Organic Law on the Special Status*, as provided in Article 9 (4) of this agreement.
- (4) Both sides will cooperate fully in ensuring that the withdrawal of forces can occur safely for all involved, without further loss of life. They will facilitate the delivery of fuel, foodstuffs and other items necessary to implement the Protocol, to the departing forces. To the extent possible, the Government of Ukraine will take steps to avoid public manifestations or other action directed against the departing forces.
- (5) The Parties shall cooperate in the collection and removal of destroyed or abandoned *materiel*, including in particular those items that might pose a threat to public health, such as unexploded ordinance.
- (6) Implementation of Articles 6-11 of this Agreement is dependent on full implementation of this present article, as certified by the OCSE Secretary-General at the end of the withdrawal period.

5. Other Transition Steps

- (1) The sides will facilitate immediate, full and unrestricted humanitarian access to all areas of Ukraine upon entry into force of this Agreement, including medical assistance. This includes unimpeded access for international humanitarian agencies operating with the consent of the government of Ukraine.
- (2) The Russian Federation shall ensure the safe handover of nuclear facilities under its control to the Ukrainian authorities. The IAEA shall be invited to support this process if deemed helpful or necessary by the government of Ukraine.
- (3) The sides will rapidly exchange information on prisoners of war and other detainees and repatriate them within no more than two weeks from entry into force of this Agreement. They will urgently collaborate in relation to resolving the fate of missing persons and will also cooperate in addressing the issue of recording the location, and arranging the transfer or dignified burial, as the respective side may wish, of the remains of the fallen.
- (4) The sides will facilitate the voluntary and safe return of the displaced and refugees who wish it to their homes and property. Relevant international agencies may support this process and help ensure confidence on the part of returning populations.
- (5) Special steps shall be taken to support and protect the vulnerable, including children, families, women and men at special risk, the disabled and the elderly. Protection of, and support for, victims of sexual violence during the conflict shall be accorded a high priority.

6. Friendly Relations

- (1) In accordance with the purposes and principles of the United Nations Charter, the Parties permanently and definitively renounce the threat or use of force in their mutual relations for any reason whatever. They will settle any disputes they may have amicably, in accordance with Articles 2 (3) and 33 of the UN Charter.
- (2) Through the rigorous implementation of this agreement, and further steps to be agreed over time, the sides will actively and determinedly work towards the resumption of cordial and friendly relations between them.
- (3) The Parties confirm their commitment to the *de facto* territorial *status quo* as of 20 February 2022. Without prejudice to its position *de jure*, Ukraine will not actively challenge the *status quo* as it relates to Crimea.
- (4) Ukraine and the Russian Federation will conduct an intensified dialogue with international facilitation on issues concerning voluntary returns, human and minority rights, compensation and other matters concerning Crimea.
- (5) The sides undertake to come to a common position on the status of that territory by 1 May 2032, without prejudice to their *de jure* positions relative to Crimea up to that point. This common position shall be established by mutual consent, taking into account the freely expressed wishes of the population of Ukrainian nationality in the territory as of 1 February 2014 and their descendants. The assessment of the freely expressed wishes of the local population shall be undertaken no later than 1 May 2031 by the OSCE and certified by the OSCE Secretary-General.

- (6) Ukraine will not seek to obtain EU membership before 1 March 2032, but will continue to pursue association, stabilization and, if offered, the accessions process with a view to membership at that point.
- (7) The Russian Federation will not inhibit, or interfere with, free access of any shipping to Ukraine for any vessels of any flag.

7. Neutrality and Security Guarantees

- (1) Ukraine freely declares that it will opt for a status of permanent neutrality, to be established in its constitution within six months of the entry into force of this agreement. Consistent with the status of permanent neutrality, Ukraine will not enter into any alliances, East or West, it will not participate in military operations mounted by other states, nor will it permit the stationing of foreign armed forces on its territory, or the use of its territory for military operations of other states.
- (2) Joint military exercises with other states shall not be conducted on the territory of Ukraine, unless specifically agreed by the sides. Ukrainian armed forces are entitled to train along with others abroad. Ukrainian armed forces are entitled to continue participation in international peace operations mandated by the UN and other collective security (but not collective self-defence) organizations.
- (3) The territorial integrity of Ukraine as a permanently neutral state shall be internationally guaranteed. The following states have indicated their consent to offer this guarantee [xxxxxxx], as they have signified by witnessing this agreement.
- (4) Should Ukraine be subjected to an armed attack by any state, the guarantor states noted in paragraph 7 (3) shall immediately consult and determine, within no more than three days from the commencement of that attack, what counter-measures they will take. At a minimum, they commit to the automatic re-imposition of sanctions against the state mounting the armed attack, as were in place on 1 April 2022 in relation to the Russian Federation. In addition to imposing such measures individually, they will seek their adoption by or within the collective organizations and arrangements of which they are a part.

[Alternative: When endorsing this settlement, the UN Security Council shall be invited to adopt, under Chapter VII of its charter, a resolution on Security Guarantees. The resolution will impose comprehensive, universal sanctions against any state found to have launched an armed attack against Ukraine after the adoption of that resolution. Application of that resolution will however be suspended until the Security Council determines in a procedural vote that an armed attack against Ukraine has occurred, and which state is the author of that armed attack. The sides, and the guarantor states to this agreement, undertake to support adoption of such a resolution by the Security Council.]

- (5) *[[Possible additional provision in line with a proposal from the Ukrainian side: If the armed attack has not ceased within a period of a further three days, the guarantor states will, individually or collectively, to the extent requested by Ukraine, impose and enforce a no-fly zone in relation to any non-Ukrainian fixed- or rotary wing aircraft in Ukrainian airspace until such time as the armed attack has ceased and its consequences have been reversed or until the UN Security*

Council has taken the measures necessary for the restoration of international peace and security.]]

8. Arms Limitations

- (1) In accordance with the obligation of a permanently neutral state to ensure the defence of its territory, Ukraine remains entitled to seek and receive assistance in providing for its national defence, for instance in relation to acquisition of armaments and training for their use. However, no more than 55 foreign military personnel shall be engaged in such training missions on its territory at any one time.
- (2) Ukraine will not acquire missiles or cruise missiles of a range above 350 km.
- (3) Ukraine and the Russian Federation will not deploy heavy weapons within 30 km of their line of territorial separation, once Article 4 of this Agreement has been implemented. Ukraine will not deploy heavy weapons within 20 miles of the internal Oblast boundaries of Luhansk and Donetsk, and none within those boundaries.
- (4) The Russian Federation will not maintain heavy weapons within Luhansk and Donetsk while its transitional force is present in parts of those territories in accordance with Article 4 (3) of this Agreement.
- (5) Ukraine confirms its continued full cooperation with the IAEA inspection and nuclear weapons non-proliferation regime. Ukraine reiterates that it will never acquire nuclear, biological or chemical weapons and invites OPCW and an ad hoc international biological weapons inspection team to support verification.
- (6) The IAEA, the OPCW will be requested to offer their service and support in verifying these commitments by establishing dedicated inspection teams for Ukraine. In addition, the sides shall agree the membership of an *ad hoc* international biological weapons inspection team consisting of five international experts. At least two of the members shall be women.
- (7) The IAEA, OPCW and *ad hoc* teams shall be invited to conduct on-site visits in Ukraine with full access to any personnel and facilities they may nominate, with a view to providing a report on allegations of nuclear, chemical or biological weapons programmes or activities in Ukraine. That report shall be completed within nine months of the entry into force of this agreement and communicated to the sides.
- (8) Thereafter, the Russian Federation is entitled to request rapid challenge inspections in relation to suspected nuclear, biological or chemical weapons activities. Such a request shall include any evidence substantiating the allegations. Depending on the nature of the allegations, the IAEA, OPCW or ad hoc international biological weapons inspection team, shall mount a challenge inspection within two weeks of receipt of the request and report initial findings within a further two weeks.

9. Luhansk and Donetsk

[[Note: *This provision can be framed either to apply to the whole of Luhansk and Donetsk Oblasts or, in the alternative, merely to address the local districts within both Oblasts that were beyond the control of the government of Ukraine as of 20 February 2022.*

In the former case, both Oblasts would gain additional powers of self-governance. However, in addition, special arrangements providing for further enhanced local self-government for each district (either mainly Ukrainian- or mainly Russian-speaking) within the two oblasts would be made. In addition, there would be power-sharing arrangements, ensuring that the mainly Ukrainian-speaking and the mainly Russian-speaking population elements, along with others, would be equally represented in governing the respective Oblast as a whole.

In the alternative case, a special status could be arranged just for those parts of both Oblasts that were beyond the control of the government of Ukraine as of 20 February 2022. This would include enhanced powers of local self-government for the relevant local districts and potentially the establishment of a combined identity for them as defined regions within Luhansk and Donetsk Oblasts respectively.

The provision proposed below assumes for now that a special status will be provided for the two Oblasts as a whole. If the negotiations take a different direction, the alternative will be provided.

A fuller exposition of both options will be provided in the Options paper on Arrangements for Luhansk and Donetsk that will be offered by this project in due course. That paper will also address further alternatives, including the suggestion that both Oblasts should obtain a still more independent status.]

- (1) Luhansk and Donetsk Oblasts will receive a special status as autonomous entities within Ukraine. That status will provide for extensive powers of self-governance within the sovereign jurisdiction of Ukraine without disturbing the otherwise unitary character of the state (asymmetrical autonomy).
- (2) Luhansk and Donetsk will be governed according to an *Organic Law* on their Special Status of constitutional standing, providing for the full set of institutions of self-governance and meaningful competences to be exercised by these institutions within the framework of the constitution of Ukraine and the human and minority rights that apply under the constitution and international law.
- (3) The *Organic Law* shall provide for gender balance in all the institutions established through it.
- (4) The drafting of the *Organic Law on the Special Status of Luhansk and Donetsk* shall be completed within six months from the entry into force of this agreement and shall be brought into force within a further six months. This may include a constitutional amendment if required to enact the *Organic Law*.
- (5) The authority of the institutions of Luhansk and Donetsk will extend throughout the full territory of both entities. The *Organic Law on the Special Status of Luhansk and Donetsk* will ensure that the linguistic and ethnic communities within both entities will be fairly represented in the institutions of governance according to the principles on genuine democracy, power-sharing and rule of law outlined in Annex III.
- (6) Equal rights and opportunities for members of the Ukrainian-speaking and the Russian-speaking communities will be guaranteed, as will be the rights of all other

communities in Luhansk and Donetsk, as throughout Ukraine. In local units of self-government where members of the one group are in a position of numerical dominance, special provision shall be made for the rights of the members of the non-dominant group.

- (7) There will be significantly enhanced powers of local self-government at municipal level within Luhansk and Donetsk, to be established in Ukrainian law. Units of local self-government may exercise their powers in cooperation with one another if they so choose, subject to compliance with the *Organic Law on the Special Status*.
- (8) As provided in Annex III, the drafting process of the Organic Law on the Special Status of Luhansk and Donetsk shall be conducted by a Drafting Commission, consisting of five representatives of the government of Ukraine and five representatives each of the two principal language groups from Luhansk and Donetsk, and two others. At least half of the members of the Commission shall be women.
- (9) The process will be supported by a group of five international experts nominated by the OSCE High Commissioner on National Minorities, at least two of which shall be women. The experts will offer an initial draft implementing the provisions of Annex III as a basis for discussion.
- (10) There will be broad popular consultation on the draft among the population segments in Luhansk and Donetsk in their full diversity.
- (11) If, after three months of discussion, the Commission is unable to adopt a draft *Organic Law* with the support of 3/4th of its members, the members of the international expert group shall be entitled to participate in the vote.
- (12) A joint police and security force composed principally of members of the local population and equitably representing linguistic or ethnic population groups shall be established before the withdrawal of the transitional group according to Article 4 (3) to ensure security and good order in both entities. Through this agreement Ukraine invites the OSCE to assist with training and the establishment of this force.
- (13) Through this agreement, a permanent OSCE Monitoring, Good Offices and Reconciliation Mission for Luhansk and Donbas is invited. The Mission will be headed by a Special Representative of the Secretary-General of the OSCE, assisted by two Deputy Representatives. Each of the Parties to this Agreement will nominate one Deputy Representative. The nominees must not have been associated with the recent armed operation.
- (14) Save for extraordinary circumstances to be defined in *the Organic Law on the Special Status of Luhansk and Donetsk*, Ukraine shall not introduce its armed forces into the territories. However, with the cooperation of the authorities in both entities, it may maintain elements of its national civil protection force at a strength of less than 800 in each of the two Oblasts.
- (15) Ukrainian national authorities shall operate freely in both entities in the exercise of their competences, offering national state services within their competences. Maintaining the external border and customs services is part of that national competence.
- (16) The local authorities within, and the authorities of, Luhansk and Donetsk, may establish special cultural and economic links with units of local government across the border to the Russian Federation.

- (17) Customs and duties for imports from the Russian Federation into or through Luhansk and Donetsk shall comply with most favoured nation status as it applies throughout Ukraine.
- (18) Luhansk and Donetsk are entitled to an equitable share of fiscal and other revenue from the national government on par with other comparable regions and as is needed to exercise their enhanced competences. In accordance with Annex III, they may also raise additional funds through local taxes and may receive foreign direct investment and development aid.
- (19) Disputes about competences of the authorities in Luhansk and Donetsk, or their exercise, shall be settled by application to the Constitutional Court of Ukraine, which shall give full effect to self-governance according to the *Special Organic Law* for the two entities.

10. New European Security Order

- (1) Both sides will actively contribute to the development of a New European Security Order, based on the United Nations Charter, the 1970 UN Declaration on Friendly Relations 2625 (XXV), the Helsinki Final Act of 1975, and the 1999 Charter for European Security and subsequent declarations adopted by the CSCE/OSCE.
- (2) Ukraine and the Russian Federation invite the concerned states to negotiate mutual balanced reductions of their forces as affects their common region. This should result in a balanced presence of forces as may be necessary to assure the security of all, including limitations of numbers of forces and types of weapons.
- (3) The sides encourage the states concerned to address the situation that has arisen in Europe in the context of the termination of the INF Treaty. Renewed mutual restraint on deployments, verifiable limitations on relevant nuclear capable delivery vehicles and warheads, transparency and confidence building should be discussed by them.
- (4) Ukraine and the Russian Federation will encourage the revitalization of the OSCE as a mechanism to enhance stability, transparency and confidence in Europe, and in particular in their region. They will support the conduct of an urgent review addressing ways and means of streamlining the OSCE structures and making them a more effective building block of the New European Security Order.
- (5) Ukraine and the Russian Federation will encourage the adoption by the concerned states within two years of entry force of this Agreement of a *Protocol on Confidence Building and the Prevention of Incidents*, including arrangements on limitation in numbers and weaponry in military manoeuvres in their region, notification and observation procedures for such manoeuvres, avoidance of aerial intrusions or provocations and related incidents, etc.
- (6) In this context, the Parties acknowledge the need to provide effective safeguards and assurances for the security of other regional states, such as Moldova and Georgia.

11. Other Arrangements

- (1) Ukraine will review provision for language and cultural rights, and for full and effective equality for Russian-speakers, throughout its territory. It will enhance

- provisions for linguistic, cultural and other communities in line with best practices according to the European Framework Convention for the Protection of National Minorities and The European Charter for Regional and Minority Languages. These arrangements will be reviewed by the Council of Europe Venice Commission. Ukraine will implement recommendations that may be made by the Commission.
- (2) Ukraine will collaborate with the Secretary-General of the United Nations in calling for a major international pledging conference in support of humanitarian needs, the voluntary return of refugees and the displaced, reconstruction and rehabilitation, etc.
 - (3) Luhansk and Donetsk will equitably share in any international support that may be obtained, taking due account of any disproportionate damage that may have occurred in both entities during the present confrontation, and the lack of governmental support in parts of the entities, since 2014.
 - (4) The Russian Federation will make a very significant initial contribution to a new Joint Fund to be established by the sides, to assist in recovery and to foster reconciliation, cultural understanding and cooperation, and will make further significant annual contributions until the conclusion of the first review period of this Agreement.
 - (5) The Joint Fund, may also attract additional contributions from other governments and institutions. It will also provide an assistance and lump sum compensation scheme for individuals and companies directly affected by injury, death or damage in consequence of the conflict. It will operate unbureaucratically and rapidly.
 - (6) Such governments or institutions as have adopted economic measures in relation to the conflict are invited by both sides to consult with one another and issue a consolidated, firm plan on reversing these steps in synchronicity with the successful implementation of this agreement.

12. Entry into Force, Implementation and Duration

- (1) This agreement enters into force immediately upon signature by the two sides.
- (2) The guarantor states shall signify their consent to be bound by the provisions of Article 7 (3) (4) [(5)] by witnessing signature.
- (3) Signature shall also be witnessed by the Chair-in-Office of the OSCE. This shall signify the willingness of the OSCE to support implementation of this Agreement as provided above.
- (4) The obligations contained in Articles 4 and 5 will be implemented immediately. The other provisions become operative once the withdrawal of armed forces has been completed as provided in Article 4 (2).
- (5) The Russian Federation will ensure compliance by the authorities in Luhansk and Donetsk and will remove any legal barriers that might conflict with the arrangements provided for both entities in this Agreement.
- (6) The government of Ukraine will campaign for endorsement of this agreement through a referendum and undertakes to use its utmost endeavours to achieve the necessary constitutional amendment to implement Article 7 (1) and other

legislative changes that may be required for implementation within the agreed time-frame.

- (7) The OSCE Secretary-General shall serve as final authority to interpret should disputes about interpretation or application of this Agreement arise.
- (8) Other states or organizations may be invited to issue a declaration associating themselves with this Agreement, especially in relation to the aim of establishing a New European Security Order noted in Article 10 of this Agreement and other arrangements requiring international cooperation.
- (9) The agreement is equally authentic in its Russian, Ukrainian and English language versions.
- (10) The agreement shall be registered with the Secretariat of the United Nations.
- (11) The Annexes to this Agreement are an integral part of this agreement. The sides and the guarantor states may declare that the firm plan on the lifting of sanctions noted in Article 11 (6) of the agreement forms part of the context of this agreement to the extent that their own role in relation to the lifting of such economic measures is concerned.
- (12) At the conclusion of a period of 12 years from entry into force of this agreement, the parties shall conduct a joint review of its terms. If they agree modifications, the modified agreement shall apply for one further period of 12 years. If no amendments are agreed, the agreement shall auto-extend its duration for one further period of 12 years.

Annexes

- I. Protocol on Disengagement and Withdrawal
- II. Draft for a Security Council Resolution on Security Guarantees to be sponsored jointly by Ukraine and the Russian Federation
- III. Key Elements for an Organic Law on the Special Status of Luhansk and Donbas