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THE UNITED NATIONS AND THE UKRAINE WAR: THE LIMITS OF INTERNATIONAL CONFLICT RESOLUTION

Abstract: *The role of the United Nations in conflict resolution of Russia's invasion of Ukraine has been very limited, causing many people, both in Ukraine and beyond, to ask 'where is the UN?' It is no secret that the UN has not shown a broad willingness to prevent conflicts around the world. Practice has shown that the UN is more involved in post-conflict situations. UN achievements over the Ukraine war were tactical in nature, focusing on humanitarian aid and on the Black Sea Grain Initiative. Without drawing lessons from conflicts around the world in order to act quickly and efficiently, the conflict in Ukraine can last for years, but conflicts of a similar nature can also develop without the UN having a developed system for preventing them. The conflict in Ukraine is complex in itself because the initiator of that conflict is Russia, a member of the Security Council. This is exactly the kind of situation that requires greater commitment from the UN Secretary General, who would have to be a generator of various peace initiatives and conferences aimed at protecting sovereignty and stopping aggression.*

Keywords: *United Nations, Russia, Ukraine War, conflict resolution, Black Sea grain initiative, international peace conference*

1. Introduction - The United Nations and the Ukraine War

Russia's invasion of Ukraine in February 2022 fundamentally altered the security architecture in Europe, which has been stably maintained for three decades since the end of the Cold War. Russia's attack caught the international community by surprise, and the political leaderships of many countries, both in Europe and beyond, struggled to adapt to the new situation and the new threats arising from the Russian invasion. Although the buildup of Russian forces along the

Ukrainian border was not a secret, and was followed monitored by many Western intelligence services, many experts believed and preached right up to the moment of invasion that the Russians would never attack Ukraine. The West was caught by surprise despite Russia not hiding its intentions against Ukraine.

As Russian forces marched into Ukraine through heavy fighting and deadly attacks against civilian population and infrastructure, many countries turned to the United Nations to act in stopping the fighting. Hopes were pinned on the United Nations to initiate some forms of effective mediation in this conflict which would bring a ceasefire, or at least an alleviation of civilian suffering and destruction. However, a year into the war, the United Nations did not achieve any substantial goal in ending this deadly conflict. UN achievements over the Ukraine war were tactical in nature, focusing on humanitarian aid and on the Black Sea Grain Initiative (discussed later in this article). Although UN actions were not insignificant, they came as a disappointment to many who believed that the UN would play a much stronger conflict resolution role in the post-Cold War world.

The Ukraine war caught the United Nations at a difficult junction in its history. The Corona pandemic crisis, which peaked in the years 2020-2022, was inadequately addressed by the UN and was mainly dealt with on a national level, as each country struggled to implement its own policies and support its population by preventing the spread of the disease. UN failed to provide global leadership in the Corona crisis, despite early efforts by the World Health Organisation (WHO), and was quickly perceived irrelevant in this massive worldwide crisis. The Corona crisis severely damage the international standing of the United Nations and made it seem almost irrelevant for dealing with the most extreme crises of our times.

This article examines the involvement of the UN and its central organs in mediation efforts over the Ukraine war and explores policy options available to the UN and its leadership in trying to moderate, or bring an end to, the fighting. It analyses the advantages and limitations of UN conflict resolution. The purpose of this article is to stimulate analysis and debate over the roles and activities of the UN not only in relation to the Ukraine war but also potential future interstate conflicts elsewhere. Such analysis and debate are essential for a better understanding of the UN's role in the new global security architecture brought about by the Russian aggression.

2. UN Activities relating to the Ukraine War

As soon as Russia invaded Ukraine, on 24 February 2022, the war became a major issue for the UN and its main institutions. The General Assembly debated the war on numerous occasions, with a large majority supporting resolutions calling on Russia to stop the fighting and withdraw to the pre 24-February borders. However, while General Assembly resolutions often echo international opinion, it is the Security Council which serves as the central organ for UN conflict resolution efforts.

The Security Council

The Security Council is the main decision-making body of the UN in issues of international security. Traditionally, the Security Council (SC) suffers from the inherent problem of veto. Each of the five permanent members of the Security Council – The US, Russia, Britain, France and China - has the right to veto its decisions. During the Cold War, the Soviet Union and the United States frequently vetoed resolutions which criticized one side or the other in this bipolar conflict. Russian insistence on the legitimacy of its invasion of Ukraine almost nullified the value of Security Council deliberations over the war, since the Russians used their right of veto to stop resolutions criticizing them over their attack.

On 25 February 2022, one day after the outbreak of war, Russia vetoed a Security Council resolution which would have demanded of Russia to immediately stop its attack on Ukraine and withdraw all its troops back to the international border. Eleven of the council's fifteen members voted in favor of the resolution, but the Russian veto nullified this early effort at stopping the war. Following the Russian veto, Secretary-General Guterres stated that the United Nations had not achieved its principal objective of ending the war but will continue its efforts to need a dialogue and peace (UN, 2022A).

Frustrations over the inability of the Security Council to reach a binding resolution of the Ukraine war because of Russia's veto right were expressed at the UN General Assembly. On 26 April 2022, the General Assembly adopted a resolution calling on the five permanent members of the Security Council to justify the use of the veto (GA Resolution 76/262). In polished diplomatic language, Ambassador Wenaweser of Lichtenstein, who introduced the draft resolution, explained that the Security Council has found it "*increasingly difficult*" to carry out its work according to the UN Charter mandate "*of which the increase in the use of the veto is the*

most obvious expression” (UN, 2022C). This resolution means that the use of a veto by one of the permanent members of the Security Council will trigger a General Assembly meeting, where all UN member states may scrutinize and comment on the veto. While still a long way away from actually abolishing the right of veto in the Security Council, this resolution does go some way towards making the use of veto the subject of an automatic debate not only within the narrow boundaries of the Security Council but in the General Assembly as well.

On 30 September 22, Russia vetoed a Security Council resolution which would have defined Russia’s attempts to annex four regions of Ukraine in a formal ceremony in Moscow as a threat to international peace and security, and call for the immediate reversing of that decision (UN, 2022B). This resolution would have called to all states, international organizations and agencies not to recognize the Russian annexation and called on Russia to “immediately, completely and unconditionally withdraw all its military forces” from the territory of Ukraine. This draft resolution was supported by 10 of the 15 members of the Security Council, but again, the Russian veto nullified any impact it may have had. Debate on this resolution was followed on the same day by a discussion on the explosions at the Nord Stream pipeline, assumed to be an act of sabotage which until today has not been fully explained. This was a further escalation in the energy crisis aspects of the Ukraine war.

Over a year of war and despite numerous debates, the Security Council has been constantly blocked by Russia’s right of veto from becoming an effective tool of conflict resolution in the Ukraine crisis. In fact, the performance of the Security Council of the Ukraine is similar to the ‘coldest’ period of the Cold War, in the 1960s and 1970s, in which the Council almost invariably failed to reach binding resolutions on key issues acceptable to both sides of the bipolar conflict.

3. The Black Sea Grain Initiative

Ukraine has often been described as the ‘grain producer of Europe’. Before the war, it was the world’s seventh largest producer of wheat, much of it exported, amounting to almost 6% of all food calories traded in the international market (Garcia Mendoza, 2022). Many countries, especially in the developing world, are dependent on Ukrainian grain for much of their basic food consumption, while Ukraine itself is dependent on income derived from these exports.

The outbreak of the war severely disrupted Ukrainian exports of grain. Over the first four months of the war, Russian navy warships were blocking Ukrainian ports in the Black sea. Naval mining has also been a problem and a very increased risk for commercial shipping in and out of Ukraine (Saul, 2022). The disruption of grain exports affected global food markets, causing instability in the price of grain and of related products. While grain was still being harvested in most areas of western and central Ukraine, those harvests were piling up due to the lack of maritime transport, risking the loss of huge amounts of grain and causing shortages in other countries, especially in Africa.

Through intensive diplomatic and commercial negotiations, the United Nations together with Turkey were able to broker an agreement between Ukraine and Russia which enabled grain exports to be resumed from Ukrainian ports unhindered. In April 2022, UN Secretary General Guterres met separately with Ukrainian President Zelenski and Russian President Putin to propose the plan, which would enable exports of grain and fertilizer from three key Ukrainian ports: Odesa, Chornomorsk and Yuzhny/Pivdennyi. The agreement, which became known as the 'Black Sea Grain Initiative', was signed in Istanbul on 22 July 2022. It was initially set for a period of 120 days, but has been extended on 17 November 2022 and is now in the process of being extended again.

The Black Sea Grain Initiative established a joint coordination center, located in Turkey and with the UN serving as its initial secretariat, to monitor, coordinate and oversee the implementation of the agreement. The Initiative agreement enabled resumption of Ukrainian grain exports on a very wide scale. Mines were removed, sea lanes for commercial shipping clearly defined, and navigational aids deployed to ensure the safety of ships entering and leaving the agreed harbors. By February 2023, over 700 ships safely left Ukrainian ports carrying over 20 million tons of grains and food products. Grain reached many countries in Africa just about when local stocks were running low. Income derived from these exports helped the Ukrainian economy and kept Ukrainian energy supplies going despite severe war damage.

The Black Sea Grain Initiative is an example of UN conflict management mediation at its best. Although the Initiative agreement did not impact the fighting on the fronts, it averted much of the potential immediate international repercussions of the war by alleviating the global shortage of grain and stabilizing prices. This difficult diplomatic effort, headed by Secretary General

Guterres, not only created a measure of goodwill, albeit limited, between the warring parties, but also went some way to retrieve the UN's standing in the region. It shows the UN's strong potential in practical conflict management, but falls short of conflict resolution.

4. UN Options for Peacemaking

For mediating in the Ukraine war, the UN can make use of two powerful multinational instruments – shuttle diplomacy and an international peace conference. Both instruments have been used, with considerable success, in the past. They are an accepted, and acceptable, part of multinational diplomacy, not without risk, but with considerable potential for creating a positive impact, in the short or long term, on the war and on the relations between the warring parties.

Secretary General Shuttle Diplomacy

One policy option open to the UN was initiating a shuttle diplomacy mission conducted by the Secretary-General, or another senior and respected official in the international scene acting on behalf of the SG. Such shuttle missions have been used in the past in attempts to broker ceasefires at various conflicts, especially situations where there was lack of direct communications and deep distrust between the combating sides.

Shuttle diplomacy is often defined as “the use of a third party to convey information back and forth between the parties, serving as a reliable means of communication less susceptible to the grandstanding of face-to-face or media-based communication” (Collins & Packer, 2006). It is a form of diplomatic initiative in which a mediator, acceptable to both sides, physically shuttles from one capital to the other presenting suggestions, conducting discussions and negotiations, and enabling the transfer of messages between the combating sides in a discreet and effective way in an effort to find common ground. Shuttle diplomacy is often also called ‘mediated communication’, with its emphasis on presenting to each combatant the other side’s suggestions and points of view, in a situation where direct communications are impossible or counter-productive.

An early example of shuttle diplomacy were the activities of US Secretary of State Henry Kissinger in the aftermath of the October 1973 Yom Kippur war in the Middle East. These diplomatic shuttle efforts involved mediating between Israel and Egypt, which had no diplomatic

relations or bilateral communication. Kissinger shuttled between Jerusalem, Cairo, Amman and Washington, bringing and presenting proposals, facilitating discussions and searching for some elements of agreement. The aims of his mission were not only to bring about a lasting ceasefire between Egypt and Israel but also to ensure that this regional conflict did not expand to a global bipolar conflict. Kissinger's shuttle missions became the classic example of shuttle diplomacy and did much to dissipate the tensions between Israel and Egypt. These shuttle missions went a long way towards achieving lasting ceasefire on these volatile borders in the Middle East and contributed directly to the signing of the Israeli-Egyptian Peace Accords, signed five years later. Other examples of shuttle diplomacy include the efforts by US Secretary of State Alexander Haig to mediate between the UK and Argentina during the Falklands war of 1982, and the efforts of the Secretary-General's Special Envoy Lakhdar Brahimi in Afghanistan in the late 1990s.

A major asset for the United Nations Secretary General in shuttle diplomacy efforts is his perceived impartiality and strong moral standing. While the ability of the Secretary General to reward or punish states transgressing international law norms is very limited indeed, he is perceived to represent the international community at its highest level. His authority stems from the United Nations Charter and the ideals and morals it shrines in the international arena. As one of the earliest UN Secretary Generals, Dag Hammarskjöld, stated in 1956 in response to the invasion of France and Britain at the Suez Canal, "*The principles of the Charter are, by far, greater than the organisation in which they are embodied, and the aims which they are to safeguard are holy than the policies of any single nation or people. As a servant of the organisation, the Secretary-General has the duty to maintain his usefulness by avoiding public stands on conflict between member nations... until such an action might help to resolve the conflict*" (Collins & Packer, 2006). One of the risks of United Nations shuttle diplomacy is the potential loss of that impartiality, which could damage the standing of the entire organisation. Therefore, UN shuttle diplomacy must be conducted very delicately, openly and with the full acceptance of all sides of the conflict to such an effort. UN shuttle diplomacy is not based on threats, too often used in international crisis management, but rather on morals and international norms. It is sometimes less effective when the intensity of the conflict and the transgressions made against international norms create an atmosphere of intense hatred, which invariably decreases in practical sense the commitments to adherence of international norms.

Shuttle diplomacy as a conflict resolution diplomatic tool was tried, albeit to a limited extent, by the United Nations over the Ukraine war. At the end of April 2022, UN Secretary-General Antonio Guterres travelled to Russia and Ukraine, meeting with Presidents Putin and Zelensky, respectively, in an attempt to achieve ceasefire. During his trip in Ukraine, the Secretary-General visited sites of suspected war crimes in the suburbs of Kiev. Mr. Guterres urged Russia to cooperate with ongoing investigations launched by the International Criminal Court (ICC). Visibly affected by the sites of urban destruction and human suffering, the Secretary-General stated that “war is an absurdity in the 21st-century. War is evil”. However, this short mission was unsuccessful in creating any basis for negotiations between Russia and Ukraine over ceasefire and had no marked impact on the fighting in Ukraine.

Following the failed April shuttle attempt, the UN seems to have abandoned shuttle diplomacy as a possible tool in the Ukraine conflict. Instead, the Secretary-General appointed Amin Awad, head of the UN Refugee Agency, as ‘UN Crisis Coordinator for Ukraine’. This appointment signaled a move by the United Nations from trying to actively mediate between the conflicting sides to limiting its main responses to the humanitarian aspects of this war. Downscaling the level of UN involvement in mediation efforts, from the Secretary-General himself to the head of the humanitarian agency, may have come about due to frustration over UN inability to bring the conflicting sides to one table or from the realization that Russia’s leadership was determined to avoid any form of international negotiations until it achieved some of its aims in the battlefield.

In August 2022, Secretary-General Guterres again visited Ukraine. However, this visit did not have the character of shuttle diplomacy and had more to do with the grain exports initiative. From Ukraine, Guterres travelled to Turkey to visit the Joint Coordinating Center which would support the implementation of the Black Sea Grain Initiative. The success of the Black Sea Initiative went some way towards reaffirming a role for the UN in the Ukraine conflict and dovetailed with other UN efforts to relieve hunger and food crises, in Ukraine but also efforts in Africa which relied on Ukrainian grain.

International Peacemaking Conference

Another possible UN conflict resolution instrument which was hitherto not tried in the Ukraine conflict is that of an international peace conference. The mechanism of an international peace

conference is at least two hundred years old and often used to find political solutions during or after interstate conflicts. Its origins may be found at the 1814 Congress of Vienna, a series of international diplomatic meetings convened to agree upon a new political and constitutional order in Europe following the defeat of Napoleon Bonaparte's French Empire (Vick, 2014). The 1899 and 1907 international peace conferences at The Hague in the Netherlands resulted in a series of multilateral treaties known as 'The Hague Conventions' on the laws of war and war crimes.

A century after the Congress of Vienna, delegations from all over the world assembled in Paris for the 1919 Versailles Peace Conference, convened to establish the terms of peace after the First World War. The agreements and understandings reached in Versailles created monumental changes in Europe's political map and social order (Neiberg, 2017). The conference was characterized by tough and complex negotiations, leading to some difficult compromises. The Versailles Conference was successful in finding workable solutions for many of the political problems it sought to address, though some experts argue that the shortcomings of some of the political compromises reached in Versailles planted the seeds for the Second World War, twenty years later (Boemeke et.al., 1998).

In 1954, an international peace conference convened in Geneva settle issues relating to the Korean war and the situation in Indochina, leading to the formation of North and South Vietnam, Cambodia and Laos. The 1991 Madrid Conference is another example of an international peace conference, one in which the sides were quite reluctant to attend. In fact, Israeli Prime Minister Yitzhak Shamir almost had to be forced by US pressure to attend the conference, in which for the first time Israeli and Palestinian representatives sat together to discuss the future status of the Palestinian people. Over three days, Israeli, Syrian, Lebanese and Jordanian-Palestinian delegations, together with those from the United States and Russia, debated in Madrid the future of the Middle East. Although the immediate results of the conference did not seem promising, within three years of the Madrid Conference Israel signed the Oslo Accords and the Palestinian Authority was born (Podeh 2015).

No international peace conference has been convened to mediate peace in Ukraine. There were several early rounds of regional peace talks in an attempt to reach a ceasefire or an armistice, but those ended without success. The first round of talks was conducted in Belarus on 28 February

2022, but ended without agreement. The second round of talks took place in early March 2022, and the third round in Istanbul on 10 and 14 March 2022, but the two sides were unable to reach common ground. Since then, diplomatic efforts were haphazard while both sides attempted to gain advantages in the battlefield.

5. Conclusions

On 23 February 2023, the United Nations General Assembly discussed the war in Ukraine, now entering its second year. 141 UN member states voted in favor of a General Assembly resolution calling for Russia to withdraw its troops from Ukraine, while only seven UN member states opposed this resolution. Following the General Assembly vote, UN Secretary General Antonio Guterres spoke to the World: “...*End the hostilities in Ukraine – now. Silence the guns – now...We don’t have a moment to lose... I will continue to do everything in my power to contribute to an immediate cessation of hostilities and urgent negotiations for peace.* However, the role of the United Nations in conflict resolution of Russia’s invasion of Ukraine has been very limited, causing many people, both in Ukraine and beyond, to ask ‘where is the UN?’.

Without an effective and firm international mediation effort the Ukraine war could last another five or even ten years. Recent history contains several examples of interstate conflicts which lasted for years: The Iran-Iraq war and the Russia-Afghanistan war each lasted for almost a decade, while the wars in the former Yugoslavia lasted for several years before mediation by the international community, on the one hand, and military developments on the ground, on the other, made a marked impact to stop the war. As long as the United States and NATO support Ukraine, there seems to be little chance of Russia breaking the military stalemate on the ground or breaking the Ukrainian spirit of resistance.

Russia’s invasion of Ukraine was an opportunity for the UN to redeem itself in the field it has traditionally most been assigned to - conflict management and conflict resolution. However, it seems that this opportunity was so far largely missed. Beyond several halfhearted attempts at diplomatic mediation, the only success of the UN in this conflict is the Black Sea Grain Initiative. While the importance of this initiative is not to be understated, its success did little to affect the level of fighting on the ground. A year after Russia’s invasion, and despite substantial Russian military setbacks, both sides are far from have exhausted their fighting capabilities.

It may be argued that the Ukraine War clearly illustrates the overall limitations of the UN in international conflict resolution. As an organization, the UN is to a large extent dependent on the goodwill of its member states, but it has in the past been able to mount effective international conflict mediation efforts. This has not been the case in the Ukraine War so far. Instead of the United Nations Secretary General himself leading a powerful mediation effort, António Guterres picked Amin Awad from Sudan, an unknown entity on the international scene, as the 'UN Ukraine Crisis Coordinator'. Lacking international political gravitas, Awad unsurprisingly failed to achieve a ceasefire and instead concentrated on humanitarian aspects of the conflict and on the grain exports issue. On the other end, Denise Brown, UN Resident and Humanitarian Coordinator in Ukraine, has played a substantial role in mobilizing the activities of almost 20 UN agencies over different aspects of the war (UN News, 2023) which lead very considerable humanitarian relief activities inside Ukraine. Overall, UN efforts so far made a difference in conflict management but failed to make a mark in conflict resolution.

The reasons for the UN failure in Ukraine are as complex as the international reaction to the Russian invasion. The Security Council is blocked by Russia's right of veto and by China's ambiguity about the conflict. The General Assembly discussed the war and its implications in a flurry of debates but GA resolutions were not followed by action. UN agencies are providing humanitarian assistance on the ground, both in the Ukraine and in neighboring countries, to help the plight of refugees and ease human suffering. It is now time for the UN Secretary General, even at the risk of failure and loss of face, to take the plunge by initiating an international peace conference and bring together Russia and Ukraine, together with other stakeholders, for a supreme effort at peace. The cost of failure of such an initiative may be uncomfortable, but the costs of not trying are much higher.

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