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THE USE OF THE NEGOTIATION PROCESS BY THE RUSSIAN FEDERATION AS A MEANS OF PROLONGING WAR: AN INTERNATIONAL LEGAL ANALYSIS

The peaceful settlement of international disputes is one of the foundational principles of the contemporary international legal order. The Charter of the United Nations requires states to settle their disputes by peaceful means and expressly refers to negotiation, mediation, conciliation, arbitration, and judicial settlement among such means [1]. At the same time, the mere existence of a negotiation process does not in itself demonstrate that a party to the conflict genuinely seeks peace. International law proceeds not only from the permissibility of negotiations but also from the requirement of good faith: under the Vienna Convention on the Law of Treaties, every treaty in force is binding upon the parties and must be performed by them in good faith [2]. The doctrine of good faith views the conduct of states as a gradual process grounded in mutual trust. For that reason, the question is especially significant whether negotiations may be used not to end a war, but to prolong it, regroup forces, impose a settlement framework advantageous to the aggressor, and shift responsibility for the failure of dialogue onto the other side. The practice of the Russian Federation is particularly illustrative in this respect, as at different times it combined military pressure with diplomatic initiatives in its wars against the Chechen Republic of Ichkeria, Georgia, and Ukraine.

The scholarly literature increasingly emphasizes that wartime negotiations should not be romanticized as an automatic path to peace. M. E. Zavala Achurra stresses that what matters is not simply the fact that negotiations take place, but also the good faith of the parties' conduct and their orientation toward a genuine result [3]. E. Min demonstrates that in contemporary conflicts negotiations occur more frequently, yet much less often lead directly to the termination of war, and may instead become part of wartime strategy [4]. V. Sticher, in turn, shows that ceasefire violations are often driven by deliberate strategic calculations rather than by accidental communication failures [5]. Accordingly, an international legal analysis of negotiations during armed conflict must take into account not only the text of the agreements reached but also their functional relationship with ongoing military operations.

Russian practice indicates that negotiations are often used not as the conclusion of a settlement, but as an instrument of conflict management. A revealing example is the war against the Chechen Republic of Ichkeria. The Khasavyurt accords of 1996 ended the hostilities, but deferred the resolution of the foundations of relations between the Russian Federation and the Chechen

Republic until 31 December 2001 [6]. This did not resolve the dispute on the merits; it merely postponed it, while leaving open the key issues of status, security, and guarantees. The resumption of war in 1999 demonstrated that negotiations functioned less as a basis for lasting peace than as a pause between two phases of the same conflict.

A similar logic emerged after the Russo-Georgian war of 2008. Despite the conclusion of the ceasefire agreement of 12 August 2008 and the Implementing Measures of 8 September 2008, the European Union subsequently and repeatedly stressed the need for the Russian Federation to fully comply with those arrangements [7]. Thus, the very fact that these agreements were signed neither restored the previous legal situation nor removed the consequences of aggression. The negotiation framework remained in place, but gradually turned into a mechanism for managing a status quo established by force. In the Georgian case, negotiations enabled Moscow to convert rapid military gains into longer-term political influence without abandoning its instruments of pressure or returning to respect for Georgia's territorial integrity.

The instrumental nature of the Russian negotiating approach became most evident in the war against Ukraine. The Minsk agreements of 2014–2015 were intended to end hostilities and to establish a political and legal framework for resolving the conflict in Donbas [8]. Importantly, Russia used negotiations not as an alternative to force, but as its continuation by other means: military pressure was first created, and only then was a political formula proposed that was meant to entrench the consequences of that pressure in Moscow's favor. Such a model made the negotiation process dependent on the battlefield situation and deprived it of neutrality.

After the beginning of the full-scale aggression in 2022, this logic did not disappear; on the contrary, it became even more visible. On 14 June 2024, the president of the aggressor state publicly linked a cessation of hostilities to the prior withdrawal of Ukrainian forces from the Donetsk, Luhansk, Zaporizhzhia, and Kherson regions and to Ukraine's commitment to renounce NATO membership [9]. In other words, negotiations were presented not as a search for compromise, but as a mechanism for securing Ukraine's acceptance of maximalist demands formulated under wartime pressure. In 2025, ECFR analysts observed that the Istanbul meetings reflected Russia's limited interest in ending the war on any terms other than its own, since Moscow proceeded from the assumption that time was on its side [10]. A similar conclusion was offered by Chatham House: Russia's strategy is to move slowly, preserve the negotiation process, and use it as a means of advancing toward military victory rather than as a path to a mutually acceptable peace [11].

Thus, negotiations as a peaceful means of settling international disputes do not in themselves guarantee peace and do not automatically attest to the parties' good faith. Their legitimacy in international law is tied to the principle of good faith, to a genuine orientation toward settlement, and to an authentic intention to end the conflict. An analysis of Russian practice in the wars against the Chechen Republic of Ichkeria, Georgia, and Ukraine provides grounds for speaking of a persistent use of the negotiation process as an instrument for prolonging war. Within this model, military pressure and negotiations operate in tandem: escalation produces a favorable position, while the diplomatic track consolidates an intermediate result

and creates conditions for further pressure.

In light of this, any international legal assessment of negotiation initiatives involving the Russian Federation must be based not only on a declared willingness to engage in dialogue, but also on the content of the demands advanced, conduct on the battlefield, compliance with prior commitments, the existence of monitoring mechanisms, and guarantees of implementation. For Ukraine and its partners, this means that negotiations unsupported by clear legal guarantees, control mechanisms, and responsibility for violations may become not a path to peace, but merely a pause before renewed escalation.

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РОЛЬ МІЖНАРОДНИХ ОРГАНІЗАЦІЙ У ЗАБЕЗПЕЧЕННІ ГЛОБАЛЬНОЇ БЕЗПЕКИ

У сучасних умовах трансформації міжнародних відносин проблема забезпечення глобальної безпеки набуває особливої актуальності та складності. Зростання кількості як традиційних, так і новітніх загроз зумовлює необхідність формування ефективних механізмів підтримання міжнародного миру та стабільності. У таких умовах держави дедалі менше спроможні самостійно забезпечувати власну безпеку, що зумовлює зростання ролі міжнародного співробітництва та інституційних форм його реалізації. Особливе місце у системі забезпечення глобальної безпеки займають міжнародні організації. Саме через діяльність таких суб’єктів формується система колективної безпеки.

Міжнародні організації у сучасному міжнародному праві виступають інституційними формами співробітництва держав, які створені на підставі міжнародних договорів для досягнення спільних цілей та реалізації узгоджених інтересів. Вони наділені певною міжнародною правосуб’єктністю, що дозволяє їм виступати самостійними учасниками міжнародних правовідносин, укладати договори, приймати обов’язкові або рекомендаційні рішення та здійснювати контроль за їх виконанням [1, с. 21].

Правове регулювання діяльності міжнародних організацій у сфері безпеки ґрунтується на системі міжнародно-правових актів, серед яких центральне місце займає Статут ООН. Саме цей документ закріплює основні принципи підтримання міжнародного миру і безпеки. Поряд зі Статутом, важливу роль відіграють міжнародні конвенції та договори, спрямовані на обмеження озброєнь, боротьбу з тероризмом, нерозповсюдження зброї масового знищення та забезпечення гуманітарного захисту під час конфліктів.

У межах сучасної системи міжнародної безпеки діяльність міжнародних організацій реалізується через комплекс взаємопов’язаних механізмів, які умовно можна поділити на правові, інституційні та оперативні. Правові механізми визначають нормативні засади забезпечення безпеки, інституційні – формують організаційну структуру та процедури прийняття рішень, тоді як