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International Conflict Resolution and Mediation in the Context of Socio-Economic Instability in the Context of the Russian Invasion of 2014-2023 (Ukrainian Realities)

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Abstract: The use of mediation in conflict resolution is widely used in the European Union as an effective tool for overcoming crises and finding balanced solutions. For Ukraine, the introduction of the mediation institution is new, but its effectiveness can be felt both in resolving social disputes and in political dimensions (against the backdrop of an active Russian invasion). The purpose of the study is to explore the possibilities of resolving international conflicts through mediation and in the context of socio-economic instability during the Russian aggression of 2014-2023. The research is based on the use of general scientific and special methods: analysis, synthesis, induction, and deduction. The axiomatic method is important in highlighting the development of mediation in Ukrainian realities from 2014 to the present. The author also uses the prognostic method, modeling, structural and functional research methods, retrospective, synchronous, and comparative methods. The results highlight the peculiarities of the introduction and implementation of mediation in Ukraine, certain principles of international mediation in the military realities of 2014-2022. It is noted that mediation is a promising area for resolving disputes amid the tense socioeconomic situation. However, in Ukrainian realities, there are problems with imperfect definitions of legal terms and the inability to impose sanctions on dishonest mediators. At the same time, the Minsk and Normandy negotiation formats have made it possible to freeze the military confrontation since 2014, but the Russian offensive of 2022 canceled these fragile achievements. As of today, it is impossible to use mediation to stop the war, primarily because of the intolerable position of the Russian side. The conclusions substantiate certain achievements of mediation in resolving the conflict, but the prospects for its use are still dim.

Keywords: Russian-Ukrainian war, mediation, Ukrainian legislation, settlement, European Union. **JEL Classification:** F51, F55, F59, F68.

1. INTRODUCTION

In modern scholarship, mediation is understood as a conflict resolution process in which a third party, a neutral mediator, uses its ability to conclude peaceful agreements between the parties (Papagianni, 2010; Schläpfer, 2016; Bergmann et al., 2018). In the realities of international conflicts, mediation can be used to resolve disputes between two, three, or more countries, or in confrontations between the state and certain non-governmental organizations. Mediation may consist of several different stages. It is a process of identifying the problem, gathering necessary information, meeting with the parties to the conflict, developing strategies to resolve the conflict, and providing recommendation advice on how to achieve the best possible resolution (Schläpfer, 2016).

In international conflicts, mediation can be conducted at the level of international organizations, such as the United Nations (UN), the European Union (EU), the Organization for Security and Cooperation in Europe (OSCE), or NATO, or at the level of other mediators, such as other states, diplomats, NGOs, and private firms (Bergmann et al., 2018). Mediation can be an effective means of resolving international conflicts, as it allows parties to find compromise solutions that take into account their interests and needs. If conducted ef-

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fectively, mediation can help maintain peace, reduce the number of people affected by conflict, and save resources that could otherwise be spent on conflict resolution.

Russia's aggression against Ukraine in 2014 and its new stage in 2022 have become new challenges to European security, which was unexpected for international organizations (Mbah and Wasum, 2022). Accordingly, the consideration of the possibility of mediation in the current situation will require further updating in many aspects. Therefore, the purpose of the article is to analyze the resolution of international conflicts through mediation on the example of the Russian-Ukrainian war and the Russian invasion of 2014.

2. MATERIALS AND METHODS

This study is based on the use of general scientific and special political research methods. The article is compiled using general logical research methods, such as analysis, synthesis, induction, and deduction. The analysis method involves breaking down the subject of research into parts for a deeper study. Our research is divided into the following issues: characterization of the term mediation, the study of the development of the Russian-Ukrainian war, analysis of the use of mediation in this war, etc. Synthesis is used to perform a holistic study of the previously identified parts.

As a result of using the axiomatic method of research, it was possible to make a transition from basic scientific hypotheses to specific scientific conclusions and recommendations. The axiomatic method is important when covering the development of mediation in the Ukrainian realities from 2014 to the present. In general, the use of the predictive method made it possible to characterize the likely results of the introduction of political mediation before the ongoing Russian-Ukrainian war. The article notes that the proposed forecasts cannot be considered final, since it is difficult to determine the exact stages of escalation by the official Kremlin.

Based on the modeling method, the author presents a list of certain "ideal" circumstances that could lead to mediation in the Russian-Ukrainian war using appropriate mediation models. The study is also based on the use of special political research methods. The structural-functional method of research is based on the analysis of society as a system of integrated parts that strive for stability based on the choice of a specific system of values. Therefore, the status of political mediation, as well as trends in its development, can be studied by analyzing values (Zubielevitch et al., 2021). It should be noted that from the perspective of the structuralfunctional method, the system of values contributes to the stability of society, while from the perspective of conflictology, this system leads to the formation of effective mechanisms for resolving various conflicts. The paper also uses other interdisciplinary methods, including retrospective, synchronous, and comparative research methods, which serve as auxiliary methods for studying the problem of using political mediation in the Russian-Ukrainian war.

The study is based on the use of special political research methods. One of these methods is structural-functional, which is based on the analysis of society as a system of integrated parts aimed at achieving stability through a chosen system of values. Thus, the state of functioning of political mediation and trends in its development can be studied by analyzing the system of values. It should be noted that from the perspective of the structural-functional method, the system of values contributes to the stability of society, and from the perspective of conflictology, it contributes to the formation of effective mechanisms for conflict resolution. In addition to the structural-functional method, other interdisciplinary methods, such as retrospective, synchronic, and comparative research methods, were used in the study. They are used as auxiliary methods to study the problem of using political mediation in the Russian-Ukrainian war and solving problems related to socio-economic instability.

3. RESULTS

Mediation in Ukraine: peculiarities of introduction and implementation

In the current circumstances, in a period of extremely high legal uncertainty, transformation, and military threat, difficulties in the implementation and development of legal acts, resorting to an active mediation procedure will not only facilitate the elimination of problems but also provide tangible moral satisfaction for all parties to the conflict situation. These elements for mediation are extremely relevant for the legal side, as they help avoid the risks of professional deformation in difficult wartime conditions. On the one hand, the spread of mediation practices in Ukraine is hampered by the existing attitude in the Ukrainian mental culture to solve problems by using direct force, corruption mechanisms, or personal power, avoiding personal responsibility for the results of one's actions, and tendencies to look for the guilty from the outside.

On the other hand, in the Ukrainian context, mediation has a fairly favorable basis for development due to the peculiarities of the Ukrainian mentality, which also emphasizes the establishment of direct relationships between individuals, the search for dialogue, and the discussion of the problem (Aristova et al., 2020). Regarding how to use mediation in the realities of Ukrainian national protection mechanisms, researchers propose the use of several relevant concepts (Kovaliuk et al., 2020; Gumenyuk et al., 2021). The first of these is to understand the concept of judicial mediation in accordance with procedural procedures - mediation should be a mandatory part of this stage. Proponents of the other concept believe that mediation can be used as an autonomous way to resolve legal disputes and conflicts and, using the models of arbitration proceedings, to consider the case in parallel, if possible, to precede it (Khan et al., 2021). Such views have a practical implementation, as they are used as the basis for the work of mediation groups, which have already become a reality in Ukraine.

In November 2021, Ukraine introduced the Law on Mediation, which regulates this area of legal relations. In the context of internal instability, the regulatory aspect of this legislative initiative is extremely important, as it allows for reaching a formal agreement without the introduction of extremely lengthy litigation. The main purpose of the Law is to establish the legal framework for mediation in Ukraine, regulate the activities of mediators, and ensure the protection of the rights and interests of the parties in the mediation process (Gumenyuk et al., 2021). The main provisions of the Law of Ukraine "On Mediation" include: definition of the concept of mediation and the basic principles on which it is based, the status and responsibilities of the mediator, organization of the mediation process, and its results.

At the same time, the Law of Ukraine "On Mediation" has certain shortcomings that require further consideration. First of all, the law does not specify whether it is private or public mediation. For comparison, the legislative acts of other European Union countries do mention private mediation. According to Ukrainian law, mediation can be performed equally by public and private mediators, with the main criteria being the need to comply with legal norms and requirements, and mandatory registration in the Unified Register of Mediators of Ukraine. The Law of Ukraine "On Mediation" justifies the existence of such a list, but its monitoring and maintenance are entrusted to the Supreme Court of Ukraine, whose employees may respond to changes with a delay due to their high workload. It would be much more expedient to create a separate Register of Mediators of Ukraine on the basis of a subdivision of the Ministry of Justice.

Another pressing problem of mediation in Ukraine is the need to provide for the liability of the parties to the conflict at the legislative level, as well as a detailed list of circumstances that ensure the neutrality of the mediator. As of 2022, the Law of Ukraine "On Mediation" also does not provide for sanctions against a mediator if he or she deliberately manipulates or otherwise disrupts the process, sabotages it, etc. Similarly, the analyzed law does not prohibit participation as a mediator of a party that may have a personal interest. For this reason, it is important to draw attention to the regulation of generally recognized conceptual definitions in professional liability, including the possible liability of mediators, as the absence of such definitions and clear rules may have a negative impact on the legal force of the law. The existence of harmonized systems of professional liability for mediators can provide powerful incentives for the provision of improved mediation services and the development of this legal institution in general (Morris, 2017). In the context of socio-economic instability, the regulation of this institution is generally important, as it allows for the introduction of effective and efficient ways to resolve disputes.

Some Principles of International Mediation (Ukrainian Military Realities of 2014-2022)

Modern armed conflicts are characterized by a certain peculiarity: a large number of different participants are formed, which, according to their legal status, as well as their own potential and resources for military operations, are considered as such (Żakowska, 2017). Today, parties to a conflict can be public and private actors, individual communities (e.g., nations, ethnic groups, rebel paramilitary groups, paramilitary groups, separatists, militants, terrorist groups, etc. Moreover, previous studies of armed conflicts have shown that belligerents can also be represented by international organizations. As an example, we can point to the participation of NATO member states' units in the military operations in Bosnia and Herzegovina in 1994-1995.

Mediation in the Russia-Ukraine war is one of the possible ways to resolve the conflict. Since the outbreak of the war in 2014, various forms of mediation and negotiation have been tested, including the Minsk process, which was aimed at achieving a peaceful resolution of the conflict (Manolea, 2021). The Minsk process is a format of negotiations between representatives of Ukraine, Russia, and the OSCE, which was launched in September 2014 in Minsk, Belarus. As part of this process, two packages of measures to resolve the conflict were concluded, including the withdrawal of heavy weapons, the creation of a security zone, the exchange of prisoners, etc. However, compliance with the agreements has been violated. In addition to the Minsk process, there is also another format of mediation in the Russian-Ukrainian conflict of 2014-2021 - the Normandy format, which included Ukraine, the official Kremlin, France, and Germany (Kumar, 2021; Materniak, 2020). As part of this process, highlevel negotiations were held to reach a peaceful resolution of the conflict. However, the agreements reached within the Normandy process have not been fully implemented either. First of all, we are talking about the aggressive plans of the Russian authorities as the main motive for refusing to implement peace talks.

Since the beginning of the next stage of Russian aggression in 2022, no attempts at political mediation have been successful either (Johnson, 2022). The impetus to seek mediation for the parties to the conflict may have various motivations. The main motivation for this may be the belief that the separation of a separate external mediator can lead to the realization of their interests. This will allow them to benefit from the transfer of leadership in conflict resolution, obtaining certain opportunities at the strategic level, as well as the transfer of the ability to avoid further escalation, make concessions, etc. Parties to a conflict usually resort to mediation when the cost of continuation and the negative consequences of continuing the conflict clearly outweigh the benefits of ending it (Gorinov and Mereniuk, 2022). An important element of purposefulness can be considered a chance to realize one's own interests in the conflict, at least partial compensation for the costs (moral and material) associated with it.

In 2022, ideas were put forward about Turkey's possible mediation in the Russian-Ukrainian war. At the same time, the official Kremlin refused to continue negotiations, several rounds of which took place in the spring of 2022. The official result of such activities can be considered the achievement of a "grain deal", in which the UN, Turkey, and other states interested in resuming exports of agricultural products from both Ukraine and Russia played a major role. African countries are recognized as its main consumer. In this particular case, the interests of all parties, primarily Ukraine and the Kremlin regime, converged. For the Ukrainian side, agricultural exports have always been a significant part of GDP, so official Kyiv has seized the opportunity to restore profits (Neely, 2022) at least partially. Therefore, even against the backdrop of military aggression, there are ways to find and use mediation solutions as effective tool for resolving common situations.

After analyzing the problems and benefits, the parties may resort to mediation when the chances of winning the war are low and the costs of continuing it are much higher than planned (Park, 2019). However, when the chances of winning in a direct clash remain high, the parties may reject the

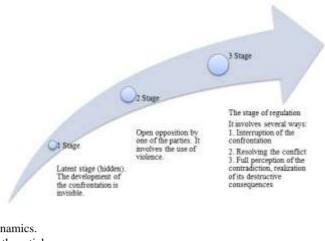


Fig. (1). The structure of conflict dynamics. Source: developed by the authors of the article.

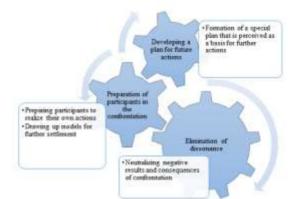


Fig. (2). Scheme of the mediation process. Source: developed by the authors of the article.

idea of mediation and focus on intensifying hostilities, even at the cost of heavy losses. In such circumstances, the costs may not be considered by them as unplanned burdens but may be a specific sacrifice. If necessary, opponents can be blamed for this. For this purpose, public opinion is prepared accordingly with information that the activities of the opponents are too aggressive and uncompromising, and that continuation of military operations is the only way to counteract this. The implementation of such schemes is quite manipulative, giving rise to the image of a "fortress surrounded by enemies from everywhere", so no one can be trusted (Bercoff et al., 2017). In domestic political life, these theses are usually reinforced by the strengthening of authoritarian (or even totalitarian) tendencies. Manipulations also allow for increased funding for the security forces needed by the regime to monitor domestic political opponents. The current Kremlin regime is a good illustration of the desire to win at any cost by strengthening internal verticals of power and avoiding mediation in negotiations (for this purpose, slogans that are impossible to implement in advance are put forward).

The structure of conflict dynamics includes three main stages:

1. Latent (hidden stage, the conflict develops unnoticed by society). It involves preparations for confrontation.

- 2. Undisguised, open opposition by one of the parties. The use of violence.
- 3. The stage of regulation. It takes place within the framework of interrupting the confrontation, resolving it, or fully perceiving the contradiction.

Political mediation is a form of mediation of conflict events, a solidarity element of relations between governmental structures and social forces that helps to resolve contradictions in favor of the positive development of international relations (Paryzkyi, 2022).

The main tasks of mediation to resolve political confrontations include neutralizing the negative consequences of the conflict, discussing, eliminating dissonance, and working out ways to resolve the situation. The mediation system offers different approaches and opinions, which may often be incompatible. A separate task is to prepare the participants to realize the consequences of their decisions, to form appropriate models for resolving complex relationships in the future. The main task is to develop a plan of future actions: the participants in the confrontation perceive it as a basis. The task of mediators is not to pass judgment. As a rule, it is up to the parties to the confrontation to formulate a solution that best suits all parties to the conflict.

Mediation can be used at any stage of the confrontation, provided that all parties involved agree to it. Thus, mediation in practice has several stages.

Table. 1. Stages of the Mediation Process.

Stage	Characteristics
The first stage (introductory)	Organization of such events:
	Preparing for mediation
	Formation of the parties' consent to organize the mediation process
The second stage (opening)	It provides for the following measures:
	gradually establishing direct communication with the mediator and the parties to the confrontation,
	clarification of the specifics of the confrontation, each side presents its vision
The third stage (development stage)	Finding ways to resolve the confrontation
	Finding and discussing ways to solve it
Fourth stage (final)	At this stage, it is provided:
	Summarizing the results, resolving confrontation, and concluding an agreement if a consensus is reached.
	The parties proceed to develop joint actions. They are checked for admissibility and feasibility of their implementation by the parties, as well as the fairness of the decisions made.
	Signing an agreement for its unconditional fulfill- ment.

Source: developed by the authors of the article.

4. DISCUSSION

For the current war between Russia and Ukraine, it is important to ensure a balance of political interests and forces, as well as the possibility of establishing political negotiations (Chaubet, 2022). Agreements reached by the two sides in a military conflict should be supported by mutual guarantees and implemented. International diplomatic relations can be harmonized using modern methods of political conflict resolution and political dialogue. Dialogue and mediation have the potential to build consensus and lead to the resumption of the interstate dialogue, which will provide a constructive option for conflict resolution and the settlement of contradictions. Effective mediation will allow for the achievement of long-term agreements that will become important elements of a lasting neighborly existence (Materniak, 2020). To succeed, it is necessary to respect the interests of both countries and their sovereign will, which must be taken into account by opponents and third countries.

In practice, the use of political mediation in the conflict between Russia and Ukraine had a slim chance of success. The negotiation process did not yield concrete results, especially on the part of Russia, which demanded "de-Ukrainization" and "denazification". Instead, the agreements reached only led to the resolution of immediate issues, such as the exchange of prisoners and the expression of proposals by the Ukrainian side (Kaplina, 2022).

At this stage of the war, political mediation is possible only as a result of the failures of the Russian side and its Ukrainian collaborators (Romanadze, 2022). It is impossible to establish a dialogue between the parties on the basis of mutual understanding. The experience of the Second World War, when fighting continued until the final victory of one side, and the winner dictated the terms of peace to the defeated side, is likely to be applied. It seems that the search for a political mediator is also not yielding results. Obviously, Russia does not agree to the participation of the United States, Britain, or even the European Union as a mediator. The Ukrainian side does not agree to any other mediators (Trach et al., 2020). Turkey has tried to take on the role of chief negotiator, but this has not yet led to any tangible results. Given these circumstances, a political dialogue is not likely to take place in the near future.

5. CONCLUSIONS

Thus, mediation looks like a promising way to resolve disputes amid the escalation of Russian aggression in Ukraine and general socio-economic tensions. Thanks to the institution of mediators, it is possible to resolve conflict situations promptly with maximum consideration of the interests of the conflicting parties. The study of the Law of Ukraine "On Mediation" demonstrated that lawmakers and Ukrainian society understand the importance of this phenomenon. However, this regulatory act has significant shortcomings: imperfect definitions of legal terms, lack of reservations regarding the interest of the mediator, and the inability to impose sanctions on dishonest mediators. Solving these problems will require a deeper socio-legal study, as there is a strong public demand for the use of mediation.

Political mediation is also relevant in the Ukrainian context. Russia's military aggression since 2014 has caused considerable human losses and economic destruction. The Minsk negotiation process and the Normandy format helped to freeze the military confrontation, but the launch of the next stage of the Russian invasion in 2022 has eliminated the possibility of an orderly dialogue. As of today, it is impossible to overcome Russia's resistance to the negotiation process, as the official Kremlin's stubborn position does not allow us to talk about the possibility of using mediation for a political solution. At the same time, mediation tools have demonstrated their effectiveness in approving the "grain agreement", according to which the transit of agricultural products was opened to the Ukrainian and Russian sides.

CONFLICT OF INTEREST STATEMENT

The authors declare that they have no conflict of interest.

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