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THE SITUATION IN UKRAINE. EXPERIENCE OF ANALYSIS IN TERMS OF CONFLICT RESOLUTION STUDIES

Even a superficial content analysis of publications about the situation in Ukraine in terms of the frequency of the wordings descriptive of what has been happening there since February 24 shows that the word “conflict” significantly prevails over the others – both politically correct and otherwise.

This is not only and not strictly because Roskomnadzor demands that all materials using the word “war” are removed from the media.² This is because a “war” is not only the actions of one country against another, but also a legal case governed by the rules of international law. According to the Hague Convention III of 1907 (Art. 1), “The Contracting Powers recognize that hostilities between themselves must not commence without previous and explicit warning, in the form either of a reasoned declaration of war or of an ultimatum with conditional declaration of war.”³ Besides, “the existence of a state of war must be notified to the neutral Powers without delay.”

Strictly speaking, both before the adoption of this convention and after its introduction into the system of international law, the declaration of war has been something of a ritual, an essentially non-binding element of international relations. So, the Seven Years’ War of 1756–1763, which involved all large and most medium and small states of Europe, as well as the Caribbean, India, the Philippines and even some Indian tribes, was not preceded by a formal declaration of war by any of its parties. Napoleon only issued a proclamation for his army. The Seven Years’ War had such scale that Winston Churchill termed it the First World War.⁴

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² Reports assessed as containing inaccurate data about the actions of the Armed Forces of the Russian Federation have been found by the agency in the following sources: *Novaya Gazeta*, *Ekho Moskvy*, *Dozhd*, *Mediazona*, *The New Times*, *Svobodnaya Pressa*, *Krym.Realii*, *Journalist*, *Lenizdat*, and *InoSMI*. Some of these sources have now either been closed or declared foreign agents. On March 4, 2022, a law was passed that imposes serious criminal penalties for fakes about the Russian Armed Forces. Their propagators are punished with fines from 700 thousand to 1.5 million rubles, penal or compulsory work, or imprisonment in a colony for up to three years. If such actions result in “grave consequences,” the term of imprisonment could constitute 10 to 15 years (Art. 207.3 of the Criminal Code).

³ Convention Relative to the Opening of Hostilities of October 18, 1907 (entered into force on January 26, 1910). URL: http://avalon.law.yale.edu/20th_century/hague03.asp; <https://european-court-help.ru/iii-gaagskaja-konvencija-ob-otkrytii-voennyh-dejstvii-dejstvujushhaja-ot-18-oktjabrja-1907-goda/>.

⁴ *Bowen H. V. War and British Society 1688–1815*. Cambridge: Cambridge Univ. Press, 1998.

The last country to declare war in the twentieth century was Mongolia. Ulaanbaatar declared war on Japan on August 10, 1945⁵, a day after the Soviet Union which thus complied with the Yalta Accords.⁶

Since the 18th century, the declaration of war, on the one hand, began to resemble a ritual similar to shaking hands with rivals in chess, wrestling, boxing and other types of martial arts and team competitions; on the other hand, it became a verbal form which often had nothing behind it. Here it’s fitting to recall that Britain and France declared war on Germany on September 3, 1939, but for the next eight months their troops took almost no action that could be regarded as military.

There were no major wars in the world after World War II. But there was the U.S. military operation in Vietnam (1960–1975); the Vietnam invasion of Cambodia on December 25, 1978, and the overthrow of Pol Pot; the entry of Soviet troops (as emphasized in official reports, their “temporary limited contingent”) in Afghanistan on December 25, 1979, for a long 10 years; the armed conflict between Britain and Argentina over the Falkland Islands (1982); the bombing of Yugoslavia by NATO troops; the destruction of Iraq, Libya, Syria; the 20-year US campaign in Afghanistan; and finally, the “peace enforcement” in Georgia in 2008 by the Russian troops.

Bottom line: there were no wars, but millions of people – military and civilians – died in the fighting. This is purely legal casuistics. According to UN norms, a state declaring a war is automatically considered an aggressor, with all the ensuing consequences, whereas a state that carries out aggression without declaration of war is not considered as such. In this context, it is clear why Ukraine does not declare war on Russia: in this case, according to the UN Charter, it automatically becomes an aggressor, and neither the “collective” nor the individual West will support an aggressor.

For these reasons, it makes sense to refer to anything connected with military actions, campaigns, operations, and the like, as conflicts.

The collisions described above have a similarity with labor conflicts. In Russia there are hundreds and thousands of them – of varying nature, scale, and consequences – but the Labor Code does not contain the concept of a “conflict.” Law No. 175-FZ of November 23, 1995 “On the Procedure for Resolving Collective Labor Disputes” contains the term “labour dispute,” which means “unresolved disagreements between employees and employers... concerning the establishment and change of employment conditions (including wages), conclusion, amendment and performance of collective contracts and agreements on social and labour re-

⁵ Declaration of the Small Khural and the Government of the Mongolian People’s Republic on the Announcement of War on Japan // *Pravda*. 1945. August 11.

⁶ People’s Commissar of Foreign Affairs of the USSR V. M. Molotov received the Japanese Ambassador Naotake Sato on August 8 at 17:00 Moscow time. The former made a statement on behalf of the Soviet government that from August 9, the USSR would consider itself at war with Japan (See: *Дубинский А. М. Советско-китайские отношения в период японо-китайской войны, 1937–1945*. М., 1980. С. 246).

lations.” However, only the disputes that are registered under a special procedure which takes about 35 days become acknowledged by the law. Trade unions and employers do this only in extreme cases. Eventually, formally there are only a few disputes, but in reality there are many conflicts.

One cannot help recalling a Soviet-era joke: “...When our audience asks whether a war will break out, our answer is no, it won’t, but there will be such a struggle for peace that it will leave no stone unturned.”

If we try to apply the methods of analysis in terms of conflict resolution studies to the situation in Ukraine, the following can be stated.

1. It makes sense to start the analysis with identifying the parties to the conflict. At first glance, the question seems rhetorical, since one country (Russia) is conducting a special military operation against another country (Ukraine). However, on March 16, during a meeting with the government on social and economic support of the regions, Russian President Vladimir Putin said that the collective West is trying to destroy a strong and sovereign Russia¹.

Foreign Minister Lavrov formulates his position in the similar way. At the conference “Digital International Relations 2022” at MGIMO, he said that “the situation in the contemporary world is seriously aggravated. This is due to the aggressive line of the collective West, led by the United States, which seeks to restore and permanently enforce its dominance in international affairs”².

In other words, there is reason to believe that the parties to the conflict are not Russia and Ukraine, but Russia and the “collective West.” The question is, what is Ukraine, in this case? History will provide a definitive answer, but for now we can only assume what Ukraine’s role could be – from the object that history has chosen for an epic clash between the two civilizations (like the Balkans, which became “Europe’s powder keg”) to the fuse that ignited the fire of World War I on June 8, 1914, when Archduke Franz Ferdinand, heir to the Austro-Hungarian throne, was murdered in Sarajevo.

2. In terms of forms and spheres of manifestation of conflicts, they are present in a great variety – from acute military conflict on the territory of Ukraine (as well as the LPR and DPR) to equally acute conflicts in economic, financial, scientific, technical, informational and other areas of social practice and international relations.

3. It is rather difficult to determine the exact spatial and temporal limits of the conflict. They are not even limits because it is not finished yet; to avoid poor predictions, we should better focus on its origins and beginning. Most likely, this is 2014, the starting point being the referendum in Crimea and Sevastopol and the incorporation of these territories as constituent entities of the Russian Federation. Another point (or conflict trigger) is the coup d’état in Ukraine that took place in February 2014, and the opposition’s coming to power. Immediately thereafter, the Verkhovna Rada of Ukraine repealed the law “On the Fundamentals of State Language Policy,” which had been in effect since 2012. According to the law, the Russian language and the languages of national minorities received the status of regional lan-

guages in those areas where they are native to at least 10% of the population. As a result, protests erupted in eastern Ukraine, where the population is predominantly Russian-speaking.

On June 16, 2016, Kiev adopted amendments to the law “On Television and Radio Broadcasting,” which established language quotas for radio. Since November of that year, at least 60% of the broadcasting time had to be allotted to news and entertainment programs in the state language. On music radio stations, songs in Ukrainian language had to constitute at least 35% of daily broadcasting time, and if the radio station’s concept implies broadcasting mainly foreign music, then 60% of vocal compositions in the languages of the European Union had to be mixed with at least 25% of songs in Ukrainian in prime time.

On September 28, 2017, Ukraine adopted a new version of the law “On Education,” which prescribed gradual introduction of a ban on the use of the Russian language, as well as the languages of other national groups in the work of educational institutions. A year and a half later, a law “On ensuring the functioning of the Ukrainian language as the state language” was passed, also aimed at restricting the use of the Russian language and languages of minorities. Starting July 16, 2022, violators of the language laws will be subject to sanctions in the form of hefty fines. Besides, from 2024 there will be various penalties for “public humiliation or insult of the state language.”³

The law on the state language belongs to the category of the most sensitive and resonant regulations, as it affects the interests of many people in multiple areas of their lives, such as mass media, education, the ability to work in public service, go to theaters and movies, watch television programs, listen to the news, serve in the armed forces, etc.

Language policy of the state, being an important part of cultural policy, can be seen, in terms of conflict resolution studies, either as a means of strengthening solidarity in the country, or, on the contrary, as a way of infringing the rights of various social and ethnic groups, inciting ethnic hatred and undermining the confidence of a part of the population in the authorities. For instance, in Romania, in localities where at least 20% of the population speaks a minority language (these include Bulgarian, Hungarian, German, Russian, Serbian, Slovak, Turkish, Ukrainian, Croatian, Czech), these languages are assigned certain functions. In Finland, where the number of Swedes is less than 4%, Swedish is legalized by law as a state language along with Finnish.

In Ukraine, the language policy was blatantly nationalistic, so people essentially had to choose whether to learn the language or to emigrate. It’s hard to imagine a stronger conflict trigger.

However, a conflict trigger or a group of them do not constitute a conflict; they only objectively contribute to emergence of the conflict situation. This situation was carefully constructed. Monuments were torn down, everything that reminded of the Soviet period in Ukrainian history was destroyed, organizations and unions loyal to Russia were banned, books by unwanted Russian authors were confiscated, concerts by Russian artists were prohibited, and so on.

4. The question of the object and subject matter of conflict is among the most debatable in the theory of conflict

¹ Комсомольская правда. 2022. 16 марта. URL: <https://www.kp.ru/online/news/4667731>.

² Лавров: Запад действует в ущерб интересам других стран // Российская газета. 2022. 14 апр. URL: <https://rg.ru/2022/04/14/lavrov-zapad-dejstviet-v-ushcherb-interesam-drugih-stran.html>.

³ See: Как на Украине ограничивали использование русского языка // ТАСС. 2021. 15 июля. URL: https://tass.ru/info/11907705?utm_source=google.ru&utm_medium=organic&utm_campaign=google.ru&utm_referrer=google.ru.

resolution studies. In the most general sense, the subject matter of the conflict is what is being argued about; a contradiction over which the parties enter the opposition; something that the participants in the conflict cannot agree on. An object is the driving forces, prerequisites that form the conflict's context. In some cases, the object represents the ontology of the conflict's causes, while the subject matter represents its excuse.

The Russian-Ukrainian conflict looks very specific in this respect. Ukraine is simultaneously a party to the conflict (in conjunction with the "collective West") and the subject matter of the conflict (since Ukraine is fighting Russia for its territory and sovereignty), but it is also the object of the conflict, since all the conflict prerequisites were created quite deliberately by the Ukrainian leadership.

But in reality, the subject matter of the conflict is much broader: it is a struggle against the old world order (unipolar world) and an attempt to establish a new world order (multipolar world). The question is, will the victory of one side lead to a multipolar world? The fact that the polarization and mutual repulsion of the participants of international relations will intensify is already clear at this point of the conflict. As for multipolarity, this process began almost immediately after the World War II, continues to this day (its visible embodiments are China, India, Brazil, and Southeast Asian countries) and will not stop with the end of the current conflict. According to Henry Kissinger, "Our age is insistently, at times almost desperately, in pursuit of a concept of world order that eludes common understanding."¹

The subject matter of the conflict is often related to the goals of the parties, but in the case in question, this connection cannot be traced yet. One party, Russia, formulates its goal as "demilitarization" and "denazification" of Ukraine. Also, assistance to DPR and LPR was named one of the objectives (V. Putin's televised speech on February 24, 2022, announcing the beginning of the "special operation").

Speaking at a concert at Luzhniki in honor of the accession of Crimea, Vladimir Putin said that the goal of the Russian military operation in Ukraine was "...to save people from genocide."²

A month after the start of the military operation, on March 24, Russian Foreign Ministry spokesperson Maria Zakharova said at a briefing that the operation was aimed not only at demilitarization and denazification of Ukraine, but also at eliminating the threats coming from the territory of that country.³

On April 11, in an interview with Rossiya TV channel, Lavrov said: "Our special military operation is designed to put an end to the reckless expansion and reckless campaign for total domination of the United States and the rest of the Western countries under it on the international arena."⁴

Minister of Defense of the Russian Federation S. K. Shoigu presented the purpose of the operation in a similar manner: "The main thing for us is to protect the Russian Federation from the military threat created by the Western coun-

tries that are trying to use the Ukrainian people in the fight against our country."⁵

In April, Rustam Minnekaev, deputy commander of the troops of the Central Military District, declared that as a result of the second stage of the special operation, the Russian army should provide a land corridor to Crimea, as well as establish control over Donbass and the southern regions of Ukraine, which would give the Russian armed forces another outlet to Transnistria, "where facts of oppression of the Russian-speaking population have been observed."⁶ This means that the aforementioned goals of the operation are not limited to denazification and demilitarization. We can only hope that the army's mission will be limited to restoring the rights of the Russian population.

The second party, Ukraine, has so far formulated its goals in a purely instrumental format: to obtain financial and military aid from Western countries, to join (or to approach joining) NATO, to stop the advance of Russian troops, etc.

Thus, this conflict is very specific because the parties see it differently and have entered it with goals that do not quite overlap.

5. On the whole, the variation in the objectives of the operation, coupled with the novelization of real and military threats on the part of Ukraine, create the impression that this part of the operation is in the process of constant adjustment and refinement. Moreover, there are reasons to believe that not all objectives are being openly declared. So, the proclaimed goals of demilitarization and denazification of Ukraine are impossible without achieving full control over its territory (occupation?) and the change of its regime. However, officials are not saying it bluntly. Perhaps we are witnessing the modern variant of the technology of Napoleon Bonaparte who liked to repeat, "First engage in a serious battle and then see what happens."

6. The last thing to note in this brief analysis in terms of conflict resolution studies is that any conflict is a multi-layered phenomenon. It is a tangle of economic, political, psychological and other motives. Some act as basic, others "come into play" as the conflict develops. Therefore, it is important to correctly diagnose the conflict, because without identifying the root cause, it is impossible to predict its development or to propose effective means to resolve it.

It appears that the military confrontation between Russia and Ukraine is a conflict rooted in socio-cultural and mental factors. Mentally, Ukraine is substantially different from Russia, and talking about the similarity and brotherhood of the two nations can change little in this regard. Ukraine itself is very diverse in all aspects – religious, political, economic, etc. The lines of demarcation run quite clearly along the east-west and south-north axes. These regions differ in ethnic composition of the population, dominant religions, and language. But there are also common traits which are to some extent expressed by the nationalist forces. Among these traits are obvious vestiges of the past: infantilism, carelessness, anarchism, disrespect for oneself and one's surroundings, provincialism, avarice, inconsistency, etc. It is a "peculiar perception of the world: with an ornate and optimistic source, rich imagery, and a desire to beautify everything. It's a baroque worldview. It is inherent not only in Ukrainian architects, artists, writers, but also in every Ukrainian."⁷

¹ Киссинджер Г. Мировой порядок. М.: АСТ, 2017. С. 10.

² Путин назвал цель военной операции на Украине // РБК. 2022. 18 марта. URL: <https://www.rbc.ru/politics/18/03/2022/623488529a7947de68c1e85c>.

³ Все цели военной операции на Украине будут достигнуты – МИД России // Regnum. 2022. 24 марта. URL: <https://regnum.ru/news/polit/3543997.html>.

⁴ <https://www.youtube.com/watch?v=CUN3NXmEulU>.

⁵ <https://argumenti.ru/politics/2022/06/776302>.

⁶ <https://news.mail.ru/card/342/#reference2>.

“There are also the paranoid-patriotic mantras... A Ukrainian is a marginalized person, with a neurosis consisting in an inferiority complex, a feeling of being unclaimed, unfulfilled... In the studies (written by Ukrainian authors themselves) there is a common thread of a conclusion: “we were oppressed, are oppressed, and will be oppressed.”²

In Russia, such qualities are practically non-existent in the mass consciousness. “Russia is a civilizational extrovert. All of its actions are directed outward. Ukrainians are introverts. Russia is more masculine, Ukraine is more feminine.”³

We are faced with a typical mental conflict, which is “enriched” by second-order factors – religious, economic, political, etc. A military conflict between mentalities has an important feature: when opponents come from different cultures and mentalities, the war cannot be won by either side because their cultures do not overlap. There are many examples: The United States, despite all its power, never were able to defeat Vietnam; the Soviet Union (and then the United States) exited Afghanistan without a victory; the same fate expected the U.S. military operation in Iraq, etc. It is quite probable that the current military operation in Ukraine will not end quickly or unambiguously.

There are other reasons for this conclusion. Specifically, if we look at this conflict at a level of personalities – as a conflict between the two state leaders, it is clear that one of them, due to his education and “pre-presidential” experience, sees real threats in this situation, while the other, due to the same factors, sees only the public and expects it to listen and applaud. But the problem is that a performing actor has no content of his own; he is a reflective and emotional system, designed to speak words from a role, and when an actor speaks his own text (and I don’t want to offend all actors), it feels like it would be better if he didn’t say anything at all.

The same circumstance complicates negotiations. In conflict resolution studies, there is the term of “conflict me-

diability.” It means readiness (even minimal) of the parties to reconcile on certain mutually beneficial terms, the ability to understand each other, to find mutually acceptable solutions. This serves as the basis for starting negotiations in a conflict and the key to its eventual resolution. In the case under study, we see the unwillingness of at least one of the parties to engage in a dialogue. The reasons, both mental and political, are rigidity and stiffness of the parties’ positions. So far, some progress has been made in solving the problems that arose during the operation (prisoner exchange, humanitarian corridors, delivery of humanitarian goods, etc.). On the main issues, however, it looks like there is a “zero-sum” game. This is a class of games where a participant wins exactly as much as he loses to the rival. In this operation, one side wants everything, while the other side is not ready to compromise on anything (again, the Ukrainian mentality comes into play). In reality, there is an option of capitulation, in which case negotiations can become a formal consolidation of achievements that took place not at the negotiating table, but on the battlefield.

In conclusion, I would like to quote a line of a memorable song from the popular 1970s movie “Sannikov Land”: “All is obscure in this turbulent universe...”⁴ The war has long become a thing of the past, but confrontations keep happening here and there all the time. There is no war, but there is no peace either. There is a military operation, which, unlike a war, does not pursue a victory, but a goal. The goal of the operation exists, but it is not completely clear, as it is unclear whether there will be a salute in honor of its achievement. Still, this does not preclude the possibility of analysis in terms of conflict resolution studies of this situation and other ones of the same kind. Conflict resolution studies is a science that, on the one hand, generates questions and, on the other hand, helps answer many of them and enables further analysis of our very difficult, interesting and, sadly, disturbing modernity.

¹ <https://racurs.ua/824-fenomen-ukrainskogo-mentaliteta-ili-ukraincy-i-rossiyane-siamskie-bliznecy.html>.

² *Стражний А.* Украинский менталитет: иллюзии, мифы, реальность. Киев : Книга, 2008.

³ *Ibid.*

⁴ Lyrics by L. Derbenev.