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The War in Ukraine and the Urgent Need for Diplomatic Solutions

ONE-YEAR UPDATE

 FCNL Education Fund



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Introduction

As the war in Ukraine passes the three-year mark, the Friends Committee on National Legislation continues to seek peace. FCNL recognizes that conflict resolution involves, by its very nature, dialogue between parties who deeply disagree. However, this war will not be won with a military offensive or counter-offensive. It will end only through diplomacy, and in that diplomatic process the U.S. has a unique and valuable opportunity to support inclusive peace. This peace process must address:

- » **Robust humanitarian aid and whole-of-society efforts on gender-based violence and social cohesion**
- » **Accountability for war crimes and crimes against humanity**
- » **Security arrangements based on human security and not threats of force or arms races**
- » **Long-term economic stability, sanctions relief and peace dividends for people in the region**
- » **Support for democratic institutions and a healthy civil society across the region**
- » **Nuclear arms control and improved oversight of conventional arms provided to Ukraine**
- » **Comprehensive demining with a significant reassessment of U.S. cluster munition and landmine policy**

A GLIMPSE OF ONGOING CONFLICT



Background

When Ukraine became independent from the Soviet Union in 1991, it initially remained *markedly within a Russian sphere of influence*. However, over the last two decades, Ukraine has become increasingly autonomous.

A significant demonstration of the Ukrainian people's political will to exist independently of Russia was seen in 2004, during the so-called "Orange Revolution." Following a murky and widely contested presidential election *with considerable Russian interference*, pro-democracy and pro-Ukraine activists *organized mass protests* against the Putin-backed candidate, Viktor Yanukovich. These demonstrations *successfully removed illegal barriers to the inauguration of the opposition candidate*, the pro-Western, pro-E.U. Viktor Yushchenko.

In a sign of democratic progress, Yanukovich won the presidency in a *free and fair election in 2010*. But after *refusing to sign* an important and popular agreement to deepen ties between the EU and Ukraine, he was *ousted in the Euromaidan protests* and associated "Revolution of Dignity," a much larger movement than the previous decade's Orange Revolution. After police abandoned their posts, Yanukovich *fled the city* and was removed from his post *in absentia* by parliament.

In response, Russia *invaded and seized Crimea*, a territory in Ukraine's south-east, in 2014 while pro-Russian separatists in Donetsk and Luhansk Oblasts (both in Ukraine's Donbas region in the east) *declared autonomy*. Ukraine sent troops to retake the areas as part of an *"anti-terrorist" action*.

Thus, one should understand war in Ukraine to have begun not in 2022, but more than ten years ago.

The Minsk agreements, *a coerced and non-inclusive peace*, were *brokered in 2015*, but were broken in February of 2022 with Russia's *"Special Military Operation" invasion* to "denazify" Ukraine.

Russian forces have committed grave human rights abuses in Ukraine since the start of the war, including *torture and sexual violence* as well as *indiscriminate attacks on civilian infrastructure*. Repeated transfers of cluster munitions and landmines from the U.S. to Ukraine have *eroded global norms* around the use of such weapons and created space for the *withdrawal of Baltic and East European states* from important treaties banning their use.

Today, the war stands at a stalemate, with *civilians on both sides of the line being harmed*. More weapons, more violence, more suffering will not bring peace—only diplomacy can end the fighting. This brief aims to provide recommendations to Congress on how it can support such critical diplomacy.

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The Crimean Bridge has been a flashpoint during the Russian invasion of Ukraine. 2019 Photo by Rosavtodor.ru/Creative Commons.

Lessons from a Failed Peace

Russia and Ukraine engaged in direct dialogue in March 2022, just a month into the invasion. They appeared, *according to participant testimony after the fact*, to be nearing a peace which included astonishing Russian concessions to Ukraine unthinkable in today's negotiating climate, such as a Russian-backed path to Ukrainian E.U. membership. However, the deal fell through for a number of reasons which should inform any future peace process.

As the parties were *nearing an agreement*, Ukrainian forces *retook Bucha and discovered the torture and murder of hundreds of civilians*, sparking horror in Ukraine and the international community. President Zelenskyy *accused Russia of perpetrating war crimes in Bucha*, comparing Russian forces to ISIS. He also *called for the U.N. Security Council to expel Russia*, a permanent member. Experts interviewed for this brief stressed that hatred of Russia and Russians must not become the basis of a post-war Ukrainian identity or nation, so as not to harden the two countries into generational cycles of violence and resentment.

Finally, *Russian insistence that Ukraine "denazify"*—interpreted to mean that Zelenskyy be driven out and replaced with a pro-Kremlin puppet government—was unacceptable to Ukrainian negotiators. A durable peace in Ukraine cannot exist with Russian at-will selection of Ukrainian leaders, or the effective dismissal of duly-elected representatives and other foreign interference in democratic institutions.

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Lviv, Ukraine by Artem Lysenko/Pexels

Recommendations

Experts interviewed for this brief agreed that peace in Ukraine would not and could not endure without long-term economic stability; robust humanitarian aid and whole-of-society efforts to reconstruct social cohesion frameworks; comprehensive demining with a significant reassessment of U.S. cluster munition and landmine policy; security arrangements based on human security and not threats of force or arms races; and the guaranteed freedom for Ukraine to elect its own government and define its own future.

This war will ultimately be settled at the negotiation table, not on the battlefield. While the United States will be involved in these negotiations, it cannot unilaterally dictate terms to Ukraine. To help facilitate a sustainable peace in Ukraine, Congress should address:

1. Gender-Based Violence and Social Cohesion

A peace process inclusive of women and girls, young people, and civil society is essential to lasting peace in Ukraine. Gender-based violence and domestic violence have skyrocketed in Ukraine since the outbreak of the war, *likely due to a combination of stressors* including changes in living situations and post-traumatic stress as well as *conflict-related sexual violence*. Additionally, any peace agreement must facilitate the repatriation of prisoners of war, and take steps to reunite families forcibly separated by conflict.

Congress should robustly fund medical, social and psycho-social interventions through U.S. humanitarian aid.

2. Accountability

In the absence of true accountability, dictatorial leaders worldwide act with impunity, knowing they will face no real consequences. According to expert interviews, the international community's failure to safeguard Ukraine's territorial integrity in 2014 and 2022 has broken the trust of the people of Ukraine in international systems. That trust must be rebuilt.

Congress should reinforce its commitment to a rules-based international order by:

- » **ensuring full U.S. contributions to the United Nations and its agencies;**
- » **canceling any sanctions on the International Criminal Court and providing support for the Court's efforts to collect evidence of war crimes and crimes against humanity; and**
- » **advocating for sustainable European security arrangements that go beyond military alliances such as NATO and emphasize diplomatic solutions.**

3. Peace Dividends and Economic Recovery

A free and independent Ukraine must have a strong economy, and the Russian people should benefit from sanctions relief. Internal stability within Ukraine can only be maintained—and dangerous postwar national resentment kept at bay—with healthy living conditions and opportunities for all people. Poverty and stagnation are *well-known triggers for violence*.

According to one interviewee, a thriving Ukraine would also undermine Russian messaging used to recruit soldiers and encourage hostility towards the Ukrainian people. These conditions can be encouraged through economic development focused foreign assistance and the lifting of sanctions on Russia so that Ukraine and Russia alike feel peace dividends as a result of ending the war.

Congress should:

- » **lift broad-based economic sanctions that unduly harm the Russian people;**
- » **lift sanctions on the Russian government in response to progress toward sustainable peace; and**
- » **encourage private investment in both Russia and Ukraine's economies.**

4. Humanitarian Assistance

The U.S. must fund humanitarian assistance and peacebuilding, particularly programs that facilitate social cohesion. This aid must be disbursed strategically to avoid incentivizing Ukrainians to return to the frontlines. Currently, aid disbursement is disproportionately concentrated in embattled Eastern Ukraine and along the frontlines.

According to interviewees based in Ukraine, Ukrainians who have fled west have been returning to more dangerous areas in order to access aid. Humanitarian aid should be conflict sensitive to ensure it does not damage group cohesiveness through unequal or unfair distribution. The United States can play a role in shaping a cohesive and peaceful postwar Ukraine. Conflict mediation tactics and reconciliation funding can rebuild fractured communities and ease tensions between those who lived under occupation and returnees who fled during the war.

Congress should fund:

- » **humanitarian assistance that includes long-term reconstruction work;**
- » **comprehensive mental health support to address the lasting scars of the war; and**
- » **assistance to countries hosting Ukrainian refugees and impacted by the war.**

5. Civil Society and Democratic Institutions

Steps must be taken to strengthen democratic institutions in Ukraine and to develop civil society across the region. Free and fair elections and accountable civilian government *reduce* the incidence of violent conflict, while *civil society helps fledgling democracy to take root*, and then keeps established democracies healthy. The presence of robust civil society is itself *negatively correlated with violent conflict*. Thus, the longevity of civil society and democratic institutions is critical to long-term stability and growth, and to preventing future conflict. Congress should support institutions which bolster democracy in the region.

Congress should fund:

- » **programs to support democratic institutions, including through the National Endowment for Democracy, the National Democratic Institute and the International Republican Institute; and**
- » **civil society's important work countering corruption and encouraging civic space across the region.**

6. Arms Control

Arms control must be a central component of the U.S. response to the war in Ukraine. Russia possesses *more than 5,000 nuclear warheads* and *suspended its participation* in the bilateral New Strategic Arms Reduction Treaty (New START) in 2023. In 2024, Putin *formally lowered the threshold for nuclear retaliation*, stating that Russia reserved the right to use nuclear weapons in response to even non-nuclear attacks by countries “supported by nuclear powers,” which would include strikes by Ukraine using American-made weapons.

To mitigate this threat, the U.S. must dramatically improve oversight of its aid to Ukraine. To prevent the catastrophic escalation of a conflict involving a nuclear power, Congress should work with Russia to resume a complete implementation of the New START treaty, and to develop a treaty after New START’s 2026 expiration.

Congress should:

- » **support full implementation of the New START Treaty and encourage continued arms control negotiations with Russia to establish a new framework beyond 2026, addressing both conventional and nuclear weapons;**
- » **increase oversight of military aid to Ukraine, including enhanced end-use monitoring of U.S. weapons and other equipment transferred to Ukraine to prevent the theft, diversion, or other misuse; and**
- » **enhance oversight capacities and funding for the Departments of Defense and State Inspectors General.**

7. Cluster Munition and Landmine Policy

The transfer of U.S. cluster munitions and antipersonnel landmines to Ukraine raises grave ethical and security concerns. Congress must move rapidly to impose greater restrictions upon the transfer of these weapons to all states, including Ukraine.

When discussing weapons that will contaminate Ukrainian farmland for generations and disproportionately endanger children, arguments for their military and tactical benefit discount great swaths of civilians who are directly impacted by their harm. Cluster munitions and landmines are also internationally banned weapons, and Ukraine is party to the *Mine Ban Treaty*.

Congress should:

- » **support the international consensus banning cluster munitions and landmines and increase restrictions around the transfer of these weapons to any party, including Ukraine; and**
- » **align U.S. policy with the Mine Ban Treaty and Convention on Cluster Munitions as a first step toward joining the treaties.**

Photo by Алесь Усцінаў/Pexels.



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