

Peace or Piece: Consequences of the

Territorial Settlement in Ukraine

Chace Frazier



Trilateral talks to end the war in Ukraine will (hopefully) continue between Ukraine, Russia, and the United States over the weekend of 31 January – 1 February 2026. A sticky issue for all the parties is the territorial settlement. Russia wants control of Ukraine's Donbas region. Ukraine does not want to relinquish territory Russia has not captured in the Donbas. The United States proposes a Free Economic Zone in the Donbas, though it lacks a clear definition. This article will consider the three proposals in the historical context of broken up supranational structures, territorial occupation, and foreign intervention. Regardless of what the details of the territorial settlement are, it may be the next iteration of weakening the territorial integrity of nations around the world.¹

Territorial integrity is a hallmark of our international order. It means that a country's borders and its territory are inviolable. Forged as a principle to underwrite a peaceful international order in the wake of World War I, it has been affirmed and reaffirmed since the Covenant of the League of Nations in 1919, to the Kellogg-Briand Pact of 1928, the United Nations charter in 1946, and the Helsinki Accords in 1975. For more than 100 years it has been a crucial component to national sovereignty, independence, and national self-defense.²

After World War II, the concept of territorial integrity was taken more seriously than during the interwar years. The scale of warfare decreased. Wars fought for territorial acquisition and the amount of territory swapped between victor and loser in post war settlements fell drastically. Most importantly, the number of declared wars went off a cliff. Meanwhile, there was a proliferation of states. There were 55 United Nations member states and almost 100 countries in 1946. When the UN headquarters in New York was built in 1952, there was room for 80 members. Today, there are more than 190 UN member states.³

Decolonization was the first model that produced dozens of new states around the world. After World War II, the United Kingdom was much too weak to protect its vast overseas possessions. Dozens of new states emerged from the empire both peacefully and violently. The Commonwealth of Nations system supported a transformation of the empire. Members of the British Empire joined the system and gained varying degrees of independence with respected international borders matching those of the previous colonies. Indigenous efforts across Africa and Asia produced countless more new states freed from European colonizers like Portugal, Belgium, and France. Decolonization was a successful model outside of Europe. Within Europe a new model took shape that ended the Cold War.

The Soviet Union famously fell in 1991. External western pressure and successive episodes of liberalization within the Soviet bloc had culminated in the collapse of the Union itself. The disintegration of the Union was mostly bloodless, save for the violent Russian intervention in Baltic states in 1991, and elsewhere, to stop dissolution. It broke up into independent republics. The internal boundaries of the republics became international boundaries.

Yugoslavia was crumbling at the same time as the Soviet Union. The disintegrationist energy came from within, aided by decades of pressure from without. Gradually, the Yugoslavian union was weakened with constitutional reforms and the death of Tito. Inequality in economics, power, and political vitriol combusted by 1990. Slovenia and Croatia were the first member republics to hold independence referendums. They successfully fought the Yugoslav army and were quickly recognized as independent states. Croatian and Slovenian internal boundaries became international boundaries. Infamously, Bosnia and Herzegovina rapidly descended into fratricidal bloodshed and ethnic cleansing over independence. By the 2000s, the dissolution of Yugoslavia settled into the Serbia-Kosovo conflict and Montenegro's independence.

Ukraine is going to go through something different than what has preceded it in Eastern Europe. Each possible settlement outcome has unique contours. None of the options are ideal. The most ideal outcome would be the prewar borders to be restored. At this point, that is no longer an option.

The Russian settlement: Ukraine concedes all the Donbas oblasts. Ceding the Donbas appears likely since the United States has linked a security agreement to the territory's secession. The first question is: what happens to the territory after it is given up? Russia favors having control over the region post-secession. There are two options for Russian control. Donbas could be transformed into a Russian republic like Crimea, albeit with more international acceptance than the Crimean annexation. Or Donbas could be transformed into a puppet state technically independent of Ukraine and Russia while under Russian influence.

The American option: a Free Economic Zone in the Donbas. This option is possible whether the Donbas is under Russian or Ukrainian control. Washington has already extracted considerable economic concessions from Ukraine with the US-Ukraine minerals deal in 2025. A Free Economic Zone in the Donbas is a strategic negotiating position at best because it preserves maximum flexibility for the US regardless of who controls the region. It also allows the US to advance a solution to the territory dilemma, maintaining its relevance as an invested party to the settlement while playing both sides to maximum advantage. Details have yet to emerge for how a Donbas FEZ would look. Practically, this option is years away from economic success because the heaviest fighting has occurred in the region. Significant resources will have to be spent to rebuild the region into a profitable territory.

Zelensky's settlement: using the frontlines of the conflict as territorial boundaries. As the least likely settlement outcome, this option would function ostensibly like the ceding of the entire Donbas oblasts. In application, this option would likely look like the Demilitarized Zone between North and South Korea or the UN Buffer Zone between the Republic of Cyprus and the Turkish Republic of Northern Cyprus. Strengths of this option are that Ukraine retains the land it has fought incomprehensibly hard to protect from Russian capture and maximizes the amount of territory it retains post-settlement. It could also be the most comprehensible to implement with successful

precedents. Questions over how the Donbas would be governed would still persist. However, Zelensky's settlement option is least likely to prevail because the US has tied a security guarantee to the secession of the entire Donbas region.⁴

There are two hiccups to any concession of Ukrainian territory. A majority of the Ukrainian people do not support any territorial concessions to end the war. Numerous articles of the Ukrainian constitution define the territory of Ukraine as inviolable. The only constitutional procedure to change the territorial composition of Ukraine is through a popular referendum. For a referendum to occur, martial law must be lifted in Ukraine. National elections in Ukraine would follow a lift of martial law. It is too difficult to tell at present what political transformations would occur after martial law is lifted and the war comes to an end.⁵

Ending a war with territorial acquisition is not unprecedented in the postwar order. Territory was acquired by Israel from the Six Day War in 1967. Israel occupied the entire Sinai Peninsula, Gaza, the West Bank, and the Golan Heights, territory that was annexed from Egypt, Jordan, and Syria. Many of these territorial occupations were undone from the Yom Kippur War in 1973.

In a future where Ukrainian territory is ceded one thing will be made painfully clear. If a country wants to acquire the territory of another, it can do so by brute force. This is precisely the sort of break that will benefit belligerent powers hoping to exert their will on their neighbors, or those who threaten to do so. Wars do not even need to be won for territorial concessions to be extracted in exchange for an end to the conflict. One thinks of the consequences of China's ambitions toward Taiwan in a world where wars for territorial aggrandizement return. How would Greenland or Canada react to threats of acquisition from the United States in the wake of this potential settlement? Never mind the unknowable upheaval, a transformation like this would bring across the African continent where coups, terrorist and sectarian violence, and territorial disputes rage. Could a country from anywhere in the world with the logistical capability to invade a country anywhere else forcibly acquire possessions by waging wars wherever they please?

In the span of the 55 years from 1919 to 1975, the world saw four famous pieces of international cooperation agreements that upheld territorial integrity, at least in principle if not in effect. In nearly as much time since 1975, there have not been any cooperative agreements that even pretend to recognize the significance of territorial integrity. Instead, decolonization yielded to dissolution as European countries were pressured to tear themselves apart. Presently there are African and Middle Eastern countries gripped by dissolution: Sudan and South Sudan, Yemen, Morocco and Western Sahara, and Somalia and Somaliland, to name a few. Will the settlement to the war in Ukraine provide yet another model with which to rip apart countries?

Since 1975 the borders of countries have been routinely violated. The US invaded Iraq and Afghanistan in 2001 and 2003 respectively. Russia invaded Georgia in 2008. NATO intervened in

the Libyan Civil War in 2011. Outside forces worked assiduously to shape the Syrian civil war. While none of those countries were broken up in conflict settlements, they were all subject to foreign intervention and foreign designs, too numerous and well known to remunerate here, with varying success of foreign interests. What else is to come next besides foreign intervention to carve up another's territory?

Whatever the territorial settlement in Ukraine, a new model for ambitious countries to use to undermine territorial integrity will be inaugurated. This is to say nothing of the long-term success or failure of the settlement. Decolonization was once the animating mode of new states with internationally recognized borders. It gave way to forced dissolution from within and without, particularly in Europe but it continues in Africa and Asia. More recently, foreign intervention and designs have been forced on states. We are witnessing the gradual withering away of a peaceful international order predicated on territorial integrity. It is too early to tell what will eventually replace the current order. Whatever replaces the current order will be more turbulent and unstable.

Endnotes:

1. See: Talks with US and Ukraine in Abu Dhabi were Constructive,” *The Associated Press*; “US Wants Ukraine to Withdraw...Create a ‘Free Economic Zone,’” *The Guardian*;
2. See: *League of Nations Covenant; Kellogg-Briand Pact; United Nations Charter; To Helsinki*, John Maresca; Oona Hathaway and Scott Shapiro, “*The Internationalists.*”
3. Hathaway, Oona and Scott Shapiro, “*The Internationalists.*”
4. See: “US has told Ukraine it must sign Peace Deal...” *Reuters*.
5. See: “Constitution of Ukraine,” and “War and Peace: Opinions and Views of Ukrainians,” Kiis.com, and “US “Tells Ukraine That Security Guarantees Will Only Be given in Return for Donbas.”” *The Independent*, Alex Croft.

Bibliography:

- Lillian Goldman Law Library. "Avalon Project - the Covenant of the League of Nations." *Yale.edu*, 2019, avalon.law.yale.edu/20th_century/leagcov.asp.
- "CONSTITUTION of UKRAINE." *Coe.int*, 2020, rm.coe.int/constitution-of-ukraine/168071f58b.
- United Nations Charter. (n.d.). <https://www.un.org/en/about-us/un-charter>
- Baker, Christine, *The Yugoslav Wars of the 1990s*, New York and London: Palgrave Macmillan, 2015.
- Lukic, Reneo, and Allen Lynch, *Europe from the Balkans to the Urals: The Disintegration of Yugoslavia and the Soviet Union*, Oxford: Oxford University Press, 1996.
- Maresca, John J., *To Helsinki: The Conference on Security and Cooperation in Europe, 1973-1975*, Durham: Duke University Press, 1985.
- Oona Anne Hathaway, et al. *The Internationalists: How a Radical Plan to Outlaw War Remade the World*. New York, Ny, Simon & Schuster Paperbacks, 2018.
- "Occupation | the Six-Day War." *The Six-Day War*, CAMERA: Committee for Accuracy in Middle East Reporting in America, 14 Mar. 2023, www.sixdaywar.org/long-term-effects/occupation/.
- Reuters Staff. "US Has Told Ukraine It Must Sign Peace Deal with Russia to Get Security Guarantees, Source Says ." *Reuters*, 27 Jan. 2026, www.reuters.com/world/europe/us-links-security-guarantees-ukraine-peace-deal-ceding-donbas-ft-reports-2026-01-27/.
- Press, Associated. "US Security Agreement for Ukraine Is '100% Ready' to Be Signed, Zelenskyy Says." *Https://Www.wwnytv.com*, WWNY, 27 Jan. 2026, www.wwnytv.com/2026/01/27/us-security-agreement-ukraine-is-100-ready-be-signed-zelenskyy-says/. Accessed 30 Jan. 2026.
- The Associated Press. "Talks with US and Ukraine in Abu Dhabi Were Constructive but Major Challenges Remain, Kremlin Says." *Apnews.com*, 26 Jan. 2026, apnews.com/article/russia-ukraine-war-peace-talks-abu-dhabi-kremlin-a3f9444e6672f941676d095d63fc42e2.
- Reuters Staff. "Putin Indicated Russia Could Be Open to Territory Swap as Part of Ukraine Deal, Kommersant Says." *Reuters*, 26 Dec. 2025, www.reuters.com/world/europe/putin-indicated-russia-could-be-open-territory-swap-part-ukraine-deal-kommersant-2025-12-26/.
- Walker, Shaun. "US Wants Ukraine to Withdraw from Donbas and Create "Free Economic Zone", Says Zelenskyy." *The Guardian*, The Guardian, 11 Dec. 2025, www.theguardian.com/world/2025/dec/11/us-wants-ukraine-to-withdraw-from-donbas-and-create-free-economic-zone-says-zelenskyy.

- Bowen, Jeremy. "1967 War: Six Days That Changed the Middle East." *BBC News*, 5 June 2017, www.bbc.com/news/world-middle-east-39960461.
- "Treaty between the United States and Other Powers Providing for the Renunciation of War as an Instrument of National Policy." *Yale.edu*, 2019, avalon.law.yale.edu/20th_century/kbpact.asp.
- Darwin, John. "BBC - History - British History in Depth: Britain, the Commonwealth and the End of Empire." *Bbc.co.uk*, 2011, www.bbc.co.uk/history/british/modern/endofempire_overview_01.shtml.
- "Press Releases and Reports - War and Peace: Opinions and Views of Ukrainians (Results of a Survey Conducted on January 9-14, 2026)." *Kiis.com.ua*, 2026, kiis.com.ua/?lang=eng&cat=reports&id=1579&page=1. Accessed 31 Jan. 2026.
- Croft, Alex. "US "Tells Ukraine That Security Guarantees Will Only Be given in Return for Donbas."" *The Independent*, 28 Jan. 2026, www.the-independent.com/news/world/europe/us-ukraine-territory-peace-deal-donbas-trump-b2909246.html. Accessed 31 Jan. 2026.