

The Unfinished Plan for Peace in Ukraine

Provision by Provision

By Mark Cancian and Maria Snegovaya

On November 19, reports leaked that the United States and Russia **had negotiated an agreement** to end the war in Ukraine. President Trump is now **pressuring Ukraine** to sign the agreement, but reactions from members of Congress, Europeans, Ukrainians, and commentators have been scathing, calling the plan pro-Russian. Further, the plan has so many loose ends, inconsistencies, and unsubstantiated assumptions that implementation is impossible as written.

This is not an agreement, but may be a starting point to get to an agreement. Indeed, the Europeans have put forth **their own version** of the 28 points while also circulating a previously drafted 24-point proposal. This European version is less pro-Russian, and might be closer to something both sides could agree to. There reportedly is now a 19-point proposal drafted by the United States and Ukraine.

This white paper describes the U.S. plan's uncertain parentage, responses to the plan, compares it with a 2022 attempt at an agreement to show the changes that three and a half years of war have produced, and finally provides a detailed provision-by-provision analysis of the 28-point U.S. plan and the European counterproposal to that plan.

The bottom line is that there will be no agreement by Thanksgiving. However, there may be a process through which an agreement will eventually emerge.

An “Agreement” of Uncertain Parentage

Within the U.S. establishment, there appears to be confusion about the agreement's origin. After the leak, the United States first confirmed the document was genuine. However, after several senators condemned the agreement, some of them stated that Secretary of State Marco Rubio had **called** to say the Russians had submitted the proposal. Indeed, independent observers have **noted** the likely Russian origin of some text, which reads like a translation by non-native English speakers. The White House

then denied Rubio's alleged denial. Rubio later **stated publicly** that the agreement is indeed real and was intended as a starting point.

Calling it a starting point makes sense. Technical problems in several provisions show the lack of Ukrainian, NATO, European, and military input. The plan assigns roles to NATO, "Europe," the World Bank, and the G8, but they are just now being consulted and will need to agree to the roles assigned to them. Further, the plan is full of vague and confusing wording, contradictions about who does what, inconsistencies regarding future actions, and unsubstantiated assumptions about the actions of third parties. Perhaps in recognition of this, Trump **said** on November 22 that this draft was "not my final offer." On November 24, Secretary Rubio **expanded** on this, saying, "This is a living, breathing document. Every day, with input, it changes," With the terms in flux, "plan" is a better term for the document than "agreement."

Although Russian representatives (reportedly led by Kirill Dmitriev, Russia's top negotiator in peace talks) were involved in drafting the plan, it is unclear whether the Russian government has approved this text. The president's representative in the negotiations, Steven Witkoff, likely got Russian input (and possibly Ukrainian input), then drafted his own proposal. Putin has **said** that it provides "the basis of a final peace settlement," which is far short of a commitment to the draft.

The draft did get everyone's attention, however. It generated **an emergency meeting** of U.S., Ukrainian, and European representatives in Geneva. Zelensky is scrambling to appear supportive of Trump while not agreeing to a plan that is unfavorable to Ukraine. Keith Kellogg, the president's special representative for Russia and Ukraine, announced his resignation when the plan was revealed, **likely** because Witkoff had superseded him during the process.

France, Germany, and the United Kingdom, taking the 28-point plan as a starting point, have offered a **counterproposal**, modifying several key provisions to be less pro-Russian. For example, Ukraine is not required to give up more territory, the cap on Ukrainian armed forces is higher, and the proposed U.S. control of frozen Russian funds is eliminated. Also in circulation is a **24-point proposal** that was developed earlier. The differences between the 24- and 28-point plans likely reflect how the two plans were drafted: the first as an European initiative, the second as a response to the U.S. proposal.

Comparison with the Istanbul Communiqué of 2022

The U.S. plan did not emerge from a vacuum; it is part of a series of efforts to end the war. To get a sense of the shifts in the parties' positions on conflict resolution, this new plan can be compared with the Istanbul Communiqué of April 15, 2022, an early attempt to negotiate peace between Ukraine and Russia. Compared with the Istanbul Communiqué, several provisions are more favorable to Russia, reflecting Russia's modest battlefield success. The comparison shows the changes that three and a half years of war have brought at the cost of over **1.4 million casualties** combined.

One example of the shift is in security guarantees, which are Ukraine's primary concern (along with territorial restoration), given Russia's repeated violations of past agreements. The Istanbul draft offered a somewhat stronger, though still limited, form by including the possibility of "closing the airspace over Ukraine" and providing necessary weapons (Article 5). The new proposal, while purportedly offering **NATO-style** security guarantees, is even vaguer. It describes only "reliable" but conditional

and ambiguous U.S. guarantees that would lapse if Ukraine were to attack Russia, even unintentionally (provisions 5 and 10).

The most painful change for Ukraine is that the 28-point plan envisions sweeping territorial concessions, including recognition of Crimea, Luhansk, and the entirety of the Donetsk region, including allegedly the remaining approximately 25 percent currently under Ukrainian control, as de facto Russian; a freeze of the front lines in Kherson and Zaporizhzhia; and the establishment of a demilitarized zone. By contrast, the Istanbul draft treated these areas as unresolved issues: It excluded only Crimea (Article 8) and the Donbas territories listed in Annex 6 (Article 9) from security guarantees, and it did not involve any Western recognition of Russian control. Overall, the Istanbul draft postponed territorial issues instead of codifying Russian control.

Both the Istanbul Communiqué and the new plan envision lifting sanctions on Russia, but the new plan is less specific on this point. The new plan also adds provisions for Russia's return to the G8 and a long-term cooperation agreement with the United States (provision 13).

Unlike the Istanbul communiqué, the new plan requires Ukraine to hold elections within 100 days (provision 25), a point reportedly **added by the U.S. side**.

Some provisions are less favorable to Russia. Indeed, some are so unfavorable that Russia will likely find them unacceptable. For example, the new plan would apparently liquidate all frozen Russian assets to finance Ukrainian reconstruction under U.S. direction and create a special U.S.-Russia investment mechanism for joint projects.

The new plan calls for an immediate ceasefire. This provision would benefit Ukraine more, given Russia's ongoing offensive and its recent gains. The Istanbul draft was vague on this point (provision 28 versus Article 11).

The Istanbul Communiqué proposed strict limits on Ukraine's military cooperation with other states (Articles 1 and 2). The new plan is less restrictive. It prohibits NATO membership but has no restrictions on Ukraine's weaponry (provisions 7 and 8). Provision 6 would cap Ukraine's Armed Forces at 600,000 personnel, down from **roughly 880,000** today. Istanbul's proposed caps were far lower, with Russia at one point suggesting a ceiling of 85,000.

The Istanbul Communiqué required making Russian an official language of Ukraine, with implementation mandated within 30 days of signing (Article 12). The new plan is relatively more balanced in that regard. It calls for both countries to adopt educational and legal measures promoting cultural tolerance, including Ukraine's alignment with EU standards on religious and minority rights, and the mutual removal of discriminatory practices that impede equal access to Ukrainian and Russian media and education (provision 20).

In general, the provisions favorable to Ukraine are less specific than those favorable to Russia.

Lastly, several areas of overlap exist between the two plans. Both

- allow Ukraine to apply for EU membership (Article 3 vs point 11);
- reaffirm Ukraine's nonnuclear status (Article 2m and provision 18);

- include full judicial amnesty (Article 7 and provision 26) and a ban on Nazi ideology and activity (Article 13 and provision 20c);
- provide for comprehensive prisoner exchange (Annex 5 versus provision 24a); and
- envision a monitoring mechanism. The Istanbul draft proposed a commission with one representative from each disputing party (Article 14). The new version creates a joint U.S.-Ukraine-Russia working group and peace council chaired by Donald Trump, empowered to impose sanctions on violators (paragraphs 15 and 28).

Provision-by-Provision Analysis of the U.S. Plan and European Counterproposals

The analysis below assesses each of the 28 provisions of the draft U.S. plan, as **published** by the Associated Press on November 21. That plan continues to evolve and now reportedly has only 19 provisions, but those have not been published. This analysis also includes the 24- and 28-point European proposals. Minor wording differences among the versions likely reflect transcription errors.

Provision 1: “Ukraine’s sovereignty will be confirmed.”

Parties acting: Russia

28-point European counterproposal: Small change (Ukraine’s sovereignty will be “reconfirmed”)

Analysis: This would be a win for Ukraine because **Putin has often stated** that Ukraine is not a real country but a part of Russia.

Provision 2: “A comprehensive non-aggression agreement will be concluded between Russia, Ukraine, and Europe. All ambiguities of the last 30 years will be considered settled.”

Parties acting: Russia, Ukraine, “Europe”

28-point European counterproposal: A slight change in phrasing. “Europe” replaced with “NATO.”

Analysis: The sentiment is commendable, but the reach is so broad that it seems unrealistic, even naive. Where will these discussions take place, and how will the agenda be developed? Who speaks for “Europe”?

Provision 3: “It is expected that Russia will not invade neighboring countries, and NATO will not expand further.”

Parties acting: Russia, NATO

28-point European counterproposal: Provision deleted

Analysis: The provision is not surprising. Russia’s neighbors do not want any more invasions, and Russia does not want further NATO expansion. However, it is unclear what “expected” means. It does not sound like a commitment by any of the parties involved.

All 32 NATO members must agree to this restriction, and some may be unwilling. Although NATO has no immediate plans to expand beyond its current members, Georgia and Bosnia/Herzegovina have **action plans** heading toward membership.

The European version deletes the entire provision, likely because the first part is useless and NATO does not want Russia dictating its policy.

Provision 4: “A dialogue will be held between Russia and NATO, mediated by the United States, to resolve all security issues and create conditions for de-escalation in order to ensure global security and increase opportunities for cooperation and future economic development.”

Parties acting: Russia, NATO, the United States

28-point European counterproposal: “After a peace agreement is signed, a dialogue between Russia and NATO will convene to address all security concerns and create a de-escalatory environment to ensure global security and increase the opportunity for connectivity and future economic opportunity.”

Analysis: As with provision 2, the sentiment is commendable, but implementation will take a lot of work. Where will these discussions take place, and how will the agenda be developed?

The use of “mediate” is odd. It implies that the United States is a neutral third party despite being a member of NATO. U.S. allies may be uncomfortable with the idea that the United States can step outside of its alliance responsibilities and be impartial between friends and adversaries.

The major change in the European version is the rephrasing to “connectivity and future economic opportunity.” This makes the point that Russia’s connections to the West depend on its own actions.

Provision 5: “Ukraine will receive reliable security guarantees.”

Parties acting: Unknown

28-point European counterproposal: “Ukraine will receive robust Security Guarantees.”

Analysis: This is the key issue for Ukraine—security guarantees to prevent Russia from invading again. However, there is no specification about what the security guarantees will be or who will provide them. This provision, a statement of intent, not a guarantee, is too vague for Ukraine to rely on.

The European proposal is just as vague but substitutes the stronger adjective “robust.”

Provision 6: “The size of the Ukrainian Armed Forces will be limited to 600,000 personnel.”

Parties acting: Ukraine

28-point European counterproposal: “The size of Ukraine’s military to be capped at 800,000 in peacetime.”

Analysis: The U.S. provision softens **Russia’s previous demand** for disarming Ukraine. Although many commentators have taken this provision as a significant restriction on Ukraine, the reduction will not be a problem for Ukraine to implement. With a ceasefire, it will want to demobilize some of its forces, now **estimated at 880,000**, and will likely end up below 600,000. Before the war, the Ukrainian armed forces **totaled** only 209,000 active-duty personnel. Russia will likely want some specificity about what is included in the 600,000 to prevent Ukraine from indulging in creative accounting.

The 28-point European counterproposal increases the cap and clarifies that it is in peacetime. The U.S. provision was unclear on that point. The 24-point European proposal does not impose any restrictions on the size of the Ukrainian military.

Provision 7: “Ukraine agrees to enshrine in its constitution that it will not join NATO, and NATO agrees to include in its statutes a provision that Ukraine will not be admitted in the future.”

Parties acting: Ukraine, NATO

28-point European counterproposal: “Ukraine joining NATO depends on consensus of NATO members, which does not exist.”

Analysis: The U.S. proposal would be a major disappointment for Ukraine, which views NATO membership as essential to its long-term security and has been rapidly **adopting** NATO standards and equipment in recent years. In the near term, however, that membership is unlikely given the ongoing conflict and uncertain postwar peace. Although this has been framed as a “permanent” prohibition, national constitutions and NATO agreements can change, though that is unlikely in the foreseeable future.

The European version is a major change, allowing Ukraine to join in the future but acknowledging that that will not happen in the near term.

Provision 8: “NATO agrees not to station troops in Ukraine.”

Parties acting: NATO

28-point European counterproposal: “NATO agrees not to permanently station troops under its command in Ukraine in peacetime.”

Analysis: This is a key provision for Russia, which does not want more foreign troops on its borders. Some NATO countries have **considered** sending troops to Ukraine as part of a security guarantee and peacekeeping force. Indeed, the 24-point European proposal would permit Ukraine to “decide on the presence, weapons and operations of friendly forces invited by the government of Ukraine on its territory.”

The Trump administration has **ruled out** putting U.S. boots on the ground, as had the **Biden administration**. In theory, non-NATO nations could provide peacekeepers, but few countries have the size, skills, neutrality, and interest to take on such a demanding role. India and Turkey are the two most suitable. Although the 28-point European counterproposal appears to prohibit NATO forces in peacetime, there may be a loophole allowing NATO countries’ forces to be stationed in Ukraine during peacetime, but not under NATO command. It would also allow NATO forces in wartime. It may reflect the fact that some NATO forces are already in Ukraine.

Provision 9: “European fighter jets will be stationed in Poland.”

Parties acting: NATO

28-point European counterproposal: No change

Analysis: Presumably, this means jets from other countries stationed in Poland. That is already the case under NATO's **Operation Eastern Sentry**, which was a response to Russian drones crossing into Eastern Europe, including Poland.

This is a key provision for Poland, which fears Russian aggression and wants assurances that other NATO countries will have their forces forward deployed.

The plan is silent on ground forces in Poland and Eastern Europe, where the United States has many troops. This could indicate that the Trump administration is considering withdrawing these troops, but it could also reflect the plan's general looseness.

Provision 10: "The U.S. guarantee:

- The U.S. will receive compensation for the guarantee;
- if Ukraine invades Russia, it will lose the guarantee;
- if Russia invades Ukraine, in addition to a decisive coordinated military response, all global sanctions will be reinstated, recognition of the new territory and all other benefits of this deal will be revoked;
- if Ukraine launches a missile at Moscow or St. Petersburg without cause, the security guarantee will be deemed invalid."

Parties acting: The United States, Russia, Ukraine

28-point European counterproposal: Deletes the final bullet and adds that the U.S. guarantee "mirrors Article 5"

Analysis: Compensation for the United States is a classic Trump provision, reflecting his belief that this is not a U.S. flight and therefore the United States should be paid for its contributions. The form of compensation is unclear, as is its source. It may be part of the compensation under provision 14 or in addition to it.

The requirement that neither country invade the other is fundamental to the agreement. Specifying consequences gives the requirements some teeth.

The last element is odd. Why is the prohibition against Ukraine launching missiles limited to Moscow or Saint Petersburg, and why would missile launches be allowed elsewhere? Once a ceasefire takes place, all cross-border shooting should stop. It is hard to imagine Russia accepting this element, and the European counter proposal deletes it entirely.

Provision 11: "Ukraine is eligible for EU membership and will receive short-term preferential access to the European market while this issue is being considered."

Parties acting: Ukraine, the European Union

28-point European counterproposal: Minor wording changes

Analysis: Ukraine has **applied for EU membership** and is going through the membership process. This is important for Ukraine, both to strengthen its economy and to link it more closely to Europe and the West.

Provision 12: “A powerful global package of measures to rebuild Ukraine, including but not limited to:

- The creation of a Ukraine Development Fund to invest in fast-growing industries, including technology, data centers, and artificial intelligence.
- The United States will cooperate with Ukraine to jointly rebuild, develop, modernize, and operate Ukraine’s gas infrastructure, including pipelines and storage facilities.
- Joint efforts to rehabilitate war-affected areas for the restoration, reconstruction, and modernization of cities and residential areas.
- Infrastructure development.
- Extraction of minerals and natural resources.
- The World Bank will develop a special financing package to accelerate these efforts.”

Parties acting: The United States, Ukraine, the World Bank

28-point European counterproposal: Minor wording changes

Analysis: Rebuilding Ukraine after the devastation of the war will be critical to its long-term economic health and political stability. These provisions are a useful step. However, the lack of specificity makes their impact uncertain. Where does the money for the “Ukraine Development Fund” come from?

The World Bank will need to agree to its assigned reconstruction role.

“Extraction of minerals and natural resources” may refer to the **U.S.-Ukraine agreement** on mining.

Provision 13: “Russia will be reintegrated into the global economy: The lifting of sanctions will be discussed and agreed upon in stages and on a case-by-case basis. The United States will enter into a long-term economic cooperation agreement for mutual development in the areas of energy, natural resources, infrastructure, artificial intelligence, data centers, rare earth metal extraction projects in the Arctic, and other mutually beneficial corporate opportunities. Russia will be invited to rejoin the G8.”

Parties acting: The United States, Russia, the G8

28-point European counterproposal: Minor wording changes

Analysis: This has been one of Putin’s goals and an interest for Trump. Putin wants to reconnect with the world economy, get out from under the painful sanctions, and have the G8 recognize Russia as a major power. **Trump sees economic benefits** in renewing trade with Russia.

Provision 14: “Frozen funds will be used as follows:

- \$100 billion in frozen Russian assets will be invested in US-led efforts to rebuild and invest in Ukraine;

- The US will receive 50% of the profits from this venture. Europe will add \$100 billion to increase the amount of investment available for Ukraine's reconstruction. Frozen European funds will be unfrozen. The remainder of the frozen Russian funds will be invested in a separate US-Russian investment vehicle that will implement joint projects in specific areas. This fund will be aimed at strengthening relations and increasing common interests to create a strong incentive not to return to conflict."

Parties acting: Russia, Europe, the United States

28-point European counterproposal: "Ukraine will be fully reconstructed and compensated financially, including through Russian sovereign assets that will remain frozen until Russia compensates damage to Ukraine."

Analysis: The U.S. provision is extraordinary. In effect, the United States is taking control of the frozen Russian funds and using much of them for its own benefit. It would force the Europeans to contribute to this effort, presumably from Russian funds frozen in Europe. Putting the remaining Russian funds into a "U.S.-Russian investment vehicle" gives the United States half of Russia's money. It is hard to imagine either the Russians or the Europeans agreeing to such a stark diversion of funds.

The European proposal eliminates the U.S. effort to take control of Russian funds. Given how strongly Trump feels about compensation, this may become a major sticking point for him. However, it would remove a major stumbling block for Russia.

Provision 15: "A joint American-Russian working group on security issues will be established to promote and ensure compliance with all provisions of this agreement."

Parties acting: The United States, Russia

28-point European counterproposal: "A joint Security taskforce will be established with the participation of the U.S., Ukraine, Russia, and the Europeans to promote and enforce all of the provisions of this agreement."

Analysis: Virtually every peace agreement has a compliance mechanism, so it makes sense to have a group coordinate implementation. It is unclear how this group will work with the NATO-Russia dialogue in provision 4 or the peace council in provision 27. It is telling that the U.S. proposal for a working group excludes Ukraine, NATO, and all the other entities that are assigned responsibilities in the plan.

Not surprisingly, the European counterproposal adds Ukraine, Russia, and the Europeans to this group.

Provision 16: "Russia will enshrine in law its policy of non-aggression towards Europe and Ukraine."

Parties acting: Russia

28-point European counterproposal: Minor wording changes

Analysis: This would implement provision 3 (no Russian attacks on neighbors) and 22 (no territorial changes by force). "In law" implies action by the Russian Duma, not just a decree signed by Putin. For this provision to be viable, the final agreement must have a deadline for when the Russian Duma

must pass the law. Still, it is hard to take this provision seriously given Russia's repeated violations of European security.

Provision 17: "The United States and Russia will agree to extend the validity of treaties on the non-proliferation and control of nuclear weapons, including the START I Treaty."

Parties acting: The United States, Russia

European counterproposal: Minor wording changes; uses "Fair Start" in the Associated Press report, but this is likely an error

Analysis: It is not clear how nuclear treaties ended up in a plan ending a war between Russia and Ukraine. Nuclear treaties are important, and several, such as the Open Skies Treaty, have been suspended. New START is set to **expire** on February 4, 2026 (and the text may have meant New START rather than the expired START I). Extending the treaties has major policy implications. However, they are presented in an offhanded manner, not even specifying which treaties are affected. Though the text says that the United States and Russia "will agree," it might just mean that the two countries will begin discussions. This would not affect the Russian **saber-rattling** that has disconcerted many countries during the war.

Provision 18: "Ukraine agrees to be a non-nuclear state in accordance with the Treaty on the Non-Proliferation of Nuclear Weapons."

Parties acting: Ukraine

28-point European counterproposal: Minor wording changes

Analysis: This was Ukraine's status before the war. Ukraine had nuclear weapons when the Soviet Union broke up but relinquished them in exchange for security assurances from the United States, the United Kingdom, and Russia in the **Budapest Agreement**. That agreement was ineffective in protecting Ukraine, and some Ukrainians **have suggested** that nuclear weapons would be an effective security guarantee if NATO membership is unavailable. This provision would rule out that course of action.

Provision 19: "The Zaporizhzhia Nuclear Power Plant will be launched under the supervision of the [International Atomic Energy Agency], and the electricity produced will be distributed equally between Russia and Ukraine – 50:50."

Parties acting: Russia, Ukraine, International Atomic Energy Agency

28-point European counterproposal: Minor wording changes

Analysis: The power plant is on the Russian side of the front lines, but the city of Zaporizhzhia and many of the plant's workers are on the Ukrainian side. This is a sensible provision as everyone needs electricity. The 24-point proposal has Ukraine regaining control of Zaporizhzhia power plant, the Kakhovka Dam, and the Kinburn Spit.

Provision 20: “Both countries undertake to implement educational programs in schools and society aimed at promoting understanding and tolerance of different cultures and eliminating racism and prejudice:

- Ukraine will adopt EU rules on religious tolerance and the protection of linguistic minorities.
- Both countries will agree to abolish all discriminatory measures and guarantee the rights of Ukrainian and Russian media and education.
- All Nazi ideology and activities must be rejected and prohibited.”

Parties acting: Russia, Ukraine

28-point European counterproposal: “Ukraine will adopt EU rules on religious tolerance and the protection of linguistic minorities.”

Analysis: The U.S. provision is sensible, given the deep misunderstandings and bitterness that underlie every war, but the language has an anti-Ukraine slant: Ukraine is required to adopt “EU rules” on religious tolerance and minorities, but Russia is not. The Ukrainian constitution already contains provisions for protecting minorities and specifically Russian speakers (Articles 3, 10, 11, 15).

The element about eliminating Nazi ideology responds to Russia’s **baseless accusation** that such ideologies pervade Ukraine. Ukraine would see this provision as insulting.

The European counter proposal retains just the first bullet, not requiring domestic educational programs, which both sides would likely regard as intrusive, and eliminating the element about Nazi ideology.

Provision 21: “Territories:

- Crimea, Luhansk, and Donetsk will be recognized as de facto Russian, including by the United States.
- Kherson and Zaporizhzhia will be frozen along the line of contact, which will mean de facto recognition along the line of contact.
- Russia will relinquish other agreed territories it controls outside the five regions.
- Ukrainian forces will withdraw from the part of Donetsk Oblast that they currently control, and this withdrawal zone will be considered a neutral demilitarized buffer zone, internationally recognized as territory belonging to the Russian Federation. Russian forces will not enter this demilitarized zone.”

Parties acting: Ukraine, Russia

28-point European counterproposal: “Ukraine commits not to recover its occupied sovereign territory through military means. Negotiations on territorial swaps will start from the Line of Contact.”

Analysis: The U.S. provision has rightly garnered the most attention because it requires Ukraine to cede the part of Donetsk province that Russia has not yet **captured** (about 2,500 square miles). In exchange, Ukraine would get a few bits of territory that Russia has occupied near Kharkiv (about 700 square miles). The ceasefire line in Kherson and Zaporizhzhia provinces would be the current front line. Russia

would gain about 1,800 square miles. This is **purportedly** what Trump and Putin discussed at the Alaska summit in June.

The legal wording is loose. “De facto” Russian occupation means that it exists on the ground but not in law (de jure). That would allow Ukraine to continue to claim the territory, despite having withdrawn. However, the text also says that the demilitarized zone will be considered “belonging to the Russian Federation.” There is no mechanism for ensuring the demilitarization of this zone.

Complicating this is Article 73 of the Ukrainian constitution, **which says**, “Issues of altering the territory of Ukraine are resolved exclusively by an All-Ukrainian referendum.” That referendum might not support the loss of territory, which has been consistently **unpopular** in polling.

The 28-point European counterproposal starts at the line of contact and does not allow Russia to take over more territory, more reminiscent of the Istanbul Communiqué wording as of April 15, 2022. This mirrors the 24-point agreement that left territorial settlement to be “discussed and resolved after a full and unconditional ceasefire” based in the “current line of control.” This will be a major sticking point for Russia and possibly for President Trump.

Provision 22: “After agreeing on future territorial arrangements, both the Russian Federation and Ukraine undertake not to change these arrangements by force. Any security guarantees will not apply in the event of a breach of this commitment.”

Parties acting: Russia, Ukraine

28-point European counterproposal: Minor wording changes

Analysis: The provision says, “after agreeing on future territorial arrangements,” but provision 21 purports to settle territorial arrangements. It is unclear what future territorial arrangement this phrase refers to.

The last sentence tells Ukraine that if it tries to regain these territories, it will lose its security guarantees (provisions 5 and 10), though it is not clear exactly what those guarantees are or who will provide them.

Provision 23: “Russia will not prevent Ukraine from using the Dnieper River for commercial activities, and agreements will be reached on the free transport of grain across the Black Sea.”

Parties acting: Russia

28-point European counterproposal: No change.

Analysis: These riverine agreements are standard on jointly controlled waterways. Ukrainian grain exports across the Black Sea remained a major point of contention through 2022-23, and the issue escalated in summer 2023 when Russia withdrew from the grain deal and again threatened the safety of shipments. Such access is important for Ukraine, a major food supplier, and for many countries worldwide that rely on its food exports.

Provision 24: “A humanitarian committee will be established to resolve outstanding issues:

- All remaining prisoners and bodies will be exchanged on an ‘all for all’ basis.

- All civilian detainees and hostages will be returned, including children.
- A family reunification program will be implemented.
- Measures will be taken to alleviate the suffering of the victims of the conflict.”

Parties acting: Russia, Ukraine

28-point European counterproposal: Minor wording changes

Analysis: These actions are necessary at the end of every war. However, such exchanges are not always simple, as has been seen with the return of Israel’s hostages in the Gaza war. In the Korean War of 1950-53, prisoner exchange was the major sticking point because many North Korean prisoners wanted to remain in the South. Here, the return of children might be difficult because many have now spent several years in Russia and been **indoctrinated** into its culture.

Provision 25: “Ukraine will hold elections in 100 days.”

Parties acting: Ukraine

28-point European counterproposal: “Ukraine will hold elections as soon as possible after the signing of the peace agreement.”

Analysis: Ukraine has deferred elections during the state of emergency caused by the war, as provided for by Article 83 of its **constitution**. Holding new elections after the ceasefire would be reasonable for a democratic country. The U.S. provision does not prohibit President Zelensky from running again, as Russia has **required** in the past. However, by imposing domestic requirements on Ukraine, the proposal effectively constrains its sovereignty in violation of provision 1, and demands for elections or regime change have long featured in Kremlin **rhetoric**, associating Ukraine’s legitimacy with the Kremlin’s conditions.

There is also a timing problem. Once the agreement is signed, both sides will begin territorial withdrawals. Fighting will continue, as will Ukraine’s state of emergency. By the time the shooting stops, Ukraine may have only 30 to 60 days left on the 100-day deadline to hold elections. That is probably inadequate.

The 28-point European counterproposal eliminates this timing problem by saying “as soon as possible.”

Provision 26: “All parties involved in this conflict will receive full amnesty for their actions during the war and agree not to make any claims or consider any complaints in the future.”

Parties acting: Russia, Ukraine, others?

28-point European counterproposal: “Provision will be made to address the suffering of victims of the conflict.”

Analysis: The U.S. provision is morally uncomfortable, effectively saying that military personnel cannot be held accountable for any crimes they have committed. Russian crimes have been widely reported, but there have also been **incidents** involving Ukrainian forces.

To achieve its aim of shielding servicemembers, “all parties” would need to include all organizations that might gain standing to bring court cases, such as NATO, the **International Criminal Court**, the **Council of Europe**, and even **nongovernmental organizations**.

The 28-point European counterproposal sidesteps this question of amnesty with a general statement about addressing suffering. This is a major change that may be a stumbling block for Russia.

Provision 27: “This agreement will be legally binding. Its implementation will be monitored and guaranteed by the Peace Council, headed by President Donald J. Trump. Sanctions will be imposed for violations.”

Parties acting: The United States, Russia, Ukraine

28-point European counterproposal: Substitutes “penalties” for “sanctions”

Analysis: Presumably, the United States, Russia, and Ukraine will sign this agreement, but others, such as NATO and the World Bank, would also need to sign since they have specified roles.

The membership of the peace council is not specified, yet the council has a role in sustaining the agreement. The provision does give President Trump a prominent position. “Sanctions” are unspecified here. It is unclear how this peace council will interact with the U.S.-Russia working group (provision 15) and the NATO-Russia dialogue (provision 4).

The 28-point European counterproposal seeks to give the Europeans more latitude in their response.

Provision 28: “Once all parties agree to this memorandum, the ceasefire will take effect immediately after both sides retreat to agreed points to begin implementation of the agreement.”

Parties acting: Russia, Ukraine

28-point European counterproposal: Adds that “ceasefire modalities, including monitoring, will be agreed by both parties under US supervision.”

Analysis: The U.S. provision will be militarily difficult to implement as written. Ukrainian and Russian forces will need to withdraw from the territories specified in provision 21 before the shooting stops. Withdrawals under fire are extremely difficult because forces leave their secure defensive positions and become exposed as they move to new positions. A better approach would be to have a ceasefire with a deadline for both sides to conduct their withdrawals, maybe 30 days.

The 28-point European counterproposal adds a mechanism to make the ceasefire operate more smoothly.

Negotiations Continue

This is just the beginning of a peace process. The Europeans and Ukraine have put forward a counterproposal and talks continue. Russia has yet to accept any text and will almost certainly propose a set of changes. The United States may have its own changes once this text is fully staffed throughout the U.S. government.

Mark F. Cancian (Colonel, U.S. Marine Corps Reserve, ret.) is a senior adviser with the Defense and Security Department at the Center for Strategic and International Studies (CSIS) in Washington, D.C. **Maria Snegovaya** is a senior fellow with the Europe, Russia, and Eurasia Program at CSIS.

This report is produced by the Center for Strategic and International Studies (CSIS), a private, tax-exempt institution focusing on international public policy issues. Its research is nonpartisan and nonproprietary. CSIS does not take specific policy positions. Accordingly, all views, positions, and conclusions expressed in this publication should be understood to be solely those of the author(s).

© 2025 by the Center for Strategic and International Studies. All rights reserved.