

## Matters to be talked with TOPs Regarding Russo-Ukrainian War

Respecting ELFO GA's decision dated April 15, 2022, I, then its President, have been proposing many corrections and added new ideas or proposals to the former matters to be talked with belligerents.

Every time the ICO GA decided adoption of my proposals, Now I propose to update the former draft conciliation, adding new words or correcting old obsolete words by new rosy phrases.

### 1. Cease-fire

#### A. General Armistice

Considering incalculable precious value of life of human beings, to save succeeding generations from the scourge of war, and to evade terrible astronomical huge claim for reparation, we the ICO, expecting a possibility of adoption, by belligerents, of our ideas on stopping war immediately or in very near future, propose, first of all, wholistic ceasefire as early as possible, and early commencement of negotiation for that purpose.

If only belligerents can agree to such General armistice, it is the best. But in case they cannot do so by themselves, our ICO proposes creation of an International Armistice Commission (IAC) as mentioned later (Paragraph 13).

#### A. Partial Armistice

Secondly, in case the belligerents cannot agree the aforesaid proposal, our ICO proposal is to realize ceasefire in such a time as the belligerents agree to:

1. while both of belligerents are negotiating, sitting face to face;
2. while both of belligerents are negotiating through online;
3. While our PAD (Peace and Amity Ambassadors Delegation) is staying in Kyiv;
4. From 00:00~08:00 in the morning;
5. X-mas day from 00:00~24:00;
6. 1<sup>st</sup>~3<sup>rd</sup> day of New Year;
7. Beside them the ICO welcomes any agreement on cease-fire partly or wholly at any time and in any place.

N.B. Here "fire" means to launch a missile, to discharge a gun etc. and does not include preparation for battle.

### 4<sup>th</sup> PROPOSAL

In January 26, 2023 the 4<sup>th</sup> Proposal on conciliation was adopted unanimously by the ICO GA, You can understand outline of this important process by URL: <http://mopw.org/pr.%20n233-con-3rd%20prop..pdf>

There you see conciliation Proposal N.1, N.2 and N.3. in the 4<sup>th</sup> PROPOSAL.

Pres. V. Putin said, "Taking into account the appeal of His Holiness Patriarch Kirill, I instruct the Minister of Defense of the Russian Federation to introduce a cease-fire regime along the entire line of contact of the parties in Ukraine from 12.00 on January 6, 2023, to 24.00 on January 7, 2023,"

We wished that in future Ukrainians also take a rest calmly by their top leader's declaration of truce even if it is 12 hours ceasefire, and even if it is not by negotiation, but unilateral initiative. There was no doubt that even a unilateral truce and much more a bilateral ceasefire become blessed bliss especially for soldiers and their mothers because they can enjoy temporal peace with far more stressless feeling.

People around world, therefore, could see a Light and a Hope, which make their heart less stressful. So that we wished that Russian and Ukrainian belligerents enter the 2nd stage for promoting truce and restoration of peace. We wished, and now wish also that they consider our following Proposal:

a. When one of the belligerents declares a unilateral truce, the other belligerent complies with, and respect, it, stopping battle, not firing.

b. When it is impossible for one of them to respect the aforementioned clause, that belligerent makes an effort to make truce at least one third of the period which the other belligerent proposed.

c. We wish that belligerents pay the utmost attention to the fact that overwhelming majority around the world aspire after general ceasefire and peace, not war, and we think that both Russia and Ukraine should begin negotiation without conditions as soon as possible.

### 5<sup>th</sup> PROPOSAL

This time our ELFO and the ICO propose again to stop Russo-Ukrainian War immediately, and commence negotiation as USA next Pres. D. Trump also asserts it.

## 2. Ukraine will not join the NATO

As Ukraine once expressed her readiness not to join the NATO, it may be comparatively easy for the ICO to embody its equitable proposal to the belligerents. The ICO will search for the followings:

- i. What States should guarantee security of Ukrainian State?
- ii. Is it not better for the United Nations to be a contracting party of the said security treaty?

### Permanent neutralization of Ukraine

In July 22, 2022 before all the ELFO FAMILY I dared to mention a way of neutralization of the Ukraine as one of the possible breakthroughs of negotiation for cease-fire and peaceful settlement of Russo-Ukrainian War.

If our ~~ECOC (Executive Committee of Online Conciliation)~~ **ICO** were to propose it now, the Ukrainian Government would be more or less dissatisfied with such an idea. **It is equitable, therefore, that, to that extent, Russian side would make due concessions to Ukrainians.** Let's ICO talk about it.

### A. ICO members' opinions

○**ex-Amb. Yuba Nath.** Readers know already his exclamation (JUL 22, 2022) regarding my idea about neutralization of Nepal and Ukraine. Nepal is similar with Switzerland in some respects. Our correspondence is as follows:

**Rikio:** *Thank you, Yuba Nath San. I hope that your country be permanently neutralized State which not only States but other entities guarantee.*

**Yuba Nath:** *Resourceful, Intelligent, Knowledgeable, Intelligent and Open. This is RIKIO.*

**Rikio:** *Dear Yuba, may I open our conversation to the ICO and ELFO members? Because I want very much to talk among ELFO FAMILY about permanent neutralization of Ukraine. I suppose you'll agree to my ideas.*

**Yuba:** *ok*

○Pres. of the BELFO Edmario Peixinho.

In JUL 23, 2022 he wrote, "I agree with the valuable perspectives and mindset of Mr. Rikio Kaneko on Ukraine's Neutrality and Vision."

**Neutralization was great theme of the ICO GA (General Assembly), fortunately nobody was against neutralization of Ukraine.**

### B. Reasons for neutralization of Ukraine

1. As I said, a way of neutralization of the Ukraine may be "one of the possible breakthroughs of negotiation for cease-fire and peaceful settlement of Russo-Ukrainian War."

2. Militarization with modern weapons and strengthening military alliances are contrary to normalization of Earth-community and maintaining beautiful cosmos.

3. Considering history of human beings, use of armed forces and even threat by it were prohibited gradually, so, the way along which humankind march is disarmament and peaceful settlement of conflicts.

4. Such peaceful amicable way leads to ONE World, namely, World Federation where **every State shall be peaceful, and of neutralized character as all the autonomies in given cutry.** Permanent neutralized States or regions are forerunners of progressive peaceful process moving toward establishment of ONE World. **They can be even proud of it: they are in the van of the era!!**

### C. Concept of permanently neutralized State

Here a permanently neutralized State means a State whose independence and integrity are for all future time guaranteed by an international treaty, under the condition that such State binds itself never to take up arms against any other State except for defense against attack, and never to enter into such international obligation as could indirectly involve it in war. (Oppenheim's international law, Vol. I. PEACE, 8<sup>th</sup> ed. Longmans, p.243.)

The neutralization may contain a possibility to conclude a convention by which a neutralized State can acquire, without cession of, new parts of territory with the consent of all the contracting States.

Here I took into account Ukrainian possibility that Ukraine can recover sovereignty over region which she lost it at the time of conclusion of peace treaty with Russia. It goes without saying that such alteration of sovereignty needs a new agreement among contracting parties of the treaty.

**Separate treaty of neutralization.** It seems better to conclude a treaty of permanent neutralization of Ukraine apart from a peace treaty between Russia and Ukraine because the former treaty involve

more contracting parties, while the latter concerns, in principle, belligerent Russia and Ukraine though both treaties relate each other closely.

#### **D. Equitable and good compromise**

What will be the compromises between Russia and Ukraine from view points of equity and goodness (ex aequo et bono)? First of all, our ECOC will see the contents of obligations to be imposed upon Ukrainian State. If the treaty of neutralization stipulates such heavy obligations for Ukraine as disarmament, it is equitable that on Russian back would be also heavy burdens, to that extent. The converses are also true.

**Now the ICO recognized ELFO Hon. Pres. Rikio's draft treaty on Permanent Neutralization of Ukraine. So that it will be easier for the ICO to propose several equitable compromises.**

#### **3. Demilitarization**

Neutralization partakes politico-diplomatic and military character, while demilitarization partakes mainly military character imposing restrictions in respect of weapons and region. We are pleased if belligerents agree to following points.

1. If restrictive burden is heavy on Ukrainian shoulder, then to that extent, Russian burden will be also heavy.

2. In Ukraine such 3 non-nuclear principles are to be applied as in Japan for a long time, namely: not producing, not possessing and not allowing the entry of nuclear weapons into the country.

3. Along the Russo-Ukrainian border, will be created a **demilitarized zone** with certain width of regional belt.

4. Our ICO proposes to Russians and Ukrainians to change the said zone into not arena of quarrels, but on the entire contrary, into a place where spirit of peace, friendship, welfare, and cooperation rules.

5. A definite zone (for example, 1km.) around an atomic station shall be demilitarized, and it shall not be a battlefield.

6. Ukraine and Russia shall neither locate military objects within or near a port which are used for exporting food, nor use such a port for importing weaponry and other military purposes.

#### **4. Non-use of a mass destruction weapon**

Our ICO thought it might be comparatively easy for belligerents to promise not to use a mass destruction weapon. And optimistically we proposed the following 3 points:

1. Both belligerents agree to never use a mass destruction weapon at any place so far as the enemy belligerent does not use it.

2. When a Head of State or some authorities declare serious military action with severe words, they shall answer to any questioner that use of the ABC weapon will not be included in this action.

3. If there a doubt happens as to use of ABC weapons, the concerned State in question shall permit international inspection to be organized by the United Nations.

**Now considering current severe antagonistic situation charged with potential catastrophic nuclear war, we members ELFO FAMILY propose the following additional points to the belligerents:**

- 1. Never to use the strategic nuclear weapon;**
- 2. Never to make a surprise attack;**
- 3. To make open before the world one's intention to use actually the tactic nuclear weapon;**
- 4. In the ultimatum shall be stated the cause which leads to use of nuclear weapon and place to be attacked by the nuclear weapon.**
- 5. As soon as the ultimatum is opened, the UN shall immediately commence conciliation;**
- 6. When the conciliation and other peaceful means failed, nuclear attacking President informs other President of the date of attack. Humanitarian corridors shall be created.**

## 5. Territorial problems

It may be very complicated process to settle these problems:

- A. It will be very good if Russia and Ukraine can conclude a peace treaty by themselves which would settle their territorial problems finally.
- B. It is possible, however, that even if they succeeded to conclude peace treaty which stops warfare, they could not agree to final settlement of territorial problems.

The several points below-mentioned concerns the just said case B, and are to be regarded as the ICO PROPOSALS to belligerents.

### Point N.1

If Russia and Ukraine fail to settle territorial problems by peace treaty, they shall promise to continue to negotiate after its conclusion.

### Point N.2

If they cannot settle the territorial problem for a long time by negotiation after conclusion of peace treaty, it may be several phases which our ICO may propose to Russia and Ukraine.

### Point N. 3

Our ICO proposes the 10 years for diplomatic negotiation. This period is for autonomy of diplomatic negotiation between Russia and Ukraine.

### Point N.4

If they fail to settle territorial problems by diplomatic negotiation, they shall submit the case to an international conciliatory organization. (As to our ICO, the GA will decide if it is ready to receive the case)

### Point N.5

If Russia and Ukraine agree to conclusion of the said international conciliatory organization, it is very good.

But if one of them does not agree to it, the case shall be submitted to the ICJ (International Court of Justice), asking it to deliver an advisory opinion.

### Point N.6

If Russia and Ukraine agree to conclusion of the said advisory opinion of the ICJ, it is very good. But if one of them does not agree to it, the case shall be submitted to the ICJ, asking it to deliver a judicial decision binding both of the parties.

### Point N.7

Russia and Ukraine shall respect the decision of the ICJ, provided that they may alter the contents of decision if they agree to it.

N.B. While conciliation or judicial procedure goes on, Russia and Ukraine may negotiate at any time.

## 6. Food (wheat) problems

In order that Ukraine provides African countries with food, especially Ukrainian wheat, we the ICO proposes followings:

1. Ukraine and Russia shall neither locate military objects within or near a port which are used for exporting food, nor use such a port for importing weaponry and other military purposes.

2. Russia and Ukraine will neither attack such a peaceful port so long as other belligerent observes the aforementioned rules, nor attack a ship carrying such humanitarian food.

3. A Commission for Exporting Food to Africa (CEFA) will be created. It shall be composed, among others, of permanent member of African Union, United Nations, Russia, Ukraina, and Turkey.

## 7. Non-attack against an atomic station

According to Article 55 of the Hague Regulation of 1907, a belligerent occupying enemy territory shall only be regarded as administrator and usufructuary of the public buildings, real property, forests, and agricultural works belonging to the hostile State and situated in the occupied territory; and he must protect the stock and plant, and administer them according to the rules of usufruct.

He may, therefore, sell the crops from public land, cut and sell timber in the public forests, let public land and building for the time of his occupation. (Ibid, Oppenheim, pp. 397~398).

ICO's proposal is as follows:

1. A belligerent or a warring entity shall make an oath never to attack any atomic station at any time and from any place irrespective of nationality of the actual ruler or manager of the station.
2. A belligerent shall demilitarize 1 km. zone around an atomic station, provided that its ruling belligerent may have police power with small arms.
3. When attacks become serious in or around an atomic station, administrator shall stop its operation.
4. International inspection of any atomic station by International Atomic Energy Agency (IAEA) shall be admitted at any time when the IAEA think it necessary.

#### **8. Non-attack of a church, a hospital, a school**

Article 56 of the Hague Regulation of 1907 prohibits all destruction of, and damage to, historical monuments, works of art and science, building for charitable, educational, and religious purposes.

"But such objects enjoy this protection only during military occupation of enemy territory. Should a battle be waged around an historical monument on open ground, should a church, a school, or a museum be defended and attacked during military operations, these otherwise protected objects may be damaged or destroyed under the same conditions as other enemy property".(Oppenheimer's International Law, Lauterpacht, Vol. II, 7<sup>th</sup> edi.p.415)

Our ICO proposes:

1. that religious, educational and medical establishments shall not be used for military purposes, and so long as they remain so, they shall not be an object of military operation.
2. that Ukrainian side shall inform in advance Russian authorities of the name and place of the establishments of these categories which are, or to be, located within theatre of war.
3. If Russian armed forces are going to attack these categories, Russian side shall inform Ukrainian authorities of such attack in advance.

#### **9. Humanitarian corridor**

ICO's proposal is as follows:

1. Civilians shall neither remain in nor enter

warring theatre where military objects are. If they are temporally obliged to be there, humanitarian corridor must be created immediately for their leaving from there, and they must not be attacked.

2. When military objects in a region (a village, a city or prefecture etc.) are declared to be attacked, and the region is besieged by troops with possible severe destruction, humanitarian corridors shall be created by belligerents' agreement.

3. In case creation of humanitarian corridor is declared unilaterally by Ukrainian side, Russian side respect it as much as possible so long as the corridor is used as one-way-traffic along which only people wishing to leave the region may flee to a safer region or a foreign country.

4. Such an one-way-traffic corridor may be created by an belligerents' agreement.

5. Taking into account probability that even with such creation of one-way-traffic many civilians are obliged to remain there, they shall not be regarded as a terrorist or against some norm so long as civilians observe wartime rules.

6. When one of the belligerents asks the United Nations to observe a humanitarian corridor, and the UN agrees to it, the other belligerent shall respect it.

#### **10. Belligerent nationals' intercourse**

ICO proposes as follows:

1. Taking into account civilian common people's natural aspiration after restoration of peace and friendship, both of belligerents shall not prevent peaceful interchange not only among relatives of belligerent countries, but also in respect of their nationals' international interexchange.

2. May both belligerents stop war, restore peace for their nationals' friendly interexchange.

#### **11. Prisoners**

Our ICO proposes as follows:

1. From humanitarian point of view, belligerents shall facilitate exchange of prisoners as much as possible.

2. When a Russian troop or organ brings an Ukrainian civilian to Russian authorities, they shall inform Ukrainian authorities of the civilian name, address, profession etc. as soon as possible.



## 12. Aid and reparation

### Money should be used not for destruction, but for construction and rising a level of life ASAP

The problems of aid and reparation for Ukrainians are also very important, I presented my ideas to the ICO GA, which adopted the below-mentioned proposals of mine unanimously. Fortunately No ICO members expressed any doubt.

“Personally I want almost all the States around the world to aid Ukrainians to restore their level of life. I suppose that Ukrainians’ standard of living rapidly and horribly declined after commencement of Russo-Ukrainian War. Before the war Ukrainian PPP (purchasing power parity) was 51 % as is seen in the below table.

Fiji	56%;	Bhutan	55%;	Jordan	54%;
Jamaica	53%;	<b>Ukraine</b>	<b>51%;</b>		
Eswatini	51%;	Belize	50%;		
Philippines	49%;	Morocco	48%;		

(<http://mopw.org/mem.fee.%20jan%202022.pdf>)

I hope that all the States should help Ukrainians restore former level of life. What States, to what extent, and how many years should aid Ukrainians? Here it is desirable to apply some objective economic and social indications. One of my ideas is adoption, by the ICO GA, of followings.”

Thus I sent my proposals to the GA, which also adopted them unanimously:

1. **WIN-and-WIN relations**. Aid and reparation will be rendered on basis of win-and-win relations, not a victor nation-and-a defeated nation.

2. Almost all the States of the world should aid Ukraine until she restores her PPP to 50%;

3. SHARE (ratio) of aid by each State for Ukraine will be proportionate with (a) her military

expenditure or (b) the increased budget part of the past military expenditure which was caused by Russo-Ukrainian War.

4. On the basis of Win-and-Win spirit both Russia and Ukraine renounce mutually right to claim reparation for damages caused by war, provided that Russia shall also aid Ukraine in accordance with the preceding paragraph 3.

5. The State which went to default or the States whose PPP is less than 50% may be exempted from the aforesaid aid.

## 13. The Armistice Commission

1. An International Armistice Commission (IAC) will be created which will be composed of belligerents, States and international organizations concerned.

2. In the aforesaid “States” will be included a State which guarantees neutralization of Ukraine. In the “international organization” may be included the United Nations (UN), FAO, IAEA, African Union etc.

3. The principal purpose of the IAC is to help belligerents agree to conditions of armistice and restoration of peace.

4. A consultative committee without belligerents may be opened with the UN chairmanship.

## 14. ICJ for settling legal problems

War must be ended by conclusion of peace treaty. In case there appears legal problem regarding interpretation of some phrases, there must be an Article which provides method for settling the problem. It is desirable that when Russian and Ukrainian Government are not able to the problems neither by negotiation nor by conciliation, they choose, among others, judicial settlement by the International Court of Justice.

the steps due to little time for talking because belligerents are extremely busy with war. In this case the ICO will have to consider its simplified answer. Anyway ideal procedure is the following 9 steps.