

EDITORIAL

Putin's war: restorative reflections

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Heal Ukraine with justice

The hearts of all restorative justice people are with the suffering of the people of Ukraine. We draw inspiration from the tenacity of their resilience as a people with a right to defend their independence and identity and from so many acts of kindness at border crossings. Is this Ukraine's finest generation of its long history of suffering and struggle against tyranny?

Of all crimes, the criminal law must insist that war crimes are shameful, not heroic. War making cannot be read as a realm of pure realpolitik; it must be constrained by rules of the international order. So, it is heartening that the Chief Prosecutor of the International Criminal Court (ICC) has commenced war crime investigations that examine conduct on all sides, with leading jurists discussing paths to charge Vladimir Putin with the crime of aggression for the invasion itself (Sands, 2022). Of course, it must be cautioned that in the past NATO leaders should have been charged with the crime of aggression for cases like Iraq, and for other crimes committed on all sides after such uninvited, unprovoked invasions. The ICC must attend to legitimacy as an institution that is better than just a NATO pawn. The Ukraine case is particularly egregious, not just for the sheer scale of slaughter and bullying. The Russian state has never before put its nuclear forces into a heightened state of alert. There has been no occasion since the end of the Cold War when any of the major nuclear powers raised its nuclear force alert level in an attempt to coerce another side, let alone in the midst of major war.

There is no contradiction between robust support for restorative justice and for the impressively tough international sanctions imposed on Russia. A restorative virtue of these sanctions is that they can be so quickly reversed to trade that flows in supportive ways when invaders withdraw and make the compromises needed for peace and healing. A problem is that Russia perceives the West to be quick to impose sanctions and unresponsive in lifting them. That unresponsiveness is dumb retribution; restorative de-escalation when the time is right is smarter.

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Active responsibility

Restorative justice advocates of course think differently about these matters from normal scripts for reaction to war. We believe in taking active responsibility for prevention and healing even when we have no culpability as perpetrators. We believe in equal concern for the justice claims of all parties affected by injustices. Just as we feel for the terror the brave Ukrainian people experience today, we also feel for the civilians of the Donbas region. They continue to suffer seven years of rockets for asserting independence, into civilian areas, sometimes in breach of international humanitarian law because they could not be targeted accurately, arriving in salvos from multi-barrel rocket launchers (Human Rights Watch, 2014). We want our media to listen to their stories as well and their critiques of us for our comparative neglect of their suffering. We have done so little to prevent their war from escalating totally out of hand. We also want to hear the stories of young Russian conscripts who thought they were on a training exercise, reach out to the tears of their mothers. There do seem to be Russian generals who are opposed to this war; we want to support them to defect and testify at The Hague so we hear their stories.

Enabling storytelling from below is one essence of the restorative justice method. Professional journalism is critical to eliciting and recording these stories. Reporters Without Borders plays supportive roles. But professional reporters are prevented from entering the very places where storytelling is most needed. Citizen journalism therefore calls upon our reflection through a restorative lens. You get a good feel for it from the BBC's 'Assignment: Syria's decade of conflict: Islamic State's most wanted' (10 June 2021). Islamic State's most wanted in Raqqa were citizen journalists. They told of the tyranny of Islamic State, just as they also recounted the repression of the Assad regime and Russian attacks supporting Assad. When their identities became known, they fled to Turkey to support the internationalisation of story-sharing, after training successor citizen journalists to stare down the risk of execution in Raqqa's public square. At ground zero of the war, electronic communication had limits, so they also challenged war crimes with graffiti painted on walls. Citizen journalism from spaces where war rages for many years teaches us how war zones create opportunities for new armed tyrannies to take over from the ashes of liberation movements. Justice is not value free; it is a principled practice of resisting the injustice of domination (Braithwaite, 2022; Walgrave, 2013).

Restorative peacemaking inside protracted war zones is a practice of courage because restoring peace threatens militias who are winning locally and benefitting from local looting, domination and rape, even when they will lose nationally. We learnt that from the early innovations of the Peace Foundation Melanesia with restorative justice conferencing during the Bougainville civil war that led to some facilitators being killed. One was Angelina Nuguitu, who was working to broker a peace during the rapes of local women by soldiers that was followed by the Kangu Beach Massacre of those soldiers with other innocent soldiers (Braithwaite et al, 2010: 41). Because macro tyrannies connect down to micro capture of the conflict by local forms of domination, a restorative ideal is to prevent any war from

becoming protracted. This is accomplished through creative commitment to finding the little compromises on both sides that expand a contracting zone where peace can grow. Local forces supporting violence co-opt international ones, and international ones co-opt local ones in complex ways. Peace cannot be rebuilt by fixing the international dynamics alone, or local grievances alone.

One failing of the social movement for restorative justice in Ukraine has been with early healing and prevention. About sixteen years ago, years before the crisis in Eastern Ukraine exploded, Valerie Braithwaite and I attended an event to help build the restorative justice movement in Russia and in Ukraine. There were roughly equal numbers of participants from Ukraine and Russia. It was hosted in Moscow. When ethnic Russians and Ukrainians started killing each other in Eastern Ukraine years later, there was wonderful leadership from the Russian side of that workshop to bring these participants back together to find paths to healing and peacemaking. To put it more ambitiously, the aim was to join the social movement for restorative justice in Ukraine together with the social movement for restorative justice in Russia to build a bridge to peace.

I mention this with circumspection, so no one gets into trouble. The leadership from the Russian side of our social movement was tenacious. Tentative support for the initiative came from no less than Dmitry Medvedev, who had just finished his term as President and was back in the role of Prime Minister (2012-2020) under Vladimir Putin. Elements from a higher authority than Medvedev quashed it. We feared emails about the initiative might be monitored. We respected pleas to just drop it. We had other peacebuilding work to do in other places, but our remorse in retrospect is that they seem less important than this initiative might have been. We are sorry not to have found some small path; we would have been in Ukraine during 2020-2021 but for Covid-19.

Russian-French-US journalist Vladimir Pozner (2018) was asked why there was not more peace dialogue, more local and international healing when neighbours first started killing each other in Eastern Ukraine. A Ukrainian questioner asked whether there was a path to reconciliation seven years ago. Pozner replied that he knew not what the local solution might have been, but he felt confident that good local resolutions would have been found had there not been geopolitically powerful actors who did not want healing through practical solutions.

Responsive listening

In agreeing with Pozner on this, let us not just think of Putin. Successive US Presidents were shockingly bad at deep listening to Putin's grievances. Barack Obama's biographical writing and interviews bristle describing how he had to put up with Putin's ravings about his grievances on NATO expansion East before they could get down to the real work of their meetings. Grievances that lead to war are definitely matters Presidents are paid to listen to deeply and responsively.

I make a distinction here between accession to the European Union, which is a door that might have been open to any European society, a distinction between European Union accession and accession to NATO as a military alliance organised around the idea of pointing missiles at Russia. The European Union has been such

a profoundly important institution for constituting a remarkable continental peace for the past 77 years. Part of this was Austria (see also Finland) eventually becoming a democratic member of the EU, but on the understanding that it would not join NATO but be a neutral buffer up against the old Iron Curtain, devoid of NATO bases and missiles aimed at Russia.

Eastern expansion of NATO up to such a major part of the former Soviet Union as Ukraine was warned against by serious thinkers. On the left the caution came from Noam Chomsky (2022), on the right Henry Kissinger (2014),¹ the centre John Mearsheimer (2014; Chotiner, 2022), Thomas Friedman (2022) (*New York Times*), George Kennan (1997), author of the containment doctrine that all Cold War US presidents followed, and 1990s Australian Prime Minister, Paul Keating. Keating argued that NATO as we had known it should have been dismantled at the end of the Cold War to prove to Russia that a militarised club from which Russia was excluded no longer had a place. A different architecture was needed for a world where all of Europe was committing to democratic elections. This view was reinforced in the pro-Western early years of Putin's Presidency when he enthused about moving closer to the United States and EU than Yeltsin had managed. Keating argued Western leaders had failed to grasp a potential 'new era of peace and co-operation', failing to find a place for Russia in the global 'strategic fabric'. By expanding NATO so widely, 'the US failed to learn one of the lessons of history – the victor should be magnanimous with the vanquished' (quotes from Hyland, 2008). The upshot, Keating argued, was that NATO states on the borders of Russia kept its nuclear arsenal on dangerous levels of alert. 'This posture automatically carries with it the possibility of a Russian nuclear attack by mistake'. Keating argued that Russia compensated for turning down the dial on how up to date were its nuclear surveillance and early warning systems by turning up the dial on levels of nuclear alert. 'This means that while the Cold War is over, the risk of a mistaken pre-emptory (nuclear) response has increased'. Keating contended that if nuclear weapons were the world's most pressing problem, its greatest challenge was building 'a truly representative structure of world governance which reflects global realities but which is also equitable and fair.' Kennan (1997: 1) argued:

Expanding NATO would be the most fateful error of American policy in the entire post-cold-war era. Such a decision may be expected to inflame the nationalistic, anti-Western and militaristic tendencies in Russian opinion; to have an adverse effect on the development of Russian democracy; to restore the atmosphere of the cold war to East-West relations, and to impel Russian foreign policy in directions decidedly not to our liking. And, last but not least, it might make it much more difficult, if not impossible, to secure the Russian Duma's ratification of the Start II agreement and to achieve further reductions of nuclear weaponry.

- 1 Kissinger (2014: 1) opined: 'Any attempt by one wing of Ukraine to dominate the other – as has been the pattern – would lead eventually to civil war or breakup. To treat Ukraine as part of an East-West confrontation would scuttle for decades any prospect to bring Russia and the West – especially Russia and Europe – into a cooperative international system.'

Beating missiles into mending

Europe and North America could be difficult to save in the long run from drawn daggers of their NATO-versus-Russia mentality. But the North Atlantic plus Russia is less than fifteen per cent of the world's population. Societies of the rest of the planet can avert NATOization. That positive agenda of healing and prevention is important for the restorative justice movement. The half of the world population that is Asian have contemporary regional collaborations such as the Association of South East Asian Nations (ASEAN) that covers 630 million people. It is a contemporary adaptation to lessons of the history of world wars that cascaded from militarised alliances in Europe. ASEAN involves commitment to a politics of cooperation among disparate societies, not military alliance. ASEAN is committed to sustaining healed relationships with China, the United States, the European Union, and other Asian powers. Even though ASEAN embraces the most war-torn region of the world during a twentieth century in which all ASEANs were invaded, today they see invasion risks by their neighbours as low compared to risks of being pushed into the kind of wars their neighbour Australia joined in Afghanistan, Iraq, Vietnam and Korea, and future wars that could be worse such as Taiwan. The ASEAN judgement is that invasion risks are lower than risks from being bound into a violently cascading great power contest. One reason that judgement makes sense to ASEANs is that they have a strong nuclear weapons-free zone (Treaty of Bangkok). This means they do not crave a military alliance to defend against any southern neighbour that dominates through nuclear threat. ASEANs were given confidence with forming a nuclear-weapons free zone because before they took it, the other significant military power in their region, Australia, ratified a South Pacific nuclear-weapons free zone (Treaty of Raratonga).

A suite of nuclear-weapons free zones was established by 1996 to cover all the southern hemisphere and much of the most southern part of the northern hemisphere, all of Latin America as far north as the US-Mexico border, all Africa to the Mediterranean. More than 100 countries signed these nuclear treaties. Let us aspire to expand them to cover the planet.

ASEAN diplomacy treads more softly on calling out despotism and human rights abuses than we genuine democrats desire. It nevertheless provides northern strategic thinking with food for thought and an alternative. ASEAN has helped members to flourish to be progressively less afflicted with violence and poverty and to progressively democratise, though with tragic reversals (Cambodia, Myanmar). This accomplishment has similar dynamics to the wider accomplishments of European struggles for freedom across the past 77 years, but without lock-in to military alliances.

Pulling missiles back from borders

NATO expansion always had the impractical particularity that Ukraine was burdened with an agreement to cede a parcel of its territory to host the Russian Black Sea fleet in Crimea as part of the wider deal to cede Crimea from Russia to Ukraine. The Russian fleet stationed in a NATO country side-by-side with NATO

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missiles did not seem a wildly practical proposition for either NATO or Russia. At the end of the day was there genuinely a pathway to a unified Ukraine becoming a member of NATO that could actually happen? Were past NATO leaders duplicitous with both Ukraine and Russia on NATO expansion? Was it responsible for George W. Bush to promise Ukraine and Georgia paths to NATO accession when there was no consensus for that and he could not deliver it as he ended his presidency 14 years ago?

For reasons discussed in Braithwaite (2022), nuclear war that occurs as a result of escalation by accident, misunderstanding, technical fault, false flag cyberespionage or cyberterrorism is more at risk today than during the cold war. It can start in simple ways such as a Russian hit on a NATO nation's ship, mistaken as Ukrainian in the fog of war. The planet is in heightened danger of such mistakes until a ceasefire holds. Is a restorative peace not possible that promises ceasefire, restorative diplomacy to discuss how to empower the people of Eastern Ukraine to decide their own future, full preservation of Ukrainian democracy and sovereignty, a fast track to EU accession, but guaranteeing the promises Putin not unreasonably believes were made by NATO leaders about limiting NATO expansion? These alleged promises are recorded in minutes of meetings at the time when Gorbachev agreed that the Berlin Wall would be dismantled to take East Germany into NATO (in the context of moving to dismantle the Warsaw Pact). Putin believes there was agreement not to expand NATO. US Secretary of State James Baker and German Chancellor Helmut Kohl explicitly agreed there would be no other NATO expansion ('not one inch') once East Germany became part of NATO, with Gorbachev (National Defence Archive, 2017) and Yeltsin (National Defence Archive, 2018). Why can NATO not agree with Putin that Moscow would never have been so stupid as to dismantle and destroy thousands of nuclear weapons aimed at the West from Ukraine if it thought it might be agreeing to them being replaced by missiles aimed at Russia instead? NATO could and should agree to never locate nuclear missiles in Ukraine. Totally destroying the one-third of all Soviet missiles that were under Moscow's control in Ukraine was done in such a restorative, generous way by all sides at the time; how tragic it is that such a huge step to restore planetary security has unravelled to a titanic war. Why instead was it not a stepping stone to more ambitious disarmament?

Putin is right that all sides, not just Russia, are safer when nuclear missiles are pushed back from adversaries' borders. When a false alarm of an incoming missile arises, which has happened many times on both sides, there is only a short number of minutes to ascertain that it is a false alarm. The more minutes both sides have to sort out misperceptions, the safer everyone is. The Cuban Missile Crisis was the gravest moment of threat to the planet from war. Its resolution, however, had some restorative virtues. Both Kennedy and Khrushchev made genuine efforts to help each other save face with their domestic publics as they compromised, backed down. By doing this, they grew relational diplomacy for a safer future. There was explicit aversion to making an opponent desperate who was capable of irrational action and in control of a nuclear button by putting them in a corner from which they saw no escape. The politics of humiliation that social media promotes today was averted. More practically, they both pulled back nuclear missiles that were

getting too close to their adversary. Russia packed its Cuban missiles; America dismantled its Turkish missiles on the edge of the Black Sea, restoring the safer separation that prevailed before the crisis.

Compromises of restorative diplomacy

Diplomacy and compromises are always possible, always imperative for peace and healing. After I wrote the paragraphs above on day 11 of the war, by day 14 Presidents Zelensky and Putin were both signalling significant willingness to soften their positions towards the kinds of compromises just discussed. That does not mean war might end quickly with a balance of disappointments. Who knows, perhaps what Putin wants is to break Western Ukraine rather than take it, and then leave the West with the challenge to help put the society back together. Perhaps Putin will not stop killing until he takes a corridor that connects Crimea to the separatist republics through Mariupol, seizing the strategic, wealthier East of the economy.

Some may hope as I do that this crisis brings Putin undone with domestic Russian support. But it is of course not a restorative approach to allow slaughter to worsen in order to secure that outcome. If President Biden thinks that way about where his moral compass points, he needs to examine it. On this, there might even be common ground between restorativists and conservative realists like John Mearsheimer. He warned against prodding the bear with a NATO stick because Putin might save himself through strategic embrace with a China that buys his oil and gas and cooperates on weapons exports. China seems to have enjoyed the opportunity for tighter Russian strategic engagement since the 2014 war with Ukraine. So far it is the only winner of 2022 as it buys abandoned Russian assets of western firms at bargain prices.

Mearsheimer thinks a Russia fully aligned with China is geostrategically avoidable. China might now be the most powerful economy, but if Russia can compromise with a new found decency for peace in Ukraine, it is not too late for them to return to being sufficiently aligned with European values to join a balancing coalition with the West that foils any future attempt by China to coerce the world. Indeed, the world can be safer and freer if Russia can be persuaded to abandon their recent agreement with China to never oppose each other on the UN Security Council or on any major security issue. China is looking more persuadable on that in recent days as Putin proves himself an unattractive best friend. The 1993 Russian constitution drafted by a conference of 800 participants is democratic in a way the Chinese constitution is not, even after Putin's amendments to extend Presidential terms. The problem is that it is a constitution corrupted by a despot. Old tyrants like Putin (or Trump) cannot survive forever in Presidential systems by fixing elections. Democratic constitutions and institutions can be restored, renewed. At a time of war with Russia, restorative justice people can demonstrate their faith in the Russian people to achieve just that through pathways of restorative diplomacy. Only the Russian people can choose to do this. External attempts to coerce the Russian people towards that result may be as likely to backfire to defiance as to succeed (Fortesque, 2022; Sherman, 1993).

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Restorative relevance

At this terrible moment of truth for the world restorative justice is relevant to speaking truth to power. There is a distinctive restorative take on big questions of war and peace (Clamp, 2016; Llewellyn & Philpott, 2013). This editorial is a feeble attempt at one person's account of what restorative diplomacy could look like with a wicked problem on an unpredictable trajectory.

Most of all, restorative justice must be a plural movement that relishes rainbows of interpretation on how to make peace, how to heal, informed by advocates in Ukraine, in Russia, from every corner of the planet, from every political persuasion. Old conservatives can become progressively more restorative in their diplomacy as they age. Consider again Henry Kissinger (2014: 1):

Public discussion on Ukraine is all about confrontation. But do we know where we are going? In my life, I have seen four wars begun with great enthusiasm and public support, all of which we did not know how to end and from three of which we withdrew unilaterally. The test of policy is how it ends, not how it begins. Far too often the Ukrainian issue is posed as a showdown: whether Ukraine joins the East or the West. But if Ukraine is to survive and thrive, it must not be either side's outpost against the other – it should function as a bridge between them.

Restorative justice is a social movement and a social science that has something to offer peacemaking. We can get involved in our small ways, knowing we do not have most of the answers, humble about how limited our capability is to do something against the magnitude of geopolitical power. Yet we can be hungrier to do what we can for a caring vision that reframes solutions.

The task of restorative diplomacy is to render no longer true words spoken by Hitler's right-hand man Hermann Goering during his Nuremburg trial interrogation:

Why would some poor slob on a farm want to risk his life in a war when the best that he can get out of it is to come back to his farm in one piece. Naturally, the common people don't want war; neither in Russia nor in England nor in America, nor for that matter in Germany. That is understood. But, after all, it is the leaders of the country who determine the policy and it is always a simple matter to drag the people along, whether it is a democracy or a fascist dictatorship or a Parliament or a Communist dictatorship.

There is one difference, he was questioned. In a democracy the people have some say in the matter through their elected representatives, and in the United States only Congress can declare wars.

Oh, that is all well and good, but, voice or no voice, the people can always be brought to the bidding of the leaders. That is easy. All you have to do is tell them they are being attacked and denounce the pacifists for lack of patriotism and exposing the country to danger. It works the same way in any country. (Goering 2022: 1).

It remains difficult to prove Goering wrong. A starting point is a peacemaking method that dignifies the agency of loved ones and fellow villagers joining arms with the person Goering sees as 'some poor slob'. Like the martyrs of the Peace Foundation Melanesia, sadly we will sometimes be killed or ostracised for being restorative in that way or for brave work in warzones with cognate organisations like Nonviolent Peaceforce or Geneva Call (Braithwaite, 2022: 555-561).

What restorative justice people can do

Brilliant IT folk can join thousands in the Ukraine 'cyber army' to help strengthen its cyber defence (Svantesson 2022). Freedom activists in places like Myanmar have been supported by foreigners supplying VPNs (Virtual Private Networks). You do not have to be an Elon Musk offering wi-fi from your satellites. You can refuse to help with cyber offence, which can spin out of control. So far Russia and the West have opted against escalating from sanctions to full-throttle cyber war to close down economies by disabling satellites, computers that control infrastructural grids, and cutting/destroying deep sea cables. This is because it would be mutually disastrous, irrational. Young enthusiasts can be persuaded against that risk of irrationality, educating about counterproductive cyber offence. States often turn a blind eye to foreign cyber-warfare that is criminal; educative restorative justice is a superior approach to this. Some thoughts on what we all might be able to do:

- Use the war to discuss with friends the lesson that no conflict is so wicked that all paths to de-escalation are closed.
- Remember that valuing human dignity means listening even when you think someone is deranged. When we don't listen to 'ravings' we can miss the fissures forming that later become deep, violent crevices.
- Do seriously all you can to love the difficult others around you to be directly engaged in countering hate and violence everywhere in the world.
- When international institutions of peace break down, keep sustaining local restorative institutions of peace and regional institutions of peace.
- Support the politics of international institutions that heal; contest those organised to hurt.
- Broaden the social movement and social science of restorative justice to be more engaged with restorative diplomacy; educate for a movement that engages politically.
- Welcome a Ukrainian refugee.
- Give to humanitarian activism supporting Ukraine.
- Make a point of letting a Russian friend know why you love Russia and them.
- Speak up against actions that stigmatise or cancel people just because they are Russian.
- Embrace Ukrainians and Russians into supportive listening circles in our schools and workplaces and into 'restorative city' movements. Then publicise on social media the reintegrative support and compassion that is communicated.
- Do not try to co-opt or tell movements for freedom in Russia what to do, just support them.
- Invite representatives of movements for freedom into Track II Diplomacy.

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- Collect and disseminate stories from the personal lifeworld of people from Russia and Ukraine, that show their common suffering but also resilience, and their connectedness (as this journal does, most recently concerning the Palestine-Israeli Parents Circle-Families Forum (Mazzucato, 2022)).
- Support NGOs like Nonviolent Peaceforce and Geneva Call.
- Support the European Forum for Restorative Justice to convene events/panels on building the restorative justice movements in Ukraine and Russia, facilitating conversations between them.
- With the price of fuel and bread spinning out of control in Ukraine and every conflict zone on earth, generously support starving families (with Afghanistan, Lebanon, Syria and Yemen also facing immediate need).
- Support non-proliferation institutions; lobby to expand nuclear-weapons free zones.

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