

# Brief Assessment Of The Witkoff–Dmitriev 28-point Russia-Ukraine Peace Plan

This assessment of the Witkoff–Dmitriev 28-point Russia-Ukraine plan is based on the inventory prepared by Eerik N. Kross, former Intelligence Director of Estonia and Member of Parliament.

## 71 Obligations the Plan Would Breach

### 1. Territorial Integrity & Non-Recognition of Aggression (14 Obligations)

Violates:

- UN Charter (Article 2(4); jus cogens non-recognition)
- UNGA resolutions on Ukraine (68/262; ES-11/1; ES-11/4; ES-11/5)
- UN Friendly Relations Declaration (2625)
- Definition of Aggression (3314)
- OSCE Helsinki Final Act, Paris Charter, Istanbul & Astana commitments
- PACE Resolution 2605

**Core breach:** Forces U.S. recognition of Russia's territorial gains.

### 2. Sovereign Right to Choose Alliances (6 Obligations)

Violates:

- UNGA 2625 — freedom to choose foreign policy
- OSCE Helsinki, Paris, Istanbul, Astana commitments — no spheres of influence

**Core breach:** Imposes a Russian veto on Ukraine's NATO future and forces alliance restrictions.

### 3. Prohibition of Aggression & Duty Not to Reward It (11 Obligations)

Violates:

- Nuremberg Charter & Principles
- UN Charter; UNGA ES-11/1, ES-11/4; UNGA 3314
- ILC Articles 40–41 (non-recognition; no assistance; duty to end breach)
- PACE 2605

**Core breach:** Treats aggression as legitimate, normalizing the results of an illegal war.

## 4. Prohibition of Amnesty for War Crimes (15 Obligations)

Violates:

- Geneva Conventions (Common Art. 1; grave-breach prosecution duties)
- Customary IHL Rule 158
- Convention Against Torture (Articles 4–7)
- Nuremberg Principles (no immunity; no political override)
- UN practice rejecting amnesty for core crimes
- PACE 2605

**Core breach:** Imposes blanket amnesty for war crimes, torture, and mass atrocities.

## 5. Victims' Right to Justice & Reparations (7 Obligations)

Violates:

- UN Basic Principles on Remedy and Reparation
- UNGA ES-11/5
- Council of Europe Register of Damage framework

**Core breach:** Extinguishes victims' claims and diverts frozen assets away from reparations.

## 6. Sanctions, Non-Normalisation & Accountability (9 Obligations)

Violates:

- UNGA-mandated non-recognition of annexations
- G7/EU/NATO commitments tying sanctions to withdrawal and accountability
- PACE 2605 requirements

**Core breach:** Restores Russia to the G8, ends pressure prematurely, and normalizes aggression.

## 7. North Atlantic Treaty Violations (9 Obligations)

Violates:

- **Article 10** — Open-door membership policy
- **Article 1** — Inadmissibility of territorial gains from force
- **Article 2** — Protection of free institutions
- NATO Summit declarations (open door; no vetoes)

- U.S. obligations as treaty depositary

**Core breach:** Requires the U.S. to dismantle NATO's open-door policy and subordinate it to Russia.

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## Conclusion for Decision-Makers

If the United States were to support the Witkoff–Dmitriev plan, it would:

- breach **71 separate international legal and political obligations**,
- contradict **every major Ukraine-related vote** the U.S. has cast since 2014,
- undermine **core norms of the post-1945 order**, and
- require the U.S. to partially invalidate the **UN Charter, Geneva Conventions**, and the **North Atlantic Treaty** in practice.

This is why the plan is legally indefensible, strategically destabilizing, and politically radioactive for any government that endorses it.