Perspectives for the War in Ukraine

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Introduction

There is no doubt that the military aggression against Ukraine unleashed by President Putin on 24 February 2022 represents the most significant disruption of security and peace in Europe since the end of World War II. The war has far-reaching repercussions affecting practically every aspect of our lives and impacting far beyond the European continent. In this article, I will first briefly assess the situation on the battlefield. I will then offer a few scenarios for how the conflict could evolve in the coming months.[1] Afterward I will mainly focus on what has been called "Plan B"-thinking in the expert community:[2] What if the official narrative of both sides – a military victory – does not materialize? What if the parties, exhausted by a war of attrition, decide to return to the negotiation table – or the high-intensity warfare transitions to low-intensity conflict leading to a de facto cessation of hostilities? What could a negotiated or a de facto ceasefire look like? And what issues would have to be negotiated if – in the most optimistic scenario – the parties decide to proceed from a ceasefire to a conflict settlement process?

Five phases

As we approach the end of the second year after the Russian invasion of Ukraine, we can identify five distinct phases of the war to date. The first centered on the battle for Kyiv in February-March 2022, followed by a second stage, marked by the invasion of the Kherson and Zaporizhia regions in the South and the battle for the Donbas in the East. The third phase began in September 2022 when the Ukrainian Armed Forces (UAF) successfully liberated important parts of the occupied territory. They advanced first in the Northeast, in the Kharkiv region, and then in the Southwest, regaining the city of Kherson. Still, the Russian Armed Forces maintained control over most of the Donbas and the South of Ukraine and decided to annex the four regions of Luhansk, Donetsk, Zaporizhia and Kherson, although Moscow still does not have full control within the administrative borders of the regions. Moreover, Russia has been attacking targets throughout Ukraine with missile and drone launches.

In December 2022, partly caused by the cold season, we entered a fourth stage of the struggle, characterized by an unabated intensity of warfare but few territorial gains on either side. The situation on the battlefield began to look like a stalemate, recalling images of the battle of Verdun or at the Somme in World War I. The fifth stage of this war was then marked by attempts to break out of

[1] This builds on an article entitled "Reintroducing elements of cooperative security in the future European Security order", published by the author in The Defence Horizon Journal/Special Edition "Stand with Ukraine", February 2023.

[2] See Richard Haass and Charles Kupchan: "The West needs a new strategy in Ukraine; a plan for getting from the battlefield to the negotiating table", Foreign Affairs, 13 April 2023; Samuel Charap and Miranda Priebe: "Avoiding a long war; U.S. Policy and the trajectory of the Russia-Ukraine conflict", Rand Corporation, January 2023.

this deadlock throughout 2023: First the Russian Armed Forces launched their early spring offensive and finally in summer the Ukrainian Armed Forces began their long-awaited counter-offensive. Both were expected to bring movement again to the battlefield. However, this did not happen.

The conflict has therefore reverted to the realities of the previous phase: a war of attrition with hardly any territorial gains at all for more than a year now. While some experts perceive the current situation on the battlefield only as a temporary standstill, many characterize it as permanent stalemate. Ukraine's Commander-in-chief Valerii Zaluzhnyi admits that "there will most likely be no deep and beautiful breakthrough," but argues that there are ways of transitioning back to the "maneuverable nature of hostilities" with the help of advanced western weaponry.[3] Asked if Ukraine or Russia is winning, former senior National Security Council member Fiona Hill said: "We can actually say that Ukraine has won in terms of securing its independence and has won by fighting Russia to a standstill."[4] She is, however, very concerned that the US, mainly for domestic reasons, will not maintain the current level of support to Ukraine. While I share her assessment that it will become more challenging for Kyiv to mobilize the necessary financial and military assistance to sustain its war effort, Ukraine will, for the foreseeable future, still be able to count on strong political resolve from its Western partners to help it defend its sovereignty.

Five scenarios

Given the unexpected turns that the war has already taken, one should be careful in predicting further developments. Reflecting on *scenarios* therefore continues to be the most sensible approach:

The *most likely scenario*, at least in the short- to medium-term, is that the war will continue at *high intensity*, with the Russian Federation trying to gain complete control of the Donbas region as well as the two annexed regions in the south, and Ukraine attempting to liberate as much of the occupied territory as possible. Both sides seem convinced that time is on their side and that they will eventually prevail (cf. scenario 4). Neither party is currently in a mood to settle. However, despite heavy fighting, this scenario remains characterized by a virtual standstill. There is a 1,350km-long frontline, but two thirds of the line is effectively static. In addition, both sides are increasingly focusing on consolidating defensive positions through the construction of fortifications and laying of mines.

The *second scenario* is a transition to a *low-intensity* conflict due to the gradual exhaustion of the armed forces of both sides. This may happen with a formal cessation of hostilities agreement or without one. We may see a temporary stop

[3] Valerii Zaluzhnyi: "Modern positional warfare and how to win in it". Elements of the essay can be found in General Zaluzhnyi's interview in The Economist on 1 November 2023.

[4] "'We'll be at each other's throats': Fiona Hill on what happens if Putin wins", Politico, 12 December 2023.

to the fighting or a more permanent ceasefire. This scenario could bring us to a state comparable to what we witnessed in the Donbas between 2014 and 2021.

We cannot exclude a *third scenario* that would involve different forms of *escalation*. Having reached a stalemate on the battlefield but unwilling to compromise diplomatically, each side may see escalation as the best way of achieving their political aims. There are scores of means of escalation: targeting critical civilian infrastructure of strategic relevance within or outside Ukraine, taking the on-going cyber war to another level, kinetic action against military or dual-use assets in outer space, or the use of tactical nuclear arms. The latter represents a scenario that is seen by most experts as highly unlikely, but not totally impossible should President Putin at some point face strategic defeat. There is a risk of escalation from mutually targeting nuclear power facilities (Zaporizhia, Khmelnytskyi, Kursk nuclear power plants). An escalation could also be triggered through unintended confrontation – conventional or nuclear – between Russia and NATO member states. And finally, in a medium- to long-term perspective escalation could also occur through conventional military means by, for instance, Russia launching a major offensive operation to push towards Odesa and Transnistria in the South, pursuing the concept of Novorossiya ("New Russia"). For the Ukrainian Armed Forces, advancing from Zaporizhia in a southerly direction through Melitopol down to the Black Sea would represent a major strategic gain, since it would cut off Russia's land access to Crimea.

The *fourth scenario* is equivalent to the official narrative of both parties: a clear *military victory* brings the war to an end. However, the current stalemate on the battlefield makes it seem quite unlikely that one of the two parties will achieve a clear victory. At the same time, we cannot totally rule out that the standstill could be overcome at some point if, for instance, one side's morale breaks and the frontline collapses, similarly to what happened during World War I, when what looked like a stalemate of trench warfare eventually saw the return of manœuvre warfare.

The *fifth scenario* would be a *negotiated end* to the war, at first through a negotiated ceasefire that goes beyond a sheer cessation of hostilities as described in the second scenario and then ideally a peace agreement. A settlement would mainly have to be negotiated between Russia and Ukraine. Yet, some dimensions like security guarantees for the two belligerents or the future European security order go beyond bilateral conflict settlement and would have to include what Moscow calls "the collective West".

Reflecting on a plan B

As momentum in the commentariat further shifts in favor of some negotiated outcome, how might we move toward the fifth scenario? Against the backdrop of an apparent bloody stalemate on the ground and the sense that this may not change in the future, there have been growing calls from the expert community to reflect on a plan B since the beginning of 2023. Countries like China, Brazil, the Vatican, or South Africa have offered their good offices to bring both sides to the negotiating table. More important, the tone of discussions in Washington has started changing. Renowned experts like Richard Haass, Charles Kupchan or Samuel Charap have reflected publicly on what a sensible course of action could look like if it became clear that neither side would prevail militarily. Haass and Kupchan have advocated a two-pronged approach that consists of continuing to bolster Ukraine's military capacity while preparing for the moment when both parties warm up to the idea of a settlement. This means getting ready to broker a ceasefire and perhaps a follow-on peace process. According to their argument, it would be critical to minimize Russian gains to demonstrate that aggression doesn't pay, and territorial conquest is a costly enterprise.

In case of a negotiated ceasefire, both Ukraine and Russia would pull back their troops and heavy weapons from the new line of contact, effectively creating a demilitarized zone. An international organization — either the UN or the Organization for Security and Cooperation in Europe (OSCE) — would, as a joint venture, send in observers to monitor, verify and stabilize the ceasefire and pullback. An accountability mechanism would have to be developed to deal with violations. It should be better designed than the "Joint Centre for Command and Control (JCCC)" that Russia and Ukraine operated in the Donbas between 2015 and 2017. For example, it could be inspired by the model of Joint Military Commissions (JMC) that worked well in many peace processes. A contact group representing key political stakeholders would have to be set up to monitor compliance and discuss ongoing concerns on a political level.[5] The West could offer some limited relief from sanctions and approach other influential countries, including China and India, which would create incentives for the Russian Federation to abide by a ceasefire.

De-escalation measures

If there is to be *no return* to the negotiation table, what policy options might still facilitate a de-escalation of tensions? A group of ceasefire experts gathered recently by the Geneva Centre for Security Policy identified measures that could be taken by the parties even under conditions outlined in scenarios one and two. Despite continued high-intensity warfare, there may be scope for conflict

[5] Samuel Charap and Jeremy Shapiro list similar elements, in: "Elements of an eventual Russia-Ukraine armistice and the prospect for regional stability in Europe", Stimson Issue Brief, 14 December 2023.

or battlefield management arrangements and local stabilization measures. Channels of crisis communication, in particular military to military, could be created. A transition to low-intensity warfare or a cessation of hostilities could be supported by local ceasefires such as along the Ukrainian-Russian border between Chernihiv and Kharkiv or in the region south of Odesa. Temporary ceasefires could buy time and create a degree of trust that could enable negotiators to return to diplomacy. Confidence-building measures could consist of specific mutual restraint for instance in the Black Sea region focusing on port security and freedom of navigation, or an agreement that Russia would not launch attacks from the Black Sea and Ukraine would not attack Russian ships in the Black Sea.

Matching means and ends

While the official narrative among Western states has not changed and continues to follow President Biden's line of supporting Ukraine for "as long as it takes" to achieve its military objectives, parts of the expert community have begun to embrace "Plan B" thinking and calls for a fundamental reappraisal of the current strategy that Ukraine and its partners are pursuing. This new way of thinking sees "an unsustainable trajectory, one characterized by a glaring mismatch between ends and available means."[6] It calls for a strategy centered on Ukraine's readiness to negotiate a ceasefire and simultaneously switching the military emphasis form offense to defense. In a recent article, German military expert Wolfgang Richter criticizes a war of attrition without an exit strategy as being unrealistic and irresponsible toward Ukraine and, given the risks of escalation, also irresponsible toward European security. He recommends an exit strategy that addresses the three lines of conflict – within Ukraine, Ukraine-Russia and Russia-NATO – looking for a way out of the impasse that respects Ukrainian sovereignty as well as Russian security interests toward NATO.[7] Another important question has recently been raised by a former Ukrainian top diplomat: Would key Western allies today support a Ukrainian decision to return to the negotiating table?[8]

[6] Richard Haass and Charles Kupchan: "Redefining Success in Ukraine; a new strategy must balance means and ends", Foreign Affairs, 17 November 2023.

[7] Wolfgang Richter: "Russlands Angriffskrieg gegen die Ukraine", FES Regional Office for Cooperation and Peace in Europe, December 2023.

[8] Oleksandr Chalyi, former Presidential Advisor and Deputy Minister of Foreign Affairs of Ukraine, at Geneva Security Debates, 6 December 2023, Youtube, https://www.youtube.com/watch?v=t2zpV35fvHw.

Settlement talks

This takes us back to settlement talks: Assuming a ceasefire holds, peace talks could follow along two or more parallel or sequential tracks. On one track, Ukraine and Russia would negotiate a bilateral peace agreement. On a second track, Western states would start a strategic dialogue with Russia on arms control and the broader European security architecture. A good precedent for this approach is the "2 plus 4" talks in 1990 that helped end the Cold War. East and West Germany negotiated their unification directly, while the United States, the United Kingdom, France, and the Soviet Union negotiated the broader post–Cold War security architecture. There are different platforms that could be created or reinvigorated for this purpose: A contact group may serve as a negotiation or a coordination body. Its composition would have to be more inclusive than the Normandy Four where key actors like the United States or the European Union were missing. A reinvigorated NATO-Russia Council could serve as a platform for arms control discussions and the OSCE (perhaps complemented by non-traditional partners like China, India, Brazil, or Saudi Arabia) for the broader conversation on European security.

Moving on to peace negotiations is obviously the ideal outcome. However, we cannot exclude ending up with another frozen conflict for years or even decades to come: Russia would agree to a ceasefire to maintain its territorial gains, but without any intention of negotiating in good faith a lasting peace settlement. Provided the ceasefire holds, this would produce a status quo like the one on the Korean Peninsula or in Cyprus. A frozen conflict is not a desired outcome, but it may be preferable to a high-intensity long war. In such a case, Ukrainian territorial integrity could only be reestablished after Moscow fundamentally changes its positions.

Issues to cover in a settlement process

What would settlement negotiations have to cover?[9] There is no doubt that they would have to come up with responses to significant and legitimate Ukrainian claims for *reparations*. Frozen funds of Russian oligarchs or Central Bank funds may contribute to a reparation fund, direct restitution being politically not very realistic. This could be negotiated at least partially in exchange for *sanctions relief*. A settlement process will also have to cope with *accountability for war crimes* and thereby deal with the enormously challenging peace and justice dilemma.

Negotiations would have to deal with highly contentious territorial issues: the four annexed territories in the Donbas and the South and Crimea. As we know from the Istanbul Communique of 29 March 2022, a tentative agreement had

[9] Cf. as well Charap/Shapiro: "Elements of an eventual Russia-Ukraine Armistice and the Prospect for regional Stability in Europe".

been reached on leaving the status of Crimea undetermined for the next fifteen years and on a still-to-be-defined special status arrangement for the occupied territories in Donbas. While we assume that these Istanbul proposals are politically not valid anymore, agreeing on a temporary special status may still turn out to be a way forward.[10] When it comes to *minority issues*, the war has strengthened a Ukrainian national identity that is monocultural and monoethnic, while Russia seeks legal guarantees for the cultural, religious, and political rights of Ukraine's Russian speakers. Here the trade-off could be guarantees of non-interference by the Russian Federation in line with the OSCE (Organization for Security and Cooperation in Europe) Bolzano Recommendation[11] and amendments of Ukrainian nationality, language, and education legislation, also in line with OSCE commitments.

Security guarantees for Ukraine and Russia

Settlement negotiations would have to provide an answer to the primordial security challenge: Addressing the dilemma between two fundamental principles of European security, the right of any state to freely choose its security alliance and the indivisibility of security (i.e., the principle that states should not enhance their own security at the expense of another). This leads us to the question of security guarantees for both Ukraine and the Russian Federation.

How would they look like for Ukraine? Ukraine understandably expects something better than the violated Budapest Memorandum of 1994. The option of choice by President Zelensky and a large majority of the Ukrainian population is NATO (North Atlantic Treaty Organization) membership and thereby protection through Article 5 of the Washington Treaty. As long as the war is ongoing, this will not happen as the NATO Vilnius Summit clearly stated. There are, however, those that doubt that Washington or Berlin would ever offer Article 5 protection to Ukraine. Needless to say, Ukrainian NATO membership would be unacceptable to Russia. The argument recently prominently promoted by the late Henry Kissinger that Ukraine's NATO membership would provide security guarantees to both Russia and Ukraine because it would contain a heavily armed Ukraine is intellectually appealing, but politically not realistic. Not least because preventing Ukraine's NATO membership is ostensibly why Russia started this war in the first place, and Putin refuses to lose this war. This said, Russia would expect some practical NATO control over the Ukrainian military as a safeguard against forms of revanchism.[12]

[10] Cf. Nicolai P. Petro and Ted Snider: "What's next for Ukraine: the outlines of a peaceful settlement", Antiwar.com, 17 November 2023.

[11] https://www.osce.org/hcnm/bolzano-bozen-recommendations.

[12] Alexander Nikitin, Andrey Zagorsky and Sergey Oznobishchev: "Prospects for arms control talks and measures after the end of active phase of the Ukrainian conflict," presentation at Russia-NATO Dialogue, December 2023.

Today the most realistic form of security guarantees for Ukraine seems to be security arrangements as offered by the G-7 at the Vilnius Summit in August 2023. They pledge adequate and reliable means of self-defense to Ukraine. The United States is currently negotiating such security arrangements with Ukraine, while the United Kingdom just announced the conclusion of the "U.K.-Ukraine Agreement on Security and Cooperation"[13], the first of its kind among the G-7. This is a format that resembles Israel's defense relationship with the United States or the relationship that Finland and Sweden enjoyed with NATO before they decided to join the alliance. The pact may also include a provision similar to Article 4 of the NATO treaty, which calls for consultations when any party judges its territorial integrity, political independence, or security to be threatened. These essentially bilateral security guarantees could eventually be combined with specific reciprocal arms control measures that would take account of Russia's security concerns.

There remains the crucial issue of whether Ukraine would formally agree to forgo its NATO aspiration. The neutrality of Ukraine and the formal renunciation of NATO membership was at the core of the Istanbul Communique but seems to be politically off the table for the foreseeable future. In addition, it contradicts the right of every state to freely choose its security arrangement and would run against a fundamental NATO policy (the "Open Door Policy"). The ingredients of a compromise could consist of strong and codified security guarantees for Ukraine, an EU accession process for Ukraine unimpeded by Russia (as outlined in Istanbul), a predictable moratorium of NATO membership of Ukraine, and a set of arms control measures taking account of Russia's and Ukraine's security concerns.

Conclusion

The current realities on the battlefield paint a clear picture: a war of attrition with few territorial gains for more than a year. However, since wars tend to take unexpected turns, reflecting on scenarios remains the most sensible approach in trying to look ahead. The most likely scenario remains, at least in the short-to-medium term, that the war will continue at high intensity. We cannot discard the possibility of further escalation: Having reached a stalemate on the battlefield but unwilling to compromise diplomatically, each side may see escalation as the best way of achieving their political aims.

At the same time, given the extremely high toll of the war on the armed forces, economies and societies on both sides, moving to a cessation of hostilities or even a return to the negotiation table with the aim of reaching a ceasefire has become more likely in the foreseeable future and should be seriously thought through without further delay. Experts such as Wolfgang Richter consider pursuing a war of attrition without an exit strategy as irresponsible both toward

[13] https://www.politico.eu/article/rishi-sunak-arrives-in-kyiv-with-2-5b-and-a-security-deal/.

Ukraine and European security. Such an undertaking would not come without risks: We cannot exclude ending up with another frozen conflict for years to come and thereby rewarding the aggressor. Yet while a frozen conflict is not a desired outcome, it may still be preferable to a high-intensity long war.

Even if there is to be no return to the negotiation table, there are policy options to facilitate a de-escalation of tensions: There may be scope for conflict or battlefield management arrangements and channels of crisis communication, in particular military to military. Local ceasefires and confidence-building measures could support a transition to low-intensity warfare or a cessation of hostilities, buying time and creating a degree of trust that could enable negotiators to return to diplomacy.

Assuming a ceasefire holds, peace talks could follow along two or more parallel or sequential tracks. On one track, Ukraine and Russia would negotiate a bilateral peace agreement. On a second track, Western states would start a strategic dialogue with Russia on arms control and the broader European security architecture. Settlement negotiations would have to cover a broad range of contentious topics: territorial issues, reparations, accountability for war crimes, minority rights, sanctions relief and security guarantees. The issue of security guarantees is a particularly notable prerequisite for progress on other issues – for both sides.

Ukraine expects, understandably, more reliable guarantees than what the violated Budapest Memorandum of 1994 offered. Its preferred solution is guarantees based on Article 5 of the Washington Treaty. However, full NATO membership does not seem to be in the cards in the short to medium term.

This makes security arrangements as offered by the G-7 at the Vilnius Summit in July 2023 the most realistic form of guarantees for the time being. It would resemble Israel's defense relationship with the United States. For Russia, Ukrainian NATO membership would clearly be unacceptable, even if it would have an interest in NATO exerting some ability to restrain a heavily armed Ukraine. This may offer an option to find modalities whereby Ukraine would be closely associated with NATO without becoming a full member, combined with a range of arms control measures that specifically take account of Russia's security interests.

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