GETTING UKRAINE RIGHT

From Negotiations Trap to Victory

PONARS Eurasia UKRAINE TASK FORCE May 15, 2023

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In anticipation of Ukrainian counter-offensives, there have been renewed calls among analysts in the West to consider launching negotiations with Russia. Its fullest account can be found in the article published in Foreign Affairs by Richard Haas and Charles Kupchan. The new approach differs from earlier proposals to link further Western military assistance to Ukraine's willingness to negotiate by calling for significantly stronger military support for the planned counter-offensive, including long-range missiles and advanced combat aircraft. However, the authors also advocate ending large-scale military assistance once the counter-offensive runs its course and a stalemate emerges. In this view, since both Kyiv and Moscow would abhor prolonged costly fighting, renewed diplomatic efforts could lead to a ceasefire agreement followed by a partial lifting of sanctions against Russia and the launch of two-track peace talks. The first track would include mediated talks between Russia and Ukraine, while the second track would involve Russia and NATO. Under this proposal, the status of all Ukrainian territories still under Russian control following the counter-offensive should be decided "at the negotiating table, not at the battlefield."

We find that adopting and implementing this strategy is more likely than not to generate negative unintended consequences that will outweigh its anticipated benefits. On balance, it would validate and fuel the Kremlin's determination to prevail by attrition, undermine Ukraine's needs, and harm America's global interests. A wiser alternative would be to commit to long-term support for Ukraine regardless of the outcome of the anticipated counter-offensive, to defer to Ukraine on when negotiations may start, and to provide it with the wherewithal to negotiate from a position of strength enough to demonstrate to the Kremlin that its hold on Ukrainian territories, including Crimea, is untenable militarily.

ENABLING PUTIN

First, pegging aid to the end of counter-offensives would lead Moscow to believe the United States and its allies' resolve to support Ukraine is fundamentally weak. It will demonstrate that by raising the stakes of the war over the last several months, Russia effectively forced NATO to blink. It will confirm Moscow's calculations that the United States does not have the wherewithal and the will to replenish capacity to stay the course of the entire war with Ukraine until it decisively degrades Russia's ability to hold on to the occupied territories. It will lead to the loss of credibility of the Western leaders who, on numerous occasions, pledged to help Ukraine "for as long as it takes" and to reclaim its internationally recognized territory.

This loss of credibility would be particularly aggravated if the West gives Russia's authoritarian leader Vladimir Putin a role in decisions on "arms control and the broader European security architecture" before a deal is reached between Ukraine and Russia. By giving Russia a new-found and grossly underserved "respect" as a global player, this strategy would discount and *de* facto reward Moscow's severe violations of international law, including genocidal crimes against the Ukrainian people. In other words, it would make a mockery of the principles and rules in the name of which the West supports Ukraine.

Second, the belief that Russia would be interested in moving from the ceasefire to a tangible peace agreement with Ukraine and NATO assumes that it could turn from an arsonist to a firefighter and would allow OSCE full access to monitor its military activity in and around Ukraine and to adequately report any

ceasefire terms' violations. This is not only a naïve but a dangerous belief to hold. It would signal to the Kremlin the West learned no lessons from Russia's use of the Minsk Accords since 2014 to perpetuate its proxy military aggression in Eastern Ukraine that paved the way to last year's full-scale invasion. Rather than helping to achieve sustainable peace, a new version of Minsk would give Russia the opportunity to regroup, revive its flagging economy, and accumulate resources for new military assaults on Ukraine.

Third, the view that the talks over the status of occupied territories, such as Crimea and the Donbas, should be deferred until a putative power transition in the Kremlin reflects a serious misunderstanding of political dynamics in Moscow. Russia's military aggression has given rise to a new neo-fascist jingoistic ideology that glorifies its violent imperial past and denigrates Ukraine and Ukrainians as unworthy of existence. The ceasefire will only strengthen the impression of Putin's success in achieving territorial gains and provide stronger incentives for any of his successors to continue expansionism against Ukraine and other neighboring states. Rather than opening a path to genuine democratic change in Russia, as many in the West might hope, any deals with Putin that allow him to "save face" and keep significant territories of Ukraine occupied will return his legitimacy on the world arena and help further discredit and undercut domestic critics who already pay for their opposition to the war with extreme prison sentences and with their lives.

IGNORING UKRAINE'S NEEDS

Setting an artificial deadline for the completion of all military operations this summer or fall would severely interfere with Ukraine's military strategy and its capacity to continue its just war-fighting effort. Seeing the planned counter-offensive as a make-it-or-break-it moment for Ukraine misconstrues Ukraine's approach to fighting this war. Over the last year, Ukraine successfully reclaimed over half of its recently occupied territories not through a single military operation but through a coordinated wave of sequential attacks. Given the significant length of the frontline and the differences in terrain and defense fortifications across occupied areas, the same tactic of multiple counter-offensive operations is likely to be used in the future. It also reflects the sequential nature of arms supplies that are not provided all at once but through timed deliveries from multiple sources. Hence, the weakening of offensive actions on one front may be followed by renewed actions on another. Their cumulative effect may not necessarily become apparent for months. The risk of cutting off aid to Ukraine prematurely—thus thwarting both the counter-offensive and Moscow's incentive for peace talks—will be high.

Furthermore, without security guarantees of a kind exemplified by NATO membership, the Ukrainian leadership and society will not accept concessions to the West on negotiations with Russia. Freezing the conflict without regaining all occupied territories (as in postponing Crimea's return to Ukraine) might only be acceptable for Ukrainians if coupled with the speedy admission into *both* the EU and NATO or, for the latter, an equivalent set of bilateral mutual defense pacts. Their deep vulnerability to a future attack by a reinvigorated Russia is understandable, and one of the reasons about 90 percent of Ukrainians in opinion polls believe in Ukraine's victory is not wishful thinking but a profoundly recognized necessity for survival as a nation. Limiting pledges of support in case of renewed invasion to consultations as provided by NATO's Article 4 will look like a mockery to Ukrainians, evoking now empty security assurances given to their country by the leaders of the United States, Britain, and Russia in the 1994 Budapest Memorandum.

Ukraine also needs massive economic assistance. Estimates of war damage to Ukraine come to hundreds of billions of dollars. International economic assistance so far has allowed Ukraine to stay afloat and keep fighting, but it is nowhere near what will be needed for reconstruction. And the appetite for

revamped mass spending is not discernible in Western political discourses. This means that frozen Russian state assets and reparations would be required to generate meaningful funding for Ukraine's reconstruction. But unless Russia is defeated militarily, any peace deal with it will most likely not include reparations for the damage it has made to Ukraine. And it is hard to imagine Russia agreeing to a ceasefire while its state assets are channeled to Ukraine. On the contrary, Putin stated Russia could legitimately demand Ukraine—as outrageous as it appears—to pay reparations to Russia for alleged damage in the territories Russia has occupied since 2014. Whatever economic assistance strategy is adopted for Ukraine, it would be hard to reassure investors of its viability unless Russia's military capacity is degraded and Ukraine's military capacity is upgraded to the extent that reconstruction could proceed safely and not be ruined by renewed Russian aggression. Ukraine's economic and security needs are tightly interrelated.

CHALLENGING AMERICA

It is vital not only for Ukraine but for America's broader global interests to avoid the temptation of setting time horizons for military assistance to Kyiv. One of the best-supported theories in social sciences tells us that short time horizons reduce <u>incentives for cooperation</u>. For that reason, the current position of the United States and its allies to support Ukraine for "as long as it takes" is wise. Not only does it give Ukraine a chance to fight back and to prevent Russia from legitimating its horrific use of force for territorial conquest, but it also minimizes other potent strategic risks to U.S. security, particularly in Asia, reduces costs to the global economy; and lowers the likelihood of confrontation between rival global alliances.

First, Beijing carefully watches Russia's war against Ukraine. A negotiated Russia-Ukraine ceasefire that leaves any Ukrainian territory under Russian rule would increase the likelihood of China's military intervention in Taiwan. This is not only because the West would come through as weak in the resolve to support allies but because it would also boost China's leaders' faith that they might succeed in militarily subjugating Taiwan through salami tactics. Since any putative ceasefire in exchange for territory in Ukraine would most likely include Russia's continuing control over Crimea and parts of the Donbas, Beijing may conclude that it, too, can advance its gains slice by slice, starting with small outlying islands. While this is not imminent, a higher expectation of success against Taiwan would raise Beijing's determination to use military force and fuel its ambitions to expand dominance in the outlying seas and to control navigation through the world's busiest maritime trade passages.

Second, Russia's entrenchment in Ukraine would further undermine the global economy. Saudi Arabia and other hydrocarbon-exporting autocracies would have more incentive to align with Moscow. The United States had already tasted the sour pill of this growing alignment when the Saudis ignored President Joe Biden's requests in 2022 to step up oil production and help fight the raging inflation in the United States. With Crimea under its occupation, Moscow's chokehold on the Black Sea and Ukraine's agricultural exports will persist, and with them, global food shortages. Conditions for social unrest and humanitarian disasters will continue, particularly in more vulnerable countries of Africa and the Middle East. These problems, in turn, are likely to generate new waves of mass migration, particularly to the freer, more inclusive West, raising challenges and costs to host states.

Third, global military-political polarization is likely to accelerate. By raising expectations in Moscow, Beijing, and elsewhere that, in the long term, aggressive militarized expansionism would outlast Western resolve to defend its allies, Russia's continuing grip on parts of Ukraine would strengthen anti-American military alignments and alliance formation. Russia, China, and others will be emboldened to challenge the United States in other global arenas, particularly those where global energy supplies are

involved, as in the Middle East and the Arctic. In turn, Moscow-Beijing synergy would draw in other states—potentially making it harder for the United States to maintain security cooperation with actors now finding themselves in between major alliances, such as South Africa and Brazil. Maintaining India's participation in the Quad would also be harder. Compared to the Cold War period and the decade since 9/11, the cost of dealing with new strategic challenges emerging from a more polarized world would be orders of magnitude higher if Ukraine is forced to cede territory to Russia.

In sum, most of the pressing global challenges facing the United States today will be easier to deal with if Putin is denied a chance to legitimate his illegal territorial gains through shaky ceasefire deals.

TOWARD A BETTER STRATEGY

On these considerations, the current Western strategy needs to commit to long-term support for Ukraine regardless of the outcome of the anticipated counter-offensive. It will require abandoning wishful thinking that Putin could end his war of conquest without decisive military defeats—of the kind that would put Ukraine's forces in a position to de-occupy Crimea, end Russia's blockade of the Black and Azov Seas, and force Russian troops out of Southeastern Ukraine. It would also require satisfying Kyiv's long-standing requests for more potent military gear, notably for longer-range ATACMS missile systems and advanced combat aircraft such as F-16.

Concurrently, a series of other steps can be worked out to overturn Putin's conviction that time is on his side and the West would get tired of sending military gear to Ukraine sooner than Moscow runs out of guns and men. Grave threats to U.S. security and economic interests posed by Russia's entrenchment in the occupied territories of Ukraine need to be communicated actively and broadly. Assistance to Ukraine should target fast retooling of its defense industries and their relocation to the NATO states. Some of it is underway, and more needs to be done. Work needs to be intensified on Ukraine's NATO membership or, at the very least, on a U.S.-Korea-style security guarantee for Ukraine. The arrested Russian state and private assets need to be urgently used to provide Ukraine with more weapons and to help it rebuild. Changes in the U.S. global naval posture need to signal to the Kremlin that its broader goal of denigrating U.S. international influence would backfire and Russia's strategic vulnerabilities from Kaliningrad to Syria could be exploited.

The risks of setting deadlines for negotiations that we outlined indicate that the most prudent course of action is to maintain strategic ambiguity by deferring to Ukraine on when and how any putative negotiations may be conducted and what conditions for war settlement may be advanced. If anything, Ukraine will need to gain a significant position of strength for any talks to be viable—one example being a comprehensive Crimea blockade, including breaking up Russia's "land bridge" to the peninsula and a significant deployment of uncrewed surface vessels in the Black Sea, as recently recommended by William Courtney and Scott Savitz of the RAND Corporation. Working with Ukraine to achieve such a position will be the best path to peace.

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