

How the Russia–Ukraine War Could End, and Its Impact on Conventional Arms Control

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ABSTRACT

In the case of the unprovoked Russian military attack against Ukraine, conventional arms control played no major role for crisis management and war prevention. However, NATO countries and Russia have thus far practised some kind of mutual unilateral restraints in their use of weapons, and in the general conduct of the war, in order to prevent a direct confrontation and a nuclear escalation. Because no one can predict the outcome of this conflict, three ideal-typical options, as well as their impact on the future of conventional arms control, are discussed – 1. Ukraine wins; 2. Russia wins; 3. A compromise where neither side wins –. All options raise three questions: how can the war be terminated, what kind of ceasefire seems possible and can confidence-building measures (CBMs) and conventional arms control be revived? Only the compromise option seems to offer a chance for future CBMs and conventional arms control.

Russia | Ukraine | Arms control | Confidence-building measures

keywords

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Introduction

Unfortunately, conventional arms control was not much help in arresting the deterioration in Russia's relations towards Ukraine or the North Atlantic Treaty Organization (NATO) or in preventing President Vladimir Putin's military aggression. At the end of the East West conflict three layered conventional arms control agreements – the Treaty on Conventional Armed Forces in Europe (CFE),¹ the Vienna Document (VD) on Confidence and Security Building Measures² and the Open Skies Treaty (OST)³ – were created to strengthen the European cooperative security structure. But Russia suspended its CFE-membership in 2007 after the failure to modernize conventional arms control by the Agreement on Adaptation of the Treaty on Conventional Armed Forces in Europe.⁴ And it left the Open Skies Treaty one year after the United States. Germany's efforts to revive conventional arms control through the Informal Structural Dialogue,⁵ started in 2016, have also failed. This demonstrates that conventional arms control in Europe has lost its capability to control Russia as the greatest risk for European security. Therefore, it

¹ Organization for Security and Co-operation in Europe (OSCE), *Treaty on Conventional Armed Forces in Europe*, 19 November 1990, <https://www.osce.org/node/14087>.

² OSCE, *Vienna Document 2011 on Confidence and Security Building Measures*, 22 December 2011, <https://www.osce.org/node/86597>.

³ OSCE, *Treaty on Open Skies*, 24 March 1992, <https://www.osce.org/node/14127>.

⁴ OSCE, *Agreement on Adaptation of the Treaty on Conventional Armed Forces in Europe*, 19 November 1999, <https://www.osce.org/node/14108>.

⁵ See for the mandate: OSCE Ministerial Council, *From Lisbon to Hamburg: Declaration on the Twenties Anniversary of the OSCE Framework for Arms Control*, Hamburg, 9 December 2016, <https://www.osce.org/node/289496>.

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is no surprise that Russia suspended the implementation of the Vienna Document when it started its war against Ukraine.

With Russia's unprovoked attack against Ukraine, the 1990 Charter of Paris and the cooperative European security structure based on it has finally broken down. But Russia does not bear sole responsibility for this breakdown. Differences between Russia and the Western countries have grown with the enlargement of NATO since 1999; the US withdrawal from the ABM Treaty (2002); the introduction of US missile defence in Europe (2007); and the Western interventions in Serbia (1999), Iraq (2003) and Libya (2011). In parallel, western security concerns have been raised by growing authoritarian rule in Russia since 2011, the country's illegal seizure of the Crimean Peninsula and the destabilization of Eastern Ukraine by Russian irregular forces (2014), and the intervention in Syria (2015).

Thus, the widening gap between Russia and Western countries predated the outbreak of the war, but creates no justification for starting such a war of aggression in Europe. When Russia began its unprovoked and illegal attack, it threatened the NATO Alliance with consequences "as you have never seen in your entire history"⁶ in order to deter direct military support for Ukraine from Western countries.

Both sides have nevertheless shown a certain restraint in their use of weapons and the general conduct of the war, in order to control the risks of escalation and to avoid direct military confrontation:

- In spite of their growing military support for Ukraine, Russia has so far not attacked NATO forces or countries.
- Russia has so far not attacked Western weapons deliveries in Ukraine, presumably to minimise incentives for Western escalation.
- NATO countries have avoided becoming direct parties in the war.
- NATO delivers weapons and ammunition under the partly tacit/partly open restriction that they will not be used against Russian territory as it stood in February 2014.
- In order to minimise the risk of escalation and maximise Alliance cohesion, NATO also works hard to include all three of its nuclear powers as suppliers in the delivery of individual weapons categories.

Whether these restraints will continue to hold, is by no means assured. Currently, no one can predict the outcome of this war. In the following, three ideal-typical outcomes will be discussed:

1. With continuous support from Western countries, Ukraine wins the war.
2. Russia wins the war, either by installing a pro-Russian government or by conquering Ukraine and annexing much of it.
3. A compromise is reached between Russia and Ukraine, with Russia controlling parts of Ukrainian territory.

⁶ Cited after the Russian Presidency, *Address by the President of the Russian Federation*, 24 February 2022, <http://en.kremlin.ru/events/president/news/67843>.

All three variants raise the following three questions:

1. How can the war be terminated?
2. What kind of ceasefire regulations might be used as a starting point for further measures?
3. Can confidence-building measures (CBMs) and conventional arms control be revived?

In seeking to answer these questions, some preliminary suggestions are presented in the following.

Option 1: Ukraine wins

The declared goal of the Ukrainian government is a complete withdrawal of Russian troops from its territory.⁷ This goal is supported by many politicians in the West; yet in most cases they do not define it precisely nor do they discuss the potential risks inherent to this option. As their delivery has demonstrated, Ukrainian forces are capable of using modern Western weapons systems to reconquer parts of their territory. Depending on future levels of this kind of support, Ukraine may indeed manage to defeat Russia and liberate all of its territory.

This option could weaken the imperialistic ambitions of the current Russian leadership and improve the security situation for NATO, the European Union, other European countries and most post-Soviet states. Even a further dissolution of Russia itself could be not excluded,⁸ with incalculable risks for a violent division of Russian nuclear and conventional forces. Putin's position could be severely weakened or a new president chosen, who may follow Putin's policy or an even more nationalistic, hardline approach. More improbably, a more democratically oriented leader might follow after a radical break with the current Russian political elite.⁹

An enlarged NATO could then determine the future European security structure supported by the EU. It could facilitate the Ukrainian process towards EU membership, with the desired Ukrainian mutual-defence commitment. The liberation of Ukrainian territory and the equipping of Ukrainian forces with Western weapon systems could make NATO membership for Kyiv more likely.

⁷ Michael MacArthur Bosack, "The 'Ukraine Peace Formula' Explained", in *Parley Policy Cable*, No. 22 (25 November 2022), <https://www.parleypolicy.com/post/the-ukrainian-peace-formula-explained>. See point (5) of the ten points for a ceasefire agreement.

⁸ Alexander J. Motyl, "It's High Time to Prepare for Russia's Collapse", in *Foreign Policy*, 7 January 2023, <https://foreignpolicy.com/2023/01/07/russia-ukraine-putin-collapse-disintegration-civil-war-empire>.

⁹ Samuel Charap and Miranda Priebe, *Avoiding a Long War. U.S. Policy and the Trajectory of the Russia-Ukraine Conflict*, Santa Monica, RAND Corporation, January 2023, p. 12-13, <https://doi.org/10.7249/PEA2510-1>.

However, this option involves one major political problem on the Western side, one major risk in interactions with Russia and one problem about war termination – these are, respectively that:

- there is no consensus between NATO and Ukraine, and not even among NATO countries, how far a potential military victory for Ukraine should go (e.g. including the country's borders before the attack of 24 February 2022,¹⁰ all of Ukraine without the Crimean Peninsula or even with the Crimea included);
- a complete defeat of its forces on the ground contains the risk of a Russian escalation in its war against Ukraine's infrastructure or of other military means, including the use of sub-strategic nuclear weapons;
- because of the nuclear/non-nuclear asymmetry, Russia could continue to attack Ukraine with long-range weapons systems and/or irregular forces even after a complete withdrawal of its regular forces; this could raise difficulties in terminating the war.

These risks raise the following question: Is it possible to define a Ukrainian-win/Russian-defeat option with lower risks? Russia has shown some flexibility in its war goals through their reorientation towards the Donbas region in March 2022.¹¹ Following on from his illegal annexation of four Ukrainian regions – Luhansk, Donetsk, Kherson and Zaporizhzhia – on 30 September 2022,¹² Putin could threaten Ukraine with the use of nuclear weapons in order to protect this new "Russian" territory. NATO countries and even China have warned Russia against taking such an escalatory step. If Ukrainian forces proved capable of reconquering large parts of the Donbas region, Russia would be faced with the choice either to escalate or to negotiate in order to prevent possible defeat there. Negotiations should then be the preferable outcome.

What could this option mean for future arms control in Europe? Ukraine's victory is clearly not in Russia's security interest. Therefore, it seems likely that Russia could use irregular forces or other means to destabilise and undermine any ceasefire agreement with Ukraine. It would try to improve its military capabilities in order to change this unwanted outcome. Under such conditions, Ukraine would not accept any limits on its forces in order to protect its security guarantees for self-defence as long as it remained outside NATO.¹³ An unconstrained arms race would become

¹⁰ William Mouldin, "U.S. Goal in Ukraine: Drive Russian Forces Back to Pre-Invasion Lines, Blinken Says", in *The Wall Street Journal*, 6 December 2022, <https://www.wsj.com/articles/u-s-goal-in-ukraine-drive-russians-back-to-pre-invasion-lines-blinken-says-11670351786>.

¹¹ Danny Kemp and Brendan Smialowski, "Russia Signals Less Ambitious Goals in Ukraine War", in *The Moscow Times*, 26 March 2022, <https://www.themoscowtimes.com/2022/03/26/a77091>.

¹² Andrew Roth and Isobel KoshiW, "Putin Signs Decrees Paving Way for Annexing Ukraine Territories of Kherson and Zaporizhzhia", in *The Guardian*, 29 September 2022, <https://www.theguardian.com/p/mbmme>.

¹³ See Anders Fogh Rasmussen and Andrii Yermak (co-chairs), *The Kyiv Security Compact. International Security Guaranties for the Ukraine: Recommendations*, Kyiv, 13 September 2022, p. 4, https://www.president.gov.ua/storage/j-files-storage/01/15/89/41fd0ec2d72259a561313370cee1be6e_1663050954.pdf.

very likely. The resulting, hardened contradictions within European security would make it impossible to develop a new common approach for European conventional arms control. And it seems questionable how far NATO countries and Russia could agree risk-reduction measures.

Option 2: Russia wins

Russia has more weapons, ammunition and manpower resources than Ukraine, and can continue the war for at least two or three years.¹⁴ In the United States, public support for assistance to Ukraine has already decreased from 60 to 48 per cent¹⁵ – and in other Western countries it is also weakening. Republican presidential candidate Donald Trump has announced that he would end the war in one day;¹⁶ his rival, Ron DeSantis, has indicated a reduction in assistance for Ukraine.¹⁷ European NATO countries are facing other difficulties: they can only continue military support for Ukraine by weakening their own defensive capabilities or with a time lag investing massively in the defence industry, as some suggest. Many European NATO countries already face serious problems in their own defences. In addition, Putin may hope that the growing social costs of Western sanctions and increasing numbers of Ukrainian refugees will strengthen nationalistic forces in Europe and thus strain the unity of NATO and also the EU.

Option 2 would also be the worst case for NATO because it would demonstrate that a nuclear weapons state could use its nuclear deterrence against a non-nuclear country offensively with success. It would also increase insecurity for post-Soviet states like Georgia or Moldova, and for NATO states such as the Baltics, Poland, Slovakia or others. It would constitute a strong boost for Putin's imperialistic ambitions. He could either try to rebuild a stronger Russia or to increase control over the post-Soviet states on the basis of having subdued the strongest of them: Ukraine. Neither Ukraine nor Georgia would enter NATO. Moldova and Ukraine would have to give up on their ambitions for EU membership, which Brussels offered in June 2022. But Russia might also face a problem in ending the war because Western countries could support paramilitary resistance in Ukraine in order to raise costs for the occupier.

¹⁴ Andrius Sytas, "Russia Can Fight in Ukraine for Two More Years at Current Intensity, Lithuania Says", in *Reuters*, 9 March 2023, <https://www.reuters.com/world/europe/russia-can-fight-ukraine-two-more-years-current-intensity-lithuania-says-2023-03-09>.

¹⁵ Amer Madhani and Emily Swanson, "Support for Ukraine Aid Softens in U.S. Public, Poll Says", in *PBS News Hour*, 15 February 2023, <https://www.pbs.org/newshour/politics/support-for-ukraine-aid-softens-in-u-s-public-poll-says>.

¹⁶ Liam James, "Donald Trump Claims He Could End War in Ukraine in a Day if Re-elected to White House", in *Independent*, 3 May 2023, <https://www.independent.co.uk/news/uk/home-news/b2331973.html>.

¹⁷ DeSantis has reduced his critical position towards the Ukraine but his future support for it is still unclear. Rob Garver, "DeSantis Clarifies Position on Ukraine War, Calls Putin 'War Criminal'", in *VOA News*, 23 March 2023, www.voanews.com/a/7019033.html.

What could this option mean for future arms control in Europe? This outcome is clearly not in the interest of Ukraine or the Western countries. At a first glance, it may seem that a ceasefire would not be necessary under this option, because Ukraine would no longer exist and NATO countries would not have been direct parties to the war. But it seems more likely that Russia either failing to completely conquer Ukraine or establishing a pro-Russian government. In both cases a ceasefire agreement would be necessary. Most European states would probably not recognise the results of the war, however, and might support irregular forces or use other means (e.g. sanctions) in order to raise costs for the occupier. Therefore, a possible ceasefire agreement runs the risk of not being very stable. And most European countries would continue to build-up and modernise their forces in order to deter the growing military threat from Russia. This option could also harden the conflict and would make it impossible to develop a new common approach for European conventional arms control. And it also seems questionable how far NATO countries and Russia could agree on risk-reduction measures.

Option 3: Compromise – neither side wins

This is not the option that either side prefers, but it may be the most likely outcome of the war. Russia may not be able to win as long as Western countries support Ukraine with sufficient weapons and ammunition. And Ukraine may not be able to prevail because the risks of escalation are higher for it than for Russia. As of now, the decisive Western supporters seem to be willing to uphold a meaningful defence for Ukraine but not the option of a “win” – at least, not a complete one.

But Ukraine needs more reliable weapons and munitions deliveries, and thereby demands a readiness for Western countries to accept greater risks under the current unilateral restraints to provide Kyiv with the necessary military means to bring Russia to meaningful negotiations about a ceasefire. Therefore, Western countries must develop common military and political goals and a common security strategy with Ukraine over how they want to convince the Russian political leadership to accept talks about a stable and lasting ceasefire.

The compromise option could mean that Russia still controls certain parts of Ukrainian territory, perhaps the Crimean Peninsula together with parts of Donetsk and Luhansk. This outcome would probably be perceived as more of a defeat for Russia than for Ukraine, and could weaken Putin’s regime. It also would not by itself solve the underlying political conflicts (security as well as territorial ambitions and systemic threats – i.e. the democratic “virus” and totalitarian reactions). And a Minsk-like agreement alone would certainly not be enough, because this did not prevent the war in the first place.¹⁸ Thus, Option 3 would raise a number of serious

¹⁸ Minsk I (2014) and Minsk II (2015) were negotiated between the Russian, Ukrainian and French President, the German chancellor and an OSCE representative. Their primary goal was to stop the fighting in the Donbas region between Ukrainian forces and Russian irregular forces. The

questions:

- How to satisfy the differing demands from both sides for credible and stable security guarantees that would be strong enough and adequate to prevent a subsequent war about the same issues?
- How to manage the problem that Russia has illegally annexed parts of Ukrainian territory?
- Who should observe the ceasefire, and should guarantee its stability? Should BRICS states (Brazil, Russia, India, China and South Africa) participate in such a mission?
- How to deal with war crimes and reparations?

In substance, any compromise will depend on the positions and territories occupied by each side at the time of a ceasefire. Different outcomes seem possible. Ukraine would be in a better position if it could threaten Russia with a possible military defeat. This could force Russia to accept talks about a ceasefire if it does not want to escalate the war further. However, it depends on the delivery of the necessary military equipment and training through its western supporters which is so far not sure because of the inherent escalation risks.

But there is also the possibility of a stalemate between Russia and the Ukraine that could lead to exhaustion and a forced compromise. Such a scenario could pose the question of acceptability for Kyiv and lead to instability in Ukraine. This outcome should be not in the interest of the Ukrainian supporters because Russia could use it to its political advantage.

Conclusion

At the end of the Cold War, the Paris Charter of 1990 created a new cooperative security structure for Europe. This process was supported and strengthened by the build-up of a layered system of three conventional arms control regimes (CFE, OST and VD 2011). This cooperative European security structure eventually broke down in 2014 with Russia's illegal annexations of parts of Ukrainian territory and unprovoked aggression against Ukraine. As mentioned above, the crisis of arms control started many years before the current war and it definitely contributed to it. Conventional arms control became more and more outdated and holey, thereby losing its capability for war prevention and crisis stability in Europe. True, so far both sides have practised mutual unilateral restraints in the conduct of the war to prevent a direct confrontation between NATO and Russia and a nuclear escalation. But this is by no means assured for the future.

The war clearly demonstrates the necessity of conventional arms control for European security, because nuclear deterrence alone was not able to prevent it.

agreements were only partially successful and finally broken by Putin with his recognition of the region of Donetsk and Luhansk as independent states at 21 February 2022.

And one should not forget that nuclear and conventional deterrence alone are not sufficient for crisis stability and war prevention. They must be supplemented by confidence-building measures and arms control in order to enhance transparency, stability and security. NATO's new Strategic Concept of June 2022, even though it reduces the role for arms control under present circumstances, keeps the door open for it and should do so in the future.¹⁹

Discussion of the three options has shown that the future for conventional arms control in Europe looks dim in the case of the two "win" options. But a combination of a smooth option 1 and option 3 seems to offer a chance for future arms control. In this scenario, the outlook for arms control could be better because both sides would be forced to seek compromises and common regulations for their security issues. But under such auspices, the chances for arms control or confidence-building measures will initially remain limited to very small regional measures to stabilise a ceasefire. Furthermore, even such small measures would need much more personnel and equipment and much more legitimate power for controls on the ground than had been provided by the Organization for Security and Co-operation in Europe (OSCE) monitoring mission in the Donbas region before the war. If such measures demonstrate that they are reliable and stable, they could provide the political basis and create some kind of trust for further risk reduction measures between NATO countries, Ukraine, Russia and Belarus. The period of the Cold War showed that confidence-building measures are possible even under differing security approaches on the two sides. Then, the question will be how far the Structured Dialogue or a new format could be used for such a purpose. However, a broadening of conventional arms control measures towards the whole of Europe will be only possible if both sides were to develop a new common European security structure. For the time being, this seems unlikely. Without a change in Russia's expansionist approach, nothing can or will happen in this area. And serious moderation in Russia's foreign policy may take many years.

Despite the fact that conventional arms control has largely lost its function to manage primary security issues in Europe, NATO countries want to maintain the current three regimes of confidence-building measures and conventional arms control (CFE, OST and VD 2011) as long as there are no better alternatives. It seems better to have something in place for secondary security issues in Europe than to have nothing. And with the Sub-regional Arms Control Regime of 1996²⁰ based on Article IV of the Dayton Peace Accord in the former Yugoslavia, there is still a conventional arms control agreement in place that has so far worked successfully.

¹⁹ NATO, *NATO 2022 Strategic Concept*, 29 June 2022, point 32, <https://www.nato.int/strategic-concept>.

²⁰ OSCE, *Agreement on Sub-regional Arms Control*, Florence, 14 June 1996, https://www.archiviodisarmo.it/view/qqorm1zkCuQ_eBudOj5HGwtBS_RpLiGQX1Iw4ZqUSY8/1996-agreement-on-subregional-arms-control-1996.pdf. The agreement was based not on parity but on a balanced asymmetry: Serbia got more forces than Croatia and the entities in Bosnia and Herzegovina together (ratio: 5:2:2), but in Bosnia and Herzegovina the Federation of Bosnia and Herzegovina can possess more weapons than the Republika Srpska (ratio 2:1).

The return to arms control will be difficult and will need a great deal of time. Currently, Western countries are forced to strengthen Ukraine's conventional warfighting capabilities within the unilateral constraints mentioned above. Russia must be confronted with the real fear of losing the war; otherwise, it will not return to the negotiating table. To achieve this goal, it does not seem necessary to liberate the whole of Ukraine – an approach that would reduce unwanted escalation risks. This could contribute to the development of a common strategy between Western countries and Ukraine to realise this goal.

The growing deliveries of weapons systems and ammunition will raise another long-term danger for a ceasefire and any subsequent peace process. With a hopefully stable peace process, large numbers of weapons and munitions might be no longer necessary for both conflict parties. Then these weapons and munitions will become more and more expendable, with possible negative repercussions for the peace process itself and through their export to other violent conflict areas. This is not an immediate danger after a ceasefire, because neither side will give up its weapons and munitions as long as another war seems possible. However, developments following the signing of the Dayton Peace Agreement have shown that this long-term danger should not be underestimated. Therefore, it is to be welcomed that most Western countries, like those of the EU, deliver their weapons systems and munitions with an end-user certificate. The control mechanism behind these certificates will become important after some years of a stable ceasefire.

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