

How the war In Ukraine might end?

Part 1 Some Potential Scenarios

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April 2023

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This report examines possible scenarios that would come into play if Ukraine achieves a military breakthrough in the spring or summer campaign. The most plausible way to create a basis for conflict resolution would be a Ukrainian counterattack that reaches the Sea of Azov, thus cutting off Crimea from Russian military supplies. As most analysts expect a major Ukrainian counterattack during the late spring or summer of 2023 to occur in this direction, it is quite plausible that if a Ukrainian breakthrough happened, it would happen this way. And if it happens, the conflict will reach a turning point, enabling Ukraine and the West to suggest peace terms to Russia.

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Introduction

For the war in Ukraine to end, a deal would need to be made. For a deal to be made on terms favourable to Ukraine and the West, they would have to have the capacity to do something that Russia could not prevent. It would have to entail such a significant loss, that in exchange for Ukraine and the West not doing it, Russia would agree to a peace treaty. The most plausible scenario to create such a moment would be a Ukrainian counterattack that reaches the Sea of Azov, thus cutting off the Crimea from Russian military supplies. As most analysts expect a major Ukrainian counterattack during the late spring or summer of 2023 to occur in this direction, it is quite plausible that if a Ukrainian breakthrough happened, it would happen this way. And if it happens, the conflict will reach a turning point, enabling Ukraine and the West to dictate peace terms to Russia.

The autumn 2022 Russian retreat from the Kherson bridgehead suggests how a similar scenario in Crimea could play out. Cut off from supplies, the Russians realized that with their troops running out of ammunition and fuel, they would be unable to hold Kherson, and thus decided to withdraw their forces, to avoid capture *en masse*.¹ If land routes from Russia to the Crimea were similarly cut, the situation would be much worse than that in Kherson in 2022. While Russian supplies to the Kherson bridgehead had to make their way across a river, to the Crimea they would have to make their way across an entire sea. While the Kherson bridgehead was accessible on two bridges, the Crimea has only one bridge to access it from Russia, at Kerch. And if the US makes up its mind and gives ATACMS missiles to Ukraine, even that bridge could be demolished cutting the Crimea off completely from Russian military supplies.²

Isolating Crimea would be a key turning point in the war because of all territories that Russia has taken from Ukraine, the Crimea is the most important. The Crimea is the main naval base of the Russian Black Sea Fleet at Sevastopol. Crimea also has the highest share of ethnic Russians among all regions of Ukraine (58% as opposed to less than 40% in the Donbas)³ and was part of Russia before 1954. This means that cutting off the Crimea from Russian military supplies has the highest likelihood of forcing the Russians to negotiate, as it would enable Ukraine and its allies to say: "We don't march into the Crimea if...", and that is where negotiations on the terms of a settlement could begin.

But what would a deal premised on not retaking Crimea look like? Obviously, Ukraine and the West will have to offer something to Russia. On the other hand, the backstory of the conflict shows, that only effective sanctions can ensure Russia won't attempt a future invasion. While the Russian narrative regularly accuses the US, its NATO allies, and Ukraine of treachery due to the eastern expansion of NATO, the actual facts point to in a different direction.

The Disinformative Russian Narrative

The Russian narrative claims that in 1989-1990 the US and its NATO allies made a promise (if not in writing, then verbally) to Mikhail Gorbachev not to accept Eastern European states into the alliance. Yet, in an interview given to *Russia Beyond* in 2014, Gorbachev

explicitly stated that no such promise was given to him by the US and its NATO allies.⁴ Contrary to these Russian claims, in 1975, by signing the *Helsinki Final Act*, the Soviet Union acknowledged the right of every sovereign state to freely choose which international alliance they join,⁵ and by signing the *NATO-Russia Founding Act* in 1997, Russia explicitly reaffirmed all its commitments stated in the *Helsinki Final Act* thus including the recognition of each country's right to join any international organization of their choice.⁶ Russia, at that time, didn't demand any exception to this clause, neither regarding Ukraine nor any other state of its "near abroad" either. Thus by signing the Founding Act, it recognized Ukraine's right to freely choose what military alliance it joined.⁷

While Ukraine's treatment of autochthon ethnic minorities appears to be a legitimate concern, shared by NATO member states Hungary, Poland, and Romania as well,⁸ and needs to be addressed to assure a truly democratic future for Ukraine, the situation is also a more complex regarding the Russian narrative on this issue as a *casus belli*, especially on the alleged illegitimacy of Ukraine's eastern borders. In 1991, a referendum was held in Ukraine on independence from the Soviet Union. All citizens, including ethnic Russians, had the right to vote either in favor or against. A majority in all regions, subsequently unilaterally annexed by Russia, voted in favour of an independent Ukraine, as opposed to the remaining part of the Soviet Union. 90,66% in the Zaporizhzhia Region, 90,13% in the Kherson region, 83,9% in the Donetsk Region, 83,86% in the Luhansk Region, and 54,19% in the Crimea voted in favour of independence. The referendum was held under the supervision of Soviet authorities, and its results were accepted by Russia.⁹ Moreover, in the Budapest Memorandum of 1994, Russia guaranteed the borders and territorial integrity of Ukraine, including the Crimea and the Donbas, in exchange for Ukraine handing over its nuclear weapons inherited from the Soviet Union.¹⁰ Nuclear weapons might have deterred Russia from invading in 2014 and 2022, had Ukraine not handed them over in exchange for Russia's guarantee of its territorial integrity, including the Crimea.

Also, the territory composed of the Crimea annexed by Russia in 2014, and the four oblasts annexed in 2022, can hardly be called overwhelmingly ethnic Russian as a whole: According to the 2001 Ukrainian census, while ethnic Russians made up 58% of the population in the Crimea, only 39% in the Luhansk Oblast, 38% in the Donetsk Oblast, 25% in the Zaporizhzhia Oblast, and 14% in Kherson Oblast.¹¹ If we take native language as a measurement, the share of Russian native speakers was 77% in the Crimea, 75% in the Donetsk Oblast, 69% in the Luhansk Oblast, but even this number was only 48% in the Zaporizhzhia Oblast, and only 25% in the Kherson Oblast.¹² The segment of the population that gives the discrepancy between these two datasets, ie. those who declared themselves not as ethnic Russians, but ethnic Ukrainians with Russian as their native language, are not a historically Russian-speaking population, but shifted to the Russian language only as recently as during the Soviet era due to heavy Russification policies of the communist regime while sustaining their Ukrainian ethnic identity.¹³

Thus, while Russia accuses NATO of breaching its existing agreements with Russia by its eastern enlargement, citing an alleged verbal promise made to Gorbachev, Gorbachev personally denied that promise to have been made. In reality, it was Russia that breached

existing agreements with NATO by denying the right of Ukraine and Georgia to join NATO, as it had acknowledged their right to do so in signing the NATO-Russia Founding Act in 1997.

Basically Russia, somewhat confusingly, accuses the US and its NATO allies of breaching agreements it actually committed itself. At the same time, Russia also cites the right of self-determination of the regions of Ukraine that had actually voted to join Ukraine as opposed to staying with the Soviet Union in 1991. By unilaterally annexing these regions in 2014 and 2022, Russia also breached the 1994 Budapest Memorandum, by which it guaranteed the borders of Ukraine.

To make things worse, after Russia occupied the Crimea and parts of the Donbas in 2014, the US and its NATO allies *de facto* accepted this land grab, forcing Ukraine to act accordingly. Yet, renouncing Ukraine's NATO accession for the foreseeable future did not appease Russia, but resulted in Russia launching a full-scale offensive against Ukraine in 2022, claiming to have been provoked.

Moreover, while Russian narratives often claim Russia's war aims do not extend beyond the Russian-speaking areas of eastern Ukraine, comments by Russian political actors and in a prewritten article, published on the Russian pro-government website, *Ria Novosti* suggests otherwise. The article, accidentally posted on the 26th of February, was written for a scenario where Russian troops had occupied Kyiv. The article discussed a reorganization of Ukrainian statehood, and the formation of a union between Russia, Ukraine, and Belarus. This suggests that the original Russian war aim was not to settle some territorial dispute, but to abolish Ukraine's statehood, and reassemble the Soviet Union by establishing some kind of union between Russia, Ukraine, and Belarus. The article was soon removed from the website, but an archived version is still available.¹⁴

Moreover, the list of demands issued by Russia before the invasion also included a demand calling for all NATO troops and weapons to be removed from Eastern European member states that joined the alliance after 1997, without any reciprocal offer to reduce Russian forces near the borders of these countries.¹⁵ This would have significantly impacted the sovereignty of these countries and also indicated that Russia had not relinquished its ambitions regarding Eastern Europe. Thus, should Ukraine fall, the security of Eastern Europe would also be in question.

Therefore, while the rights of the ethnic Russian minority in Eastern Ukraine and especially the Donbas appear a legitimate concern, most of Russia's rhetoric regarding the war is factually inaccurate. Russia has repeatedly violated agreements and raised demands that go far beyond the issue of Russian-speaking areas of Eastern Ukraine.

In order to guarantee Ukraine, and the wider CEE region that Russia won't try to invade again, but at the same time still offer Russia something, two compromise scenarios seem possible in exchange for Ukraine forces not marching into the Crimea when it gets cut off from Russian military supplies.

In Scenario 1 Russia keeps the Crimea, but only in exchange for accepting Ukraine's full membership in NATO.

In Scenario 2 Ukraine pledges neutrality but only in exchange for restoring its full territorial integrity, even including the Crimea (in accordance with the Austrian State Treaty of 1955) to make sure no fluid border remains and Russia doesn't get rewarded for its aggression, encourage further aggression, and guarantee neutrality for Ukraine, as was the case with cold war Austria and Sweden.

Scenario 1: territorial exchange in return for NATO membership

This would involve a territorial exchange resulting in formally ceding the Crimea to Russia in exchange for NATO membership for Ukraine. As territory under Russian occupation as of April 2023 has already shrunk to the Crimea, the Donbas, and the land bridge between them, cutting off that land bridge would reduce Russian occupation just to the Crimea and the Donbas. The Crimea has far more strategic importance for Russia, than the Donbas.



It has a higher percentage of ethnic Russians, than the Donbas, and closer historical ties with Russia. Thus the Donbas in exchange for the Crimea would seem to be an obvious territorial exchange. In exchange for keeping the Crimea, and even getting formal Ukrainian and Western recognition for it, Russia would pull out its forces from the rest of Ukraine (which at this point would mean the Donbas).

Negotiations might follow Henry Kissinger's suggestion that, given Russia's recent actions, any territorial concessions made to Russia would require a guarantee for Ukraine (and

the West) against future Russian invasion. This would require Ukraine's accession to NATO.¹⁶ After Russia took Crimea and much of the Donbas in 2014, the West accepted this *de facto* territorial gain to avoid further escalation and freeze the conflict. The Russian invasion in 2022 however, proved this appeasement policy failed, as it didn't prevent Russia from escalating the conflict in 2022. It could even be argued that Russia took Western appeasement as an encouragement to escalate the conflict in 2022.

The potential peace agreement could offer Ukraine immediate full membership in NATO (without the Crimea) and Russian agreement to this. So far, the main legal objection to Ukraine joining NATO was the frozen conflicts on its territory. Officially granting the Crimea to Russia in exchange for Russia pulling out its forces from the rest of Ukraine would create a clear territorial boundary, and no legal obstacle would remain for NATO's acceptance of Ukraine as a member.

In this scenario, Ukraine would not march into the Crimea despite being able to do so, but only in exchange for Russia to pull out its forces from the rest of the country. Ukraine would officially recognize the Crimea as Russian, but only in exchange for not only restoring its sovereignty over the rest of the country and an immediate full membership in NATO as well. This way, while Russia could keep Crimea, whilst Ukraine's security would be guaranteed by full membership in NATO. NATO membership would guarantee Ukraine's security against the possibility of further Russian invasions. For Russia, in exchange for approving Ukraine's NATO membership, being allowed to hold the Crimea when Ukraine has the capability to retake it, would still be the lesser of two evils. Also, as the role that the Crimea played in Russia's 2022 invasion demonstrated, having been the base of the most successful, southern flank of the invasion, the Crimea would still represent a significant Russian strategic asset, easing Russian security concerns about Ukraine's NATO membership.

If the Donbas areas, under Russian-backed separatist control since 2014, were to be returned to Ukraine under such a deal, it could only happen with guarantees for the rights of the ethnic Russian minorities living there. A suitable historical precedent for this would be the reintegration of Eastern Slavonia, Baranja, and Western Sirmia (or simply Eastern Slavonia in short) into Croatia, which happened between 1995 and 1998. The historical context is also relevant. When Croatia declared its independence from Yugoslavia, political leaders of the ethnic Serb population in the region declared their independence from Croatia citing fears of Croat oppression, and joined the self-declared Republic of Serbian Krajina. This decision was reinforced by the military action of the Yugoslav People's Army, marked by ethnic cleansing against Croats and other non-Serb ethnic groups in the region, with notable examples like the siege of the Croat town of Vukovar, and the destruction of the ethnic Hungarian villages of Laslovo and Korođ. When the Dayton Agreement in 1995 ended the war in Bosnia and Croatia, Eastern Slavonia was still in Serb hands, but according to the provisions of the agreement, it had to be returned to Croatia. To avoid Croatian retaliation against the Serb civilian population there, the reintegration was conducted through a three years long interim period, when the territory was administered by the "United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium" (UNTAES) until 1998.¹⁷¹⁸ The UN approach offers a

possible model for reintegrating the Donbas into Ukraine. Under such an agreement, a transitional United Nations administration would govern the former separatist areas of the Donbas within the borders of Ukraine, supervising the return of refugees, and securing the rights of all ethnic groups in the region. After that, securing the minority rights, including language rights of the Russian and all other ethnic minorities in Ukraine (Bulgarian, Gagauz, Greek, Hungarian, Jewish, Polish, Romanian, Tatar, etc.) could address other ethnic tensions in the Donbas. A scenario of reintegration of the former separatist areas of the Donbas into Ukraine is hardly imaginable without a clause guaranteeing the language use and other rights of minorities in Ukraine as part of the peace agreement.

While we can agree with Henry Kissinger, that Ukrainian neutrality, combined with any territorial concession would be unsustainable, and could very well send a message to Russia encouraging further land grabs in the future. Thus, the only option where Ukrainian neutrality could be taken into consideration would be the full restoration of Ukrainian territorial integrity including Crimea. Only restoration of complete territorial integrity would send a sufficiently clear message to Russia that Ukrainian neutrality does not mean an invitation for a future invasion.

Scenario 2 Ukrainian Neutrality premised on complete territorial integrity

Such an agreement, although unlikely, could follow the historical precedent of the Austrian State Treaty. The Austrian State Treaty of 1955 was arranged in a geopolitical context, where most of the country was under the occupation of NATO countries (the US, the UK, and France) while the northeast quarter of the country was under Soviet administration. By the treaty, the Soviet Union agreed to pull out its forces from Austria in exchange for Austria pledging neutrality, and NATO troops leaving the country as well. This resulted in a successfully managed, neutral Austria for the rest of the cold war, while maintaining a democratic free market system within the country integrated into the Western world in terms of economics.¹⁹ Regarding Ukraine, a similar approach would see Russia pulling out of Ukraine, including the Crimea, and Ukraine pledging neutrality in exchange, including guarantees to not host foreign troops or weapons of mass destruction on its territory.

In this scenario, of course, the Eastern Slavonia model of reintegration would seem most appropriate for Crimea as well, with a transitional period under a United Nations administration of multiple years. The benefits of this scenario are clear, Ukraine's neutrality would assure Russia regarding its alleged security concerns, and in exchange, Ukraine would get back its full territorial integrity, including the Crimea.

The limitations of this scenario however would be, that in international law this would not differ that much from the 1994 Budapest Memorandum, where Russia guaranteed Ukraine's territorial integrity (including the Crimea) in exchange for Ukraine handing over the nuclear weapons in its territory. Russia broke this agreement when it invaded the Crimea in 2014, then again in the Donbas, and again with the invasion of 2022. If Russia did not honor the 1994 Budapest memorandum, why would it honor a new internationally mediated agreement?

The only practical guarantees a neutral Ukraine could get to allay such concerns would be to provide it with a significant conventional arsenal that would deter future Russian incursions. Pledging neutrality would obviously exclude the presence of foreign troops as well as weapons of mass destruction. However, it would still allow Ukraine to hold a conventional arsenal as strong as it would need. Given the precedent of the Budapest memorandum, Ukraine cannot realistically be expected to pledge neutrality without being provided a significant military capacity. To provide sufficient security guarantees against Russia, this cannot be Finlandization, but only fully sovereign neutrality akin to that of Cold War Austria and Sweden.

However, this would require a scale of armament that would turn Ukraine into a European power militarily. Given the performance of the Russian armed forces in the invasion that started on the 24th of February 2022, the size of forces involved, and the size of Ukraine, this would mean an arsenal at least as formidable as the one that Poland is building, which could require as much as 1000 Leopard-A2 and M1-Abrams main battle tanks, 200 F-35 aircraft, 200 HIMARS systems instead of the 20 that Ukraine has now, ATACMS missiles, Reaper drones, Patriot or maybe even Aegis missile defense systems, etc. The scale of armaments required to guarantee a neutral Ukraine is certainly daunting but what would be the political advantages of a neutral Ukraine?

The principle of a neutral Ukraine

A major advantage of Ukraine's full territorial integrity in exchange for its neutrality would be that it could also be a principle to follow and open the door for a possible broader framework agreement for all of the GUAM group: Georgia, Ukraine, Azerbaijan, and Moldova, pledging neutrality in exchange for the restoration of their territorial integrity. The GUAM group consists of states that were members of the Soviet Union, but then took a Western course and tried to distance themselves from Russia. In all four states, however, Russian-backed separatist conflicts erupted and became frozen, sustained by Russia throughout the decades that have since passed. As a result, all these countries are unwilling participants in frozen conflicts, in which parts of their territories are occupied by separatist statelets, sustained directly, or, in Azerbaijan's case, indirectly by Russia. In the case of Georgia, the statelets are, Abkhazia and South Ossetia; in the case of Moldova, Transnistria; and the case of Azerbaijan, Nagorno-Karabakh. While Abkhazia, South Ossetia, and Transnistria are maintained by Russian occupation, Nagorno-Karabakh is further complicated by the fact that it is the polity of the Armenian minority in Azerbaijan. It is also a territory disputed between Armenia and Azerbaijan since the dawn of their modern independence in the period of 1918-1920. Behind all these conflicts exist very real issues of interethnic tension and legitimate aspirations for regional autonomy. The reintegration of Abkhazia and South Ossetia into Georgia, Transnistria into Moldova, and Nagorno-Karabakh into Azerbaijan could only happen akin to the process of Eastern Slavonia's reintegration into Croatia in 1995-1998, through a transition period of multiple years under the control of international peacekeeping forces, with guarantees respecting the rights of all ethnic groups in these regions. These would include the right of return for refugees (which is a crucial issue in the case of Abkhazia, where its native population dropped by 60% after Russia's incursion). After the transition period, a large degree of

regional autonomy would also have to be guaranteed for each of these regions, following examples in Western Europe, such as Åland, South Tyrol, or the Basque country. In regions where interethnic tensions are especially severe (for instance Abkhazia) even power-sharing agreements between representatives of key ethnic groups could be part of the deal akin to that in place in Northern Ireland since the Good Friday Agreement of 1998.

Of course, not only for Ukraine but for all three other GUAM countries as well, neutrality can only be considered meaningful not only with the restoration of their full territorial integrity but also with access to advanced weaponry. Again, only if they were all armed with Leopard A2 or M1 Abrams main battle tanks, HIMARS systems including ATACMS missiles, F-35 aircraft, Patriot air defense systems, and Reaper drones, could the GUAM group form a neutral belt to deter Russia from attempting future incursions. Russia, on the other hand, could get its security guarantees via the ban on NATO membership for these countries, the ban on foreign troops in their territory, and the ban on weapons of mass destruction. Again, this shouldn't limit them from participating in economic integration arrangements with the West, as that would obviously not pose a military threat to Russia's security.

Such an arrangement could turn the entire GUAM belt of Georgia, Ukraine, Azerbaijan, and Moldova into an economically prosperous neutral zone between NATO and Russia's CSTO alliance, with the prospect of becoming as successful as Austria was in the cold war. Also, by reaching a final arrangement regarding frozen conflicts in the contested region between NATO and Russia, such an arrangement could stabilize relations between NATO and Russia as well, and at least open the door for some kind of détente in the future.

So, two possible plausible agreements that Ukraine and its Western supporters could offer to Russia could either be full membership for Ukraine in NATO in exchange for allowing Russia to keep the Crimea, or Ukraine pledging neutrality in exchange for full restoration of its territorial integrity including the Crimea. In an ideal world, the latter may seem to be the better solution, as it would restore Ukraine's full territorial integrity, while at the same time, respecting Russia's alleged security concerns, and creating a neutral zone between NATO and Russia's CSTO alliance. It could even soften the geography between the two blocks and potentially offer a basis for a possible broader framework for the entire GUAM group restoring their full territorial integrity in exchange for neutrality.

Limitations of the Neutrality option

Realistically speaking, however, this may be the less feasible scenario. The more likely solution would see NATO membership for Ukraine in exchange for allowing Russia to keep the Crimea. As discussed above, since we already have the precedent of Russia disrespecting the 1994 Budapest memorandum, it still cannot be expected to pledge neutrality without being armed with a conventional arsenal physically sufficient to fend off any future Russian attempts. That would only be possible by making neutral Ukraine one of the strongest military middle powers in the world. This would raise several inconvenient questions: First, whether the US and its NATO allies would be willing to arm a neutral Ukraine to the extent required. Second, even if the US and its NATO allies

decided to fortify Ukraine, building up such an arsenal would require years, and the Ukrainians would have few guarantees in the interim, then the Budapest Memorandum gave, which proved inadequate. Third, it would also be a concern for Ukraine, whether the US and its NATO allies might change their mind regarding an armament program before it was complete.

Fourth, if the re-integration of the Crimea and former separatists areas of the Donbas happens following the example of the Eastern Slavonia scenario with a multiple years long interim period of UN administration, then Russia could still march into those areas during that interim period, without the Ukrainian military being able to prevent it, as its presence in those regions during the interim period would be limited at best, or possibly even absent.

While in the case of the alternative scenario of Ukrainian NATO membership in exchange for the Crimea, Ukraine's legal status as a NATO member state would most likely be sufficient to deter Russia from such a move during the UN-administered transitional period of the former separatist areas of the Donbas even if the armed forces of Ukraine were not present, as NATO's legal arrangements would cover these areas as well. No such deterrent would be in place in case of a neutral Ukraine.

The neutrality option, however, could give concerns for Russia as well, that if such a scenario goes smoothly and gets completed, then a fully armed Ukraine, in the possession of even Crimea, could later break the agreement and join NATO anyway. The same goes for the entire GUAM group if such a solution was extended to them as well. If they decided to do so, there is little Russia could do except invoke its ultimate nuclear option.

While there was a relative balance in the conventional forces between NATO and the Warsaw Pact when the Austrian State Treaty was implemented in 1955, the Russian invasion of Ukraine that started on 24th February 2022 proved Russia's conventional capabilities to be much inferior to those of NATO. Russia would have little to no conventional option to prevent NATO accession of Ukraine or the entire GUAM group. Therefore it may still seem to be the safer bet for Russia to accept the option of Ukraine's NATO accession in exchange for the Crimea. That way at least it could keep the strategic asset that Crimea represents, while in the other scenario, it would risk Ukraine eventually becoming a NATO member and taking the Crimea with it. At the same time, this scenario of NATO membership would also be the safer option for Ukraine. While having to concede the Crimea to Russia, its immediate full membership in NATO in exchange would rule out the risk of any future Russian incursion. Thus, to sum up, the Crimea in exchange for a NATO membership option would seem to be the likeliest option for both Ukraine and Russia.

Why it would be beneficial for Ukraine to make an offer akin to the two discussed above, instead of seeking full victory, is that this may be the best deal it could achieve. It could, of course, wait until Russian troops in the Crimea run out of ammunition and fuel, and then march in. However, Russian troops in the Donbas would still have access to supplies. Therefore they could still hold much of the Donetsk and Luhansk regions. Resulting in a

situation, where although Ukraine managed to retake the Crimea, Russia still held much of the Donbas, and without any formal agreement, Ukraine would remain in a frozen conflict, which would still mean it was without full territorial integrity and membership of NATO would be out of reach for the foreseeable future.

Scenario 3: Ukraine's battlefield success without negotiation

Of course, if Russia rejects the offer of a negotiated settlement with Ukraine if and when the Crimea is cut off from Russian supplies, then Ukraine would have no choice, but to continue fighting and occupy Crimea. Here events could take two directions that mostly depend on the US and its NATO allies. They could either decide that by regaining the Crimea, Ukraine achieved as much as it is possible by military means, and settle for a frozen conflict in the Donbas. Alternatively, they might see the reconquest of the Crimea as a sign of Russia's weakness, and double down on arms for Ukraine until Russian forces are expelled even from the Donbas. This scenario also addresses the question of whether it would be prudent for Ukraine to make the offer to negotiate. Even if the more favorable scenario occurs with Ukraine marching into Crimea and the US and its NATO allies continuing to support Ukraine in the Donbas, the outcome would still be uncertain. A final victory achieved this way could only come at an extremely high price, extend the war possibly for years, and add little to what might be achieved by the first two scenarios outlined. Therefore, making an offer akin to those discussed would be a safer and more prudent course for Ukraine.

The Russian Perspective

This leads us to the question, of why it would be in Russia's interest to accept such an offer if Crimea was cut off from Russian supplies. Given the ways the US and its NATO allies could react, refusing an offer of negotiations would be a gamble. If, after a Russian refusal, the US and its NATO allies chose the lesser option, and while Crimea was retaken by Ukraine, they would leave the Donbas in a state of frozen conflict, Russia could use this to regroup and continue its efforts to take the whole Donbas over time. If however, the US and its NATO allies chose the more confrontational option and doubled down on arms supplies to Ukraine, and the Ukrainians subsequently pushed Russia out of the Donbas too, then Russia would have suffered a humiliating defeat, losing even the territory it could have got with a compromise. If we compare what Russia could gain by not negotiating at this point (holding parts of the Donbas in exchange for losing the Crimea) with what it could lose by doing so (basically everything) we reach the rational conclusion that Russia could lose more than it could gain by refusing a compromise at this point. Therefore, it would also be the more realistic course for Russia to accept a compromise as soon as Crimea becomes cut off from Russian supplies.

Scenario 4 The Russian nuclear option

The scenarios discussed assume a conventional military conflict resolution process. If the Russian threat to use nuclear weapons when the Crimea gets cut off, another and more existential scenario comes into play. The issue is significant enough to be addressed on

its own, separately from all other scenarios. It raises a series of questions: Can Russia afford to make such a threat implicitly or explicitly? Would that be a real threat or just a bluff? Can NATO afford to call such a bluff? Can NATO afford *not* to call such a bluff?

Russia's official nuclear doctrine states that nuclear weapons can only be used, if either Russia is attacked by weapons of mass destruction itself, or in case of an invasion by conventional forces that poses a threat to the existence of the state.²⁰ The war in Ukraine is far from meeting these criteria, even if Ukraine acquires ATACMS missiles, F-16 aircraft, and Reaper drones, and started hitting supply lines in Russia to force the Russians out of Ukraine. Only an all-out Ukrainian ground offensive crossing the border into Russia could get anywhere near meeting these criteria. However Ukraine has no such intent, and even if it did, the US and its NATO allies would curtail any Ukrainian moves in this direction, by cutting ammunition and fuel supplies, and intelligence access.

Therefore, the outcome of the war is unlikely to meet the official criteria set in the Russian nuclear doctrine. Implied Russian threats to use nuclear weapons, however, have been voiced throughout the conflict, making the US and its NATO allies play safe. As of April 2023, NATO has not provided Ukraine with weapons with which they could hit supply lines in Russia and has banned Ukraine from doing so with the weapons they have provided.

At the same time, using nuclear weapons to prevent a defeat in Ukraine would not seem to make much sense for Russia. Two main nuclear scenarios might be identified. One is an all-out nuclear exchange with NATO, which would mean the annihilation of Russia, and Ukraine obviously does not merit such a risk. The other scenario would entail a limited nuclear attack against Ukraine. Regarding this latter option, former CIA director David Petraeus stated that in such a case the US would directly intervene in Ukraine with conventional weapons only (thus not encouraging further nuclear escalation). Conventional intervention would still be sufficient to remove the Russians from Ukraine swiftly.²¹ Petraeus' statement may or may not have been an informal warning to Russia, but it certainly reflects reality regarding US military capabilities, suggesting that even a limited nuclear strike against Ukraine would not end well for Russia. To make things worse for Russia, both China and India warned against the use of nuclear weapons, suggesting that such a move would not only result in the US wiping out Russian forces from Ukraine with conventional weapons but also China and India joining the sanctions regime against Russia.

Still, due to the strategic importance of the Crimea, the moment when Ukrainian forces would cut it off from Russian supplies would be critical for Russian nuclear threats. If an explicit Russian nuclear threat comes, it will most likely come at this point, if it does not come at this point, it most likely won't come at all.

The further benefits of offers akin to the two possible compromise scenarios described above would reduce the threat of such a Russian escalation. A NATO membership in exchange for the Crimea deal would concede the Crimea to Russia without having to risk the consequences of resorting to nuclear blackmail. If nuclear threats still come, they will most likely be in the form of a bluff.

The problematic stakes of nuclear bluffing

To bluff or not to bluff, that is the question. The nuclear bluff would still put Ukraine, as well as the US and its NATO allies, in a difficult position. The case for giving in to such a bluff is obvious- not to risk a nuclear escalation, and appease the Russians. The case for calling the Russian bluff is less obvious at first, but actually more compelling. Allowing the Russians to win in a conflict, where available conventional resources of the two sides would mean a decisive Ukrainian victory would set an alarming nuclear precedent. Successful nuclear blackmail, in an offensive war, waged outside its own borders, an aggressor with insufficient conventional resources required for a conventional victory, would successfully make the US and its NATO allies abandon a country they pledged to defend. Since 1945 the unwritten rule for the use of nuclear weapons was to only use them as a deterrent against foreign invasion. The use of nuclear weapons outside borders in an offensive war, especially to blackmail the opponent into surrender despite not being able to defeat it by conventional means, has been one of the strongest *de facto* taboos of international politics since 1945. The US didn't risk this offensive use in the case of Korea or Vietnam in the 1950s and 1970s nor in the case of the Bay of Pigs in Cuba in the 1960s. Similarly, the Soviet Union didn't adopt this option in the case of Afghanistan in the 1980s. Israel didn't in the case of South Lebanon in 2006, and even North Korea hasn't dared to use such an ultimatum regarding South Korea.

Using the nuclear bluff for success in Ukraine would therefore set an extremely dangerous precedent. Such a precedent would send the wrong message to prospective aggressors, signaling that one doesn't even need a sufficient conventional arsenal for a successful invasion. It is enough to merely use nuclear blackmail. What if this encouraged Kim to attempt the same thing in South Korea? Or China in Taiwan? Each precedent can encourage actors to raise the stakes. What if after successfully making the US and its NATO allies give in on Ukraine by such means, Russia decides to try the same tactic on NATO member states in the Baltic or even Poland?

Of course, an outright Russian frontal attack on NATO would be unlikely, but so-called grey zone warfare, operations that fall in between peace and outright war could be a way, in which Russia could attempt to circumvent NATO's Article 5 if it senses weakness. And Russia is considerably good at grey zone warfare. Given how Russia used the infiltration of unmarked troops, denying them to be its own in Crimea, inducing a revolt of the ethnic Russian minority in the Donbas, and then relying on their plight as a *casus belli*, is a tactic that Russia deploys against any country in its orbit and could use subversive tactics to issue an ultimatum. The Baltic states look alarmingly vulnerable to such a scenario. Due to Soviet-era mass resettlement policies between 1945 and 1991, in both Estonia and Latvia, ethnic Russians make up more than 20% of the population. To make things worse, years before the war in Ukraine started, there has been much discussion about whether NATO would defend the Baltic states. These discussions, on the one hand, alleged that in case of a Russian invasion of the Baltic states, due to their weakness, geographical vulnerability, and ostensible unimportance, even leaders of major NATO members may find excuses not to defend them. These debates also raised concerns that letting the Baltic states down would signal to the world that the entire NATO alliance was null and void by

setting a precedent of failing to honor Article 5. of the treaty defending all its members. Such ambiguity, therefore, makes such a subversive attack tempting for Russia in order to undermine the entire alliance system with a relatively small military action at its weakest point.²²²³²⁴²⁵²⁶²⁷

NATO letting down Ukraine due to nuclear blackmail would encourage Russia to undertake subversive activity elsewhere in its near abroad. The following scenario could happen in the Baltic. Russia smuggles arms and special forces into Estonia and Latvia to start an armed revolt, while Russia's intelligence services persuade some of the leaders of the ethnic Russian minorities of these countries to mobilize their communities to join the armed revolt. Denying any involvement, Russia, under the pretext of defending the rights of the Russian minorities in question, could demand NATO not aid Estonian and Latvian authorities that crackdown on the revolt, and accuse Estonia and Latvia of attempted ethnic cleansing if they dare to do so and threaten to use nuclear weapons. Framing it as a compromise, Russia would demand an agreement under which Russia would send troops to these countries to secure the rights of the ethnic Russian minorities as peacekeepers.

This would be the same kind of coerced agreement that Georgia and Moldova ended up with, where Russia has stationed its troops as "peacekeepers" for decades. Such a move in the Baltic states would not require conventional superiority, not even a major conventional attack, just the smuggling of arms, the infiltration of special troops in unmarked uniforms, and the induction of a revolt among the ranks of the ethnic-Russian minorities- all tactics we have already seen in the Crimea and Donbas, combined with an additional nuclear threat, in a conflict outside the borders of Russia, for which a precedent would be set. If, solely due to nuclear fears, NATO gives in to Russia in Ukraine despite its overwhelming conventional superiority, Russia would be encouraged to apply the same tactics elsewhere in its near abroad.

If making such an attempt on NATO countries sounds like a too radical step even in case of a possible Russian victory in Ukraine, there could be transitional moves, which NATO would have fewer reasons to resist, but which could further boost Russian morale sufficiently to make an attempt on the Baltic states. These transitional moves could be seen in Georgia and Moldova. Similar to Ukraine, both have territories that Russia has been holding under military occupation for decades and views as its own. Neither of the two states is a NATO member, and both are significantly smaller and weaker than Ukraine. Therefore if NATO gives in to Ukraine, it will have little reason to defend Georgia and Moldova, and if Russia manages to defeat Ukraine, it will have little reason not to invade Georgia and Moldova. And if that goes smoothly, after having successfully invaded not only Ukraine but Georgia and Moldova as well, Russia's morale may very well be sufficiently boosted to make the attempt on the NATO member Baltic states.

If Russia however, attempts something like that against NATO countries, then the chance for something going wrong and ending up in an actual nuclear exchange would be even greater than in the case of Ukraine. This scenario notwithstanding, therefore, conditions now are far more favorable to call Russia's bluff during the present war, than they may be

if it becomes a regular practice for aggressors to use nuclear blackmail in offensive wars waged outside their borders to coerce countries into surrender that they are unable to defeat by conventional means. Currently, both China²⁸ and India²⁹ have warned Russia not to use nuclear weapons. Russia's conventional arsenal is seriously depleted by Ukrainian resistance, and Russia is in a disadvantageous geographical position standing only on the eastern edges of Ukraine. Therefore, with the risk of even China and India opposing it, Russia can most likely be deterred from using nuclear blackmail this time. However, if the precedent is set, and the use of nuclear blackmail by aggressors in offensive wars that they cannot win by conventional means becomes a regular practice, China, North Korea, and possibly Iran will also have the incentive to practice such tactics.

Therefore such a precedent, once established, would raise the risk of an eventual nuclear exchange occurring sometime somewhere, by encouraging the use of nuclear blackmail by aggressors in offensive wars waged outside their borders. Even if the allies do not let Ukraine down, the fact that they may not provide the necessary weapons for a Ukraine military breakthrough when the US and its NATO allies have them would already send a similar message of weakness.

Even if not stated explicitly, Russia, China, North Korea, and Iran would all know, it was because of the fear of Russia's nuclear weapons. Even that case would mean that the US and its NATO allies let down a country that they pledged to defend, while they were capable of providing it with weapons of sufficient quality to push out the aggressor from its territory by conventional means, but chose not to do so because of their fear of the aggressor using nuclear weapons in an offensive war waged outside its borders. To conclude, the only thing more dangerous than calling Russia's bluff would be not to call it.

Endnotes

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