

On the 4th of March, while meeting his counterparts from Joint Expeditionary Force partner nations in Estonia, the UK Secretary of State for Defence Ben Wallace said the Russian aggression against Ukraine is "



an attack on our freedoms, our values and the security of Europe". writes Patrick Nopens.

On the same day, at the NATO Foreign Ministers' meeting, Secretary-General Stoltenberg declared solidarity with the Ukrainian people and urged Russia to stop the unprovoked war against Ukraine immediately and without conditions. He then made an astounding statement: *"We are not part of this, and we have the responsibility to ensure it does not escalate and spread beyond Ukraine."*

Indeed, while repeating their commitment to protecting all (NATO) allies, the ministers were very adamant about their unwillingness to deploy NATO troops on the ground or impose a no-fly zone over Ukraine. This position has remained unchanged. Despite this verbal support, massive economic sanctions and military aid, the Ukrainians are on their own when it comes to doing the actual fighting.

An insecure antechamber

The West has no legal obligation to defend Ukraine even though, in 1994, the US, the UK and Russia gave Ukraine security assurances. NATO and the EU also provided Ukraine with the perspective of becoming a member of both organisations. However, they did not offer a timeframe nor any security provisions pending membership.

The Budapest Memorandum of 1994, signed by the USA, the UK and Russia, is not a legally binding document. It nevertheless promised to respect Ukraine's independence and sovereignty within the existing borders and to refrain from using force or nuclear weapons against Ukraine in exchange for giving up its share of former Soviet nuclear weapons, which was the third-largest nuclear stockpile in the world. In some cases, the Memorandum could permit signatories to act, but it does not force anyone to defend Ukraine. Interestingly, the Russian Minister of Foreign Affairs Sergei Lavrov claimed in February 2016 that "Russia never violated the Budapest memorandum. It contained only one obligation, not to attack Ukraine with nukes": a strange way of respecting Ukraine's independence and sovereignty and let us hope he does not forget the

part about nukes.

At Bucharest in 2008, NATO put Ukrainian and Georgian membership at some vague point in the future on the table. This gave both countries the perspective of integration in the Atlantic world. It did not, however, protect them while in the waiting room, placing both countries in the crosshairs of Russia. A couple of months after Bucharest, Russia and Georgia were at war. In 2014, Russia annexed Crimea and war erupted in the Donbas. Neither action had long-lasting consequences for the relations between the West and Russia, and neither the US nor the UK invoked the Budapest Memorandum.

During the Maidan revolution, the US and the EU openly supported democracy. Of course, the West was right to do so, but again neither NATO nor the EU gave Ukraine a clear perspective for membership.

After the occupation of Crimea, some countries provided military support on a bilateral basis to Ukraine, but neither organisation as such did so. Expecting that a long, drawn-out accession process was feasible without backing up Ukraine with coordinated military support was naïve. Without a clear membership perspective, this declaratory policy enhanced Ukrainian exposure to Russian aggression.

Western diplomatic failure in the current crisis

After two decades of appeasement, whatever the outcome, the war in Ukraine will go down in history as a spectacular failure of Western deterrence and crisis management. Before the invasion, Western chancelleries already showed an astonishing lack of diplomatic bargaining skills contrasting strongly with Russian dexterity in manipulating Western leaders. Nothing would probably have deterred Putin from starting the war, but the harsh economic and financial sanctions have only had a punitive effect; they did not deter a Russian invasion or further escalation.

Economically, militarily and diplomatically, Western measures had no immediate impact on the events.

Economically, sanctions take time to bite and are hardly relevant in the initial phase of fighting. After five weeks of war, direct military support is showing its effectiveness. However, NATO's unwillingness to provide more offensive systems creates a stalemate.

Militarily, it will take some time before NATO can provide the necessary backup for effective diplomacy. European military power suffered from three decades of reckless underinvestment. After decades of peacekeeping and counter-insurgency operations, European allies can hardly field any troops to conduct large scale ground operations against a near-peer adversary. With three times the population of Russia and twelve times its GDP, the EU and Britain should easily be able to match Russian military power. However, they still rely on the Americans, who, though possessing the most potent military globally, are overstretched and focusing on Asia. After decades of dealing with inferior opponents, the West also seems to have lost the diplomatic negotiating skills needed to confront a near-peer enemy. This is even more relevant when dealing with a rogue adversary with an entirely different worldview and applying a different set of international norms. On the other hand, Russia has succeeded in using diplomacy as a real force multiplier. It has constantly kept the diplomatic initiative through its escalation dominance. In contrast, the West has remained purely reactive and focused on de-escalation.

Western unambiguity about unwillingness to intervene

Western leaders have sinned again and again against the first rule of strategy as defined by US Cold War diplomat and Yale professor Charles Hill: "the first rule of strategy" is to "never tell your opponent what you are not going to do."

Indeed, long before the invasion began, Western leaders and NATO had already repeatedly declared that they would not intervene militarily in Ukraine. After the Russian occupation of Crimea in 2014, many countries refused to send weapons, ammunition and equipment to Ukraine, some even selling Russian military equipment to Russia. Some countries only changed their minds a couple of days into the war. Others have not done so yet today or even do not allow the use of their territory by other NATO members to transfer weapons to Ukraine. Of course, these actions could place NATO forces in direct conflict with Russian troops and risk war with Russia. However, by repeatedly declaring that they will not intervene militarily, NATO and its members unequivocally signal that Russia need not bother about NATO in its strategic and operational planning, even not as a remote possibility, all the way to Ukraine's western border.

In Putin's eyes, NATO self-limiting its options from the outset of the conflict is a clear sign of western weakness and unwillingness to get involved. It encourages him to up the ante continuously. It condemns NATO to remain reactive, ruling out any escalatory measure that is not a direct reaction to Russian action, leaving all the initiative to Russia.

Excluding any form of intervention and publicly giving in to the fear of potentially having to confront the adversary's forces undermines any deterrence posture. Such timidity could have been excusable before the invasion, not to give Russia a pretext for attacking. However, once the war had begun, it gave Russian military planners carte blanche. Leaving some uncertainty would at least complicate Russian decision-making. As Tony Blair has said, "there is something incongruous about our repeated reassurance to him that we will not react with force". Hopefully, NATO will become more assertive when more assets are in place.

The posture NATO has adopted until now undoubtedly has the merit of signalling very clearly that the borders of NATO member countries constitute a red line that Russia will not be allowed to cross unpunished. This is especially important for the countries that have joined NATO after 1997. Indeed, in December 2021, Russia handed over two Draft Agreements on Measures to Ensure the Security of the Russian Federation and Member States of the North Atlantic Treaty Organization, one to the US and one to NATO. In these proposals, the countries that joined after 1997 would not be allowed to host NATO troops or installations. NATO restating its commitment to defend all its members is especially important for the Baltic States, given their geographic position and Russian minorities.

At the summit on the 24th of March 2022, NATO declared that "Any use by Russia of a chemical or biological weapon would be unacceptable and result in severe consequences." It gave no details of what those consequences would be. This leaves at least some ambiguity. However, ambiguity to keep Russia guessing about what NATO could do while still not leaving any uncertainty about what it is not prepared to do remains a weak posture. President Macron said that strategic ambiguity and discretion are the more effective. However, he immediately undermined any ambiguity by stating that his red line was that NATO was not drawn into the conflict-

However, this posture also clearly signals that NATO is unwilling to bear the costs of direct confrontation outside NATO territory. Russia thus has a free hand in conducting military aggression within and above Ukrainian territory.

The point here is not that NATO should intervene militarily in Ukraine; the point is that it should not exclude it a priori. It should not only leave ambiguity about what it will do but also about what it will not do.

Russia using the entire crisis management toolbox

Crisis bargaining is a competition in risk-taking. One must convince the opponent of the credibility of one's threats. It is vital to persuade him that one's willingness to tolerate high costs is greater than his own.

Russia is applying every negotiating tactic to deter Western intervention and guarantee its freedom of action; deliberate escalation, brinkmanship, irrevocable commitment, disinformation and preparedness to leave outcomes to chance rather than rational crisis management.

Russia signalled irrevocable commitment by recognising the independence of the so-called Luhansk and Donetsk republics and setting the incorporation of Crimea into the Russian Federation as a precondition to peace. It also linked peace to the West agreeing to the demands put forward in December in the Draft Agreements mentioned above.

Russia flouted diplomatic, military, and humanitarian conventions from the outset of the crisis. Again and again, it has used escalatory moves, even hinting not very subtly at its willingness to employ nuclear weapons in a direct conflict with the West. Historically, this is one of the few instances that the "nuclear war is unthinkable" threshold in Hermann Kahn's escalation ladder has been crossed.

Russian misinformation is rife, even if it is seldom sophisticated. Russia fabricated the Nazification of the country and genocide of ethnic Russians living in Ukraine. However, Russian speaking Ukrainians in the east do not seem to look forward to being liberated by the Russians. Russia accuses Ukraine of possessing chemical and biological weapons and planning to use a dirty nuclear device. It reacts to verbal interventions of Western leaders with nuclear sabre-rattling.

Finally, there may be a method to what to many seems madness. There seems to be a certain rationality to Putin's increasingly erratic and irrational behaviour characterised by more and more reckless brinkmanship. Risky behaviour that may achieve its goal is not that irrational after all.

Western reactions to Russia's brinkmanship

Western leaders fell for Russia's brinkmanship, initially at least. Believing in diplomacy at any price, the West continued looking for a diplomatic solution, not realising Putin was not interested in avoiding war. Few seemed to realise that Putin was acting in a radically different frame of reference.

Firstly, Western leaders or their ministers patiently waited for their turn in the queue to join Putin at his overstretched table, hoping to convince him not to attack Ukraine. It made Putin feel respected and showed Russians what a great, if somewhat megalomaniac, world leader he was. Meanwhile, his visitors went home with false promises.

Then NATO and its leaders stressed again and again that they would not intervene militarily in Ukraine even if Russia invaded. NATO also excluded imposing a no-fly zone requested by the Ukrainians to deny Russia the advantage of its superior air assets.

Not intervening militarily in Ukraine to avoid confrontation between NATO and Russian forces makes sense in the short term. However, why reassure the Russians constantly? Why openly express fear of confronting them? Why leave all escalatory initiatives to the Russians? Why limit one's options from the onset of the crisis? It only emboldens Putin. Russian brinkmanship, willingness for escalation and acting irrationally seem to be working, for the time at least.

When NATO was discussing the possibility of a no-fly zone, Putin immediately warned the West that Russia would regard this as an act of war and hinted at colossal catastrophic consequences, not only for Europe but the whole world. Amazingly, Western political and military leaders echo Putin to explain why NATO is unwilling to get further involved.

On the 24th of March, the NATO summit stated that it would react if Russia used weapons of mass destruction without saying what this would imply. However, ambiguity about what one will do is not enough. What NATO will not do should also be shrouded in uncertainty.

By focusing on avoiding escalation, whatever the cost, the West is quickly losing all credibility. Unsurprisingly, a sense of abandonment is growing in Ukraine. Therefore, it will not be easy to restore this credibility. Therefore, the future strategic concept of NATO should explicitly provide guidance for this kind of situation. Defence of the Alliance should not necessarily begin at the border.

Russian forces are rapidly running out of steam. With an infinitely superior military machine, NATO has the means to intervene in Ukraine to prevent further Russian intrusion and humanitarian disasters. It is time to stop constantly repeating that NATO avoids escalation out of fear of meeting Russian forces on the battlefield. Russian decision-makers should have to consider how NATO might react. NATO could announce holding exercises near areas that could become a direct threat to NATO if occupied by Russia.

We are part of the this

Like it or not, we already are part of this. War is not only about military operations. Millions of Ukrainians are displaced in their own country or refugees in Europe. The West is arming Ukraine and imposing crippling sanctions on Russia. What if Putin, reeling from these stifling sanctions he considered laughable before they were imposed, feels his only option is to consider them an act of war?

The North Atlantic Treaty does in no way prevent NATO from intervening outside its members' territory. The wars in the Western Balkans and Afghanistan demonstrated this unambiguously. NATO should not take a no-fly zone or any other form of intervention of the table a priori.

Russian nuclear sabre-rattling should not be allowed to intimidate NATO.

The fighting in Ukraine may last still some time. Russia will not be able to take the whole country. It will have to content itself with some minor but strategically important territorial gains before agreeing to peace talks, probably by keeping as much as possible of the Black Sea coast linking up Russia to Crimea and Transnistria.

Therefore, Russian troops should not be permitted to cut off the Black Sea coast and link up to Transdnistria. NATO should seriously consider protecting the Odessa region and guaranteeing

Moldova's integrity before Russian troops reach this country. The North Atlantic Treaty does not prohibit extending security guarantees to non-members. Moldova does not need to join NATO or the EU immediately for the Alliance to extend its protection to the country. It will put the onus on Russia if it ever tries to cross the Moldovan border.

Today, Ukrainians are thankful for any support they get from the West. Still, some countries had to be shamed into supporting Ukraine militarily from the side-line. Once the dust settles, Ukrainians will remember the unwillingness of several Western countries to provide direct practical support in their fight against Russian aggression. Therefore, NATO and the EU should stand firmly by Ukraine during peace talks.

The (temporary) end game

Ukraine 2022 is just one salvo in Russia's quest to restore some of its former glory.

To its surprise, Russia is failing spectacularly to bring Ukraine to heel in this first round. Russia's armed forces are performing dismally. Its armed forces are pathetic. They are incompetent of running even a modest campaign at any level against a weak enemy. They are even more pathetic because, incapable of subduing the Ukrainians, they fall back on terrorist tactics of indiscriminately targeting non-combatants.

Strategically, the war is a grotesque miscalculation. Even if Russia saves face by debilitating the Ukrainian armed forces and punishing the country, this would be a Pyrrhic victory. Russia has squandered all Ukrainian goodwill for generations.

Russian operational and tactical planning is pitiful, while logistics are hopelessly deficient. Large-scale corruption has undermined its decades-long modernisation programme. Only its nuclear umbrella, indiscriminate destruction of civilian targets, and for the time being at least, still adroit diplomacy save Russia from total disaster. However, we should not be complacent. We cannot assume that the ineffectiveness of the Russian armed forces today will not be corrected in the future. Throughout history, the effectiveness of the Russian armed forces has varied enormously.

These embarrassing failures will add yet another frustration to Russia's long paranoid list of perceived Western slights. The Russian narrative will be that Russia has achieved its goal, but the russophobic West prevented the heroic and humane Russian army from denazifying Ukraine. Sometime in the future, after rebuilding its armed forces once again, Russia will inevitably undertake a new round to incorporate Ukraine into a Slavic greater Russia.

Rebuilding its forces will take some time, but a second round is unavoidable as long as Russia perceives NATO as its principal threat.

Peace talks

Therefore, peace talks should be approached through the prism of preventing Russia from positioning itself in an advantageous starting point for a potential next round. These include the territorial, diplomatic and security outcomes of any peace agreement.

The final negotiating position in any talks lies with Ukraine: the Ukrainians are doing the fighting,

not the West. It is up to the Ukrainians to decide what they are ready to give up to live in peace. However, the West must support Ukraine to resist unacceptable demands from Russia.

Territorially, Russia should pull back all its troops out of Ukraine. Concerning Crimea and the Donbas, Ukraine should decide how far it is prepared to go to achieve peace.

Diplomatically, if neutrality is acceptable for Ukraine, the West must be prepared to guarantee this neutral status formally. A non-binding Budapest type agreement, abnegated by all guarantors, is unacceptable. It has to be a legally binding treaty.

If Ukraine accepts a neutral status, it should be armed neutrality. The West should firmly back up Ukraine against Russian demands for demilitarisation or unilateral arms limitations. Ukraine should be permitted to have weapon systems that can deter a repeat of risk-free Russian destruction of civilian targets. This does NOT, of course, include any weapons of mass destruction.

From the point of view of NATO and the EU, the West should not accept any Russian territorial gains that can be used as a springboard for future military operations against Ukraine or bordering countries.

Russia links the question of neutrality with that of its territorial claims. Ukraine wants to treat them sequentially, first reaching an agreement on the status of neutrality; once Ukraine accepts neutrality of the status of unoccupied Ukraine, it also acknowledges its territorial losses.

More than anything, Putin fears a democratic and economically vibrant Ukraine. Therefore, the West should help Ukraine finalise its transformation to democratic governance. It should set up a Marshall plan to create a booming Ukrainian economy that stands out against a stagnating Russian one. Ukraine should also get full support in seeking compensation for damaged infrastructure and personal losses. If necessary, Ukraine should gain access to frozen Russian assets.

These assets could be managed through an international trust fund of friendly nations and international organisations, guaranteeing transparency and sound public expenditure. Yet, special national legislation may be required in the countries holding these assets.

Also, measures must be taken immediately to gather testimonies and forensic proof of war crimes to sue the perpetrators both at the political and military levels. This should be linked to sustained democratic reforms and good governance.

Article 49 of the Geneva Convention of 1949 prohibits the forcible transfer of civilians from occupied territory to the occupying power's territory, regardless of their motive. The return of the people who were marched off to Russia during the fighting should warrant particular concern.

Finally, the West should keep sanctions in place until all parties reach a satisfactory agreement, acceptable to Ukraine and Russia as well as to NATO and EU member states.

Conclusion

Even though NATO and the EU remain unwilling to intervene inside Ukraine, they are involved. Russia's success in this war would redraw the European security architecture. Such a shift would be detrimental to European countries and the US, which needs to focus on the Far East. As long as Russia considers the West its main enemy, Russia will again attempt to bring Ukraine fully into its orbit once it has rebuilt its military. Hence the importance of not allowing Russia to occupy advantageous jumping-off points for a subsequent round. If necessary, NATO

should be prepared to draw a line in the sand to prevent this from happening.

The West has shown its economic and financial power. However, it has continuously signalled that it would not get involved militarily to avoid a war between NATO and Russia. This is a wise policy, but it has undermined its deterrence posture. NATO has left all strategic and operational initiatives to the Russians.

Finally, why would Ukrainians be prepared to defend our freedoms, values and security on their own the next time? There is a growing disappointment in Ukraine that the West is doing just enough to avoid a total Ukrainian collapse. Therefore, the West must guarantee any new status Ukraine is willing to accept. The West should not lift sanctions before Ukraine and Russia reach an agreement and Ukraine is fully compensated.

It is crucial to prevent Russia from occupying strategically favourable areas of Ukraine from which it could restart a war against Ukraine or NATO once its military is reconstructed.

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