

Ukraine Settlement Options:

Disengagement of Forces and Confidence and Security Building Measures

By Peter Jones

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Executive Summary

Both Russia and Ukraine continue for now to pursue their objectives by military means. But, in time, arrangements for disengaging forces and potential wider Confidence and Security Building Measures (CSBMs) will be needed. A range of interventions is conceivable, from immediate ceasefire stabilisation, through wider transparency and verification, to longer-term arms limitation and control measures. Differentiated measures may be needed for different geographical areas: the immediate line of conflict, the Ukraine/Russia border, and the wider region, including the Black Sea. There is scope to build and improve upon measures to which Ukraine and Russia have previously subscribed, in the 2014-15 Minsk agreements and in a broader Organisation for Security and Cooperation in Europe (OSCE) context. Innovation and creativity will be needed, for example to capture modern military technology and address maritime security. Whatever measures may be agreed will face formidable challenges of implementation, trust and credibility. Effective monitoring and verification will be essential, as should clarity on acceptable norms of military conduct.

Detail

At the time of writing, both Russia and Ukraine are continuing to pursue their objectives through military means. Russia's initial invasion has faltered, but its forces occupy large portions of the south and east of Ukraine, and there is no indication that President Putin intends to halt military operations. Meanwhile, having survived the initial Russian onslaught, and as support from international partners has increased, Ukraine has found itself able to counter-attack in some

areas. President Zelensky has reaffirmed the objective of reversion to the situation before Russia's invasion of 24 February 2022, and Ukraine's leadership has also spoken of restoring the country's territorial integrity in its internationally recognised borders.

It is hard therefore to judge when the conflict might cease or stabilise, and on what frontline, creating a situation where military disengagement measures or wider CSBMs might come into consideration. At some point, however, both Russia and Ukraine will have to decide how far they are likely to achieve their objectives by continued conflict, or whether they are better off ceasing military operations.

This paper attempts, in advance of such a moment, to identify some of the key questions and options that merit exploration.

Starter questions

Ukraine and Russia will need at least some shared understanding of objectives and priority areas for any disengagement and confidence building arrangements. There may be differing priorities for each side, relating for example to assurance and monitoring of a ceasefire, separation of forces, border security, buffer zones, broader stabilisation and confidence building, or a mix of these. Fundamental too is whether any such measures would be aimed to address primarily a military purpose (ending conflict, stabilising a front-line, allowing forces to withdraw) or political one (be part of wider peacebuilding and settlement).

The parties' priorities do not have to be identical, but there needs to be sufficient overlap of aim and interest for any chance of success. The starting point may simply be neither side seeing little realistic chance of achieving its objectives through continuing conflict, and/or risks to its core security interests in doing so. Measures pursued initially with military considerations in mind could create the space for broader political and diplomatic progress towards a lasting peace.

There is also a question of the geographical zone(s) to which measures would apply. Compared to other recent conflicts in Europe, the scale of the Ukraine/Russia frontline in 2022 is daunting. Differentiated measures may need to apply to: (i) the main line of contact between Ukrainian and Russian forces (at time of writing this extends in a long arc within Ukrainian territory, from Kharkiv to Kherson), (ii) the Ukraine/Russia border, and potentially (iii) a

wider regional zone, for example embracing Belarus, from where some Russian forces invaded Ukraine, and where there may be continuing security concerns, including on potential cross-border artillery or missile strikes. Even (i) is a large geographical area compared to the 2014 – 15 Minsk agreements, though developments on the battlefield could change it.

The parties will need to consider whether all these geographical areas could, or should, be addressed together, or whether to sequence them, most likely starting with the immediate line of contact. Ukraine and Russia will also need to take into account security in the Black Sea, which is likely to remain a critical concern, even if the line of contact on land becomes increasingly static.

It may be helpful to consider potential measures on a scale ranging from immediate deconfliction to longer-term stabilisation. The immediate priority is likely to be ceasefire arrangements. Given the scale of the conflict area, these might need to build out from localised ceasefires in specified zones. There are significant risks to implementation, not only deliberate violation, but also relating to poor conduct and discipline in some forces. A generalised ceasefire and force separation measures could follow success in critical local areas.

Ukraine and Russia will need to consider how far they are likely to be able to implement and monitor measures themselves, or whether they will need outside support or involvement, and by whom. The OSCE has struggled with demands placed on it thus far – though see below. It is hard to see a United Nations peacekeeping operation as a practical proposition, but a form of UN or other external monitoring may be possible.

Improving on the past

Ukraine and Russia can draw on previous arrangements to which they have been party: the Minsk agreements of 2014-15, and multinational arrangements negotiated in an OSCE framework, including the CFE Treaty, Vienna Document on CSBMs and Open Skies Treaty.

It may seem counter-intuitive to start with the Minsk agreements, since these failed to create a lasting resolution on the Donbas. Yet they are concrete commitments that the two countries, along with the other parties to the agreements (the OSCE and self-proclaimed Donetsk People's Republic and Luhansk People's Republic), have undertaken, with both military and political elements.

The initial Minsk Protocol of September 2014 contained relatively broad-brush provisions. On the military side, these included:

- An immediate bilateral ceasefire,
- OSCE monitoring and verification of it,
- Permanent monitoring of the Ukrainian-Russian border and verification by the OSCE with the creation of security zones in border regions, and
- Withdrawal of illegal armed groups and military equipment as well as fighters and mercenaries from Ukrainian territory.

A follow-up memorandum added peacekeeping measures, to:

- Ban flights by combat aircraft over the security zone,
- Withdraw all foreign mercenaries from the conflict zone,
- Pull heavy weaponry 15 km back on each side of a line of contact, creating a 30km buffer zone, and
- Task the OSCE Special Monitoring Mission with monitoring implementation.

The Minsk II agreement of February 2015 contained more detailed provisions for military disengagement, including:

- An immediate and full ceasefire in particular districts of Donetsk and Luhansk oblasts,
- Pull out of all heavy weapons by both sides to equal distance with the aim of creating a security zone of at least 50km apart for artillery of 100mm calibre or more, 70 km for Multiple-Launch Rocket Systems and 140km for longer-range missile systems,
- OSCE monitoring and verification of the ceasefire and heavy weapon pull-out, using necessary technical means such as satellites, drones and radio-location systems, and
- Pull out of all foreign armed formations, military equipment and mercenaries from the territory of Ukraine under OSCE supervision, as well as disarmament of all illegal groups.

Such provisions provide at least a reference point to consider what measures Ukraine and Russia might now find relevant and acceptable, for the immediate line of contact and potentially their wider border. It is significant that the agreements envisaged a role for outside international support and evolved to include detailed provisions relating to specific military capability.

The course of the war in 2022 suggests that Minsk identified some of the right issues, including the importance of artillery, and the need to take into account drone and other capacities. This can be built on, updated to reflect the reality of conflict since 24 February.

Ukraine and Russia will also need to consider how to make any future agreements stick, when the Minsk agreements failed. It is reasonable to ask whether it was realistic to expect the OSCE to deliver the level of monitoring and assurance asked of it in 2014-15. The reality in 2022 is that the OSCE Special Monitoring Mission has been closed. Could the organisation cope with a potentially larger zone of separation in future? Or might another international arrangement, potentially under full or partial UN auspices, have a greater chance of success? Whatever the overall organisational construct, assets, staffing and funding would have to be sourced from international partners and be acceptable to both Ukraine and Russia.

The broader inheritance

Ukraine and Russia also have a shared legacy of international arms control and CSBM arrangements negotiated within an OSCE context, in particular the triad of agreements/documents negotiated in the 1990s that underpinned the end of the Cold War: the CFE Treaty, Vienna Document on CSBMs and Open Skies Treaty. Each covered challenges potentially relevant to bilateral Ukraine-Russia needs.

The [Conventional Armed Forces in Europe \(CFE\) Treaty](#) provided legally binding Europe-wide limits on certain military equipment and required the parties to destroy significant numbers of equipment to reach them. It focussed on five categories: tanks, artillery, armoured combat vehicles, combat aircraft and attack helicopters. The Treaty also had provisions to prevent a concentration of forces in certain geographical areas. There was an intrusive verification regime to ensure compliance.

CFE's concept and structure was more appropriate to the Europe of the 1990s than that of now, and Russia withdrew from the Treaty in 2015. Yet it established an innovative and successful precedent of hard arms limitation, destruction, and verification measures from which all States Party benefitted.

The course of war in Ukraine has shown that the equipment categories subject to CFE limits remain important today, even if any theoretical 'CFE 2' (about which some Russian experts were commenting pre-invasion) would need to be

updated to reflect modern weapons and technologies. Ukraine's current interest is in increasing its military inventory to enable it to resist and fight back, not limiting it. But, longer-term, both Ukraine and Russia might see an interest in some local mutual military limitations or equilibrium.

The [Vienna Document](#) on CSBMs was first adopted in 1990 and has been revised and updated several times since. Despite questions about its recent effectiveness, it sets what has proved an enduring model of politically binding commitments for participating States. These include:

- Transparency and information exchange on military information including defence planning,
- Prior notification and international observation of military activities above certain thresholds,
- Risk reduction measures, including on hazardous military activities,
- Inspection and other verification measures, and
- Constraining provisions.

The Vienna Document categories could provide a framework for Ukraine and Russia, and other states, to develop further [bilateral or regional measures](#). The Document explicitly encourages such additional arrangements. It even identifies potential subjects for them, including risk reduction, military contact and cooperation in border areas, cross-border communications, and lower thresholds for notification and observation of certain military activities. Some countries have previously taken up this invitation, including Ukraine, Belarus and Poland.

The [Open Skies Treaty](#) provides for unarmed aerial observation flights over the territory of participating States, subject to detailed technical specifications. Although both the US and Russia ultimately withdrew from it, it provides a precedent for technical air-based observation and transparency measures that interlocked with the hard arms control of CFE and softer CSBMs of the Vienna Document to provide a stabilising overall conventional arms control framework.

Open Skies could provide a reference point for Ukraine and Russia to consider a technical aerial observation and monitoring regime appropriate for their bilateral needs, implemented through modern technology.

Over the years Russia has derived benefits from all these arrangements, including through exercising its monitoring, inspection and verification rights.

New challenges

Some thought has already been given to updating the Vienna Document to reflect new circumstances and priorities and consider what CSBMs would be most relevant in the 2020s and beyond. Such updating could in part relate to new technologies, for example drones, both as weapon systems and as potential tools for monitoring and verification. Could Ukraine and Russia lead the way in devising new CSBMs for such systems?

Further, the above Treaties and arrangements do not cover the maritime domain, which has largely remained unconstrained. Despite the huge mismatch in respective naval forces, both Russia and Ukraine have a legitimate interest in Black Sea access and security. During the war, Russia has fired missiles into Ukrainian territory from naval assets in the Black or Caspian Seas. For its part, Russia will be concerned about its losses of ships, especially the Moskva cruiser, to land- and drone-based missile strikes by Ukraine.

Thinking regionally

Addressing Black Sea security concerns may be an early priority for Ukraine and Russia. Any discussion of Black Sea issues must however also consider the role and interests of other littoral states, several of whom, including Turkey, are NATO members. There may be a need for some international naval or aerial assurance and monitoring of any new security arrangements reached.

Russia has repeatedly made clear its concerns about NATO deployments and capabilities in eastern Europe, which were central to the draft Russia-NATO agreement issued by the Russian Foreign Ministry in December 2021. That draft also proposed that both Russia and NATO members should not conduct brigade-level military exercises or activities within a zone on each side of the border with Russia and its allies, and similarly within NATO member states. While problematic in many respects, this proposal at least opens a concept of measures of limitation and restraint applying to the territory of Russia itself.

Some of Russia's concerns will have been intensified by the course of the conflict, given the increased supply of Western arms and other assistance to Ukraine, as well as the fresh impetus that the war has given to NATO enlargement. It would be unsurprising, therefore, if Russia wished to seek wider regional understandings as a complement to any bilateral agreements it reached with Ukraine, in particular relating to NATO and individual allies' future security relationship with Ukraine.

From Ukraine's perspective, any sustainable future regime is likely to have to cover not just ceasefire and stabilisation measures applying to Ukrainian territory and the border between Russia and Ukraine, but also all areas from which Russian or associated forces could launch attacks, in particular Belarus.

Building trust

Trust and confidence between Ukraine and Russia, and between NATO members and Russia, was at a low ebb even before the invasion of 24 February. Now it is at rock bottom. For Western countries, it is hard currently to put much confidence or trust in any Russian undertakings. Russia has its own narrative of what it sees as broken Western promises dating back to the 1990s.

And yet a start will have to be made, and it may be only through doing can confidence be built. The Vienna CSBM concepts and categories may be a useful starting point, building from simple elements such as exchanges of military information and risk reduction mechanisms, and the habits of military and diplomatic contact that sustain them.

Another important aspect should be creating confidence that all actors will abide by their international humanitarian and other obligations, including as regards the conduct of war and the treatment of civilian populations, and respecting international law. This includes correct conduct being understood and enforced within respective armed forces and accountability for any violations.

Last but importantly, the parties could consider explicit commitments on renouncing any use of Weapons of Mass Destruction and on avoiding the use of Explosive Weapons in Populated Areas, along with relevant assurance mechanisms and backed up with independent monitoring and investigation.

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