Four Challenges Facing a Ukrainian-Russian Truce.
Part IV: Two Strategic Challenges

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Executive Summary

As the Russo-Ukrainian War continues, the number of proposals for achieving a negotiated rather than a military resolution to the conflict grows. These suggestions are often short on substance but nonetheless claim to be pragmatic and realistic. Most of these plans not only disregard the serious legal, political and material obstacles to a truce between Russia and Ukraine, but are also typically silent on or dismissive of two fundamental strategic dilemmas that Kyiv and the West would face in any hypothetical negotiations on a ceasefire or peace deal.

First, for good reasons, Ukraine and other former colonies of Russia have developed a historical memory and strategic culture that is highly sceptical of Moscow in general, and of an easy accommodation with the current Kremlin leadership in particular. Instead, both past as well as recent Ukrainian and non-Ukrainian experience in Russia's former empire suggest to Kyiv that a military defeat or even domestic change in Russia would have to precede any meaningful negotiations with Moscow.

Second, while less directly affected by the war or concerned about Russian politics than Eastern Europeans, Western as well as other countries face the challenge of safeguarding the international order. How can the world's current legal and security system be preserved in the face of Russia's annexations and systematic terror against civilians? Any partial territorial and/or political reward for Moscow as part of a negotiated ceasefire or peace agreement would undermine international law and stability. It would also run counter to the normative imperative that aggression should not bear fruits for the aggressor.

There is thus what might be called a moral hazard in security policy. Concessions to Moscow may be seen as necessary to end the war. However, these would encourage Russia as well as other revanchist powers to engage in further armed invasions. Any new conflicts would also be expected to end with some net gain for the aggressor, such as obtaining additional land or greater foreign influence.
Introduction

The international debate about a possible end to the Russian aggression against Ukraine often leads to a juxtaposition between apparent idealists and self-ascribed pragmatists. Few analyses have questioned the just cause of Ukraine’s war of self-defence against Russia’s aggression. Most analysts acknowledge the desirability of a Ukrainian victory or, at least, a Russian defeat in the Russo-Ukrainian War.

Nonetheless, many – if not a majority – of non-Ukrainian observers have doubts about the feasibility of Ukraine’s aim to fully restore the country’s territorial integrity and political sovereignty. Some make supposedly pragmatic proposals for a negotiated resolution of the conflict. Typically, these schemes present putatively cool-headed considerations of the interests and capacities of both sides. They pose as the results of a search for a feasible and sustainable solution to the military conflict.

These plans typically suggest either explicitly or implicitly that Ukraine, the West or both make various concessions to Russia. Such propositions include, for instance, an exchange of Ukrainian land for peace by allowing Putin keep some of the occupied territories. They assume or propose reneging on earlier official Western statements, such as NATO’s 2008 Bucharest Summit membership promise to Ukraine. They would also lead to revision of past multilateral agreements with Ukraine, such as amending the understanding between Washington and Kyiv in connection with the 1994 Budapest Memorandum.1

Most of the self-proclaimed pragmatists admit that such concessions will be regrettable. Few deny that they have unfortunate consequences for Ukraine, which would lose some of its territory and statehood. The proposed concessions are also, some would admit, embarrassing for the West itself as they contradict various written or oral obligations previously entered into by this or that Western government or/and organization.

Some pacifist commentators also acknowledge that a deal that rewards Russia will be a violation of international law and the European Security Order based on the 1975 Helsinki Final Act and the 1990 Paris Charter. Nonetheless, such collateral damage, so the typical argument goes, is justified by the high salience of the main goal to be achieved – an allegedly feasible and durable peace in Europe. The logic of this approach is that: “Where wood is chopped, splinters must fall”.

On closer examination, the pragmatists’ plans are, however, impractical. The proposed extraction of sufficient concessions for, and subsequent achievement of, a stable compromise between the two warring sides is far more complicated than most pragmatists admit. As a previous SCHEUUS report outlined, for example, a land for peace deal encounters high legal challenges in so far as the same Ukrainian territories are now claimed in both the Ukrainian and the Russian Constitution.² There are also large and often armed domestic constituencies in both countries that strongly oppose any conciliatory gestures towards the other side – be they political or territorial.³

The idea of allowing Putin to keep Crimea if Russia leaves the annexed Ukrainian mainland territories is particularly popular in the pragmatist camp. As noted in detail elsewhere, however, this scheme not only disregards explicit and repeatedly stated Ukrainian interests, but also ignores some basic geographic, historical and economic realities of Ukraine’s Black Sea pearl. Crimea’s ability to function as an administrative unit and self-sufficient regional economy is dependent on its close connection with Ukraine’s dryland to the north of the peninsula.⁴

In addition to these and legal, political and material hindrances, the achievement of a compromise between Ukraine and Russia also runs counter to certain strategic interests of Kyiv and the international community of states. These larger dilemmas concern both the outlook of Ukraine in the coming years and the future of the world order. It would currently be unwise, not only from a Ukrainian viewpoint, to seek an agreement with Moscow. For the West and most other countries of the world too, there is much at stake in the question of when and how exactly the Russian-Ukrainian War ends.

**Kyiv’s Strategic Dilemma**

It is safe to assert that the Ukrainians want peace with Russia more than most other people of the world. Why then is Kyiv not at the forefront of looking for a compromise with Moscow?⁵ The reason for the Ukrainian unwillingness is that Russia’s current war against Ukraine is both too typical and too exceptional to be easily ended by negotiations. The typicality of Russia’s war is that it falls into a long historical and a broad regional pattern of Russian behaviour in its borderlands. The exceptionality of Russia’s war is that it is not only about Ukrainian territory, but also about Russian identity. Both the typicality and exceptionality of Moscow’s war – its continuation of a deeper pathology and its peculiar salience for the Russian nation – suggest that negotiating a stable peace is foolish before Russia’s defeat. At least, most Ukrainians believe so.

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The current Russian attack is not Moscow's first assault on the Ukrainian nation. Nor is it the only current expansionist operation by the Kremlin in Russia's former empire. Powerful lessons from their own past as well as their neighbours' history and present have taught Ukrainians that Moscow cannot be trusted. As long as the Russian state exists in its current form, according to Ukrainian historical experience and comparative analysis, it will not engage in sincere negotiations or sign a durable peace deal. The imperial drive in the tradition of the Russian state is too strong to allow for a meaningful and lasting settlement. The centuries-old expansionist impulse in Moscow's strategic outlook may even survive a democratic change of the Russian political regime, as happened during and after the First Russian Republic of February-October 1917 and Second Russian Republic of 1991–99.

Unlike many outside observers, most Ukrainian and other Eastern/Central European politicians, experts and diplomats see the current Russo-Ukrainian War not just – and not so much – as a result of Putin's obsessions. Instead, in Central and Eastern Europe, as well as the Southern Caucasus and even parts of Central Asia, the war is perceived as the most recent incarnation of a long series of military imperial conquests that range over several centuries. Ukrainians and other people formerly subject to Russian empires – the Muscovite, Tsarist, Soviet or post-Soviet – have experienced similar intrusions with partly similar justifications. From this perspective, Russia's current aggression is merely the most recent manifestation of its age-old colonial policies and imperial expansions.

In 2022, many outside observers were flabbergasted by Putin's assertion that Moscow's intrusion, using regular Russian troops, into Ukraine – with its Jewish President – was motivated by Russia's alleged anti-Nazism. Many Eastern and Central Europeans, by contrast, were already familiar with the Russian allegation that their leaders, governments or even entire elites are fascist. In 1992, for instance, 30 years before the escalation in Ukraine, the 14th Russian Army intervened militarily in an intra-Moldovan conflict. The army's commander, the late Russian General Aleksandr Lebed, justified his troops' illegal yet undisguised engagement in a foreign country by the claim that the new government of the young Republic of Moldova in Chisinau was behaving worse than the German SS had done 50 years before. The 1992 intervention led to a permanent split of the Republic of Moldova. The remnants of the 14th Russian Army, the so-called Operational Group of Russian Forces, have remained ever since as armed and unwanted guests on Moldova's officially recognized territory.

The 1992 Moldovan episode, which took place during a relatively pro-Western and liberal period of recent Russian history when Vladimir Putin was an unknown municipal bureaucrat in St Petersburg, illustrates a wider point. Regardless of whether Putin is in power, or whether the Russian regime is democratic, totalitarian, monarchic, oligarchic or something in between, Moscow's expansionist drive is likely to persist. Although many Western analysts would regard such ethno-determinism as unscientific, this dark assessment constitutes a commonplace among the nations around (and some inside) the Russian Federation.

The prevalence of Russia's colonial attitude and expansionist drive has been illustrated to the peoples of Eastern and Central Europe, the Caucasus and Central Asia in many often bloody episodes throughout various historical eras. In diverging circumstances and with varying justifications as well as results, Moscow's operations were uniformly designed to assert Russian imperial power. They were to suppress and sometimes exterminate local...
independence-preserving or -seeking groups. The full-scale Russian invasion of Ukraine in 2022 represents merely the latest permutation of a much longer and broader trend.

In the context of such historical memory, which is not unique to Ukraine but common in the post-communist world, the search for a meaningful truce with Moscow's current rulers appears non-strategic. Putin and his entourage might engage in political dialogue and conduct superficially serious negotiations. The Kremlin could even become interested in signing a ceasefire agreement. However, there is widespread suspicion in the post-Soviet world that such Russian behaviour would only serve instrumental purposes. It would be a temporary tactical retreat designed to allow later reassertion of dominance and hegemony, if necessary, once again by military force involving terror against civilians.

Moscow's attack on the Ukrainian nation constitutes typical Russian behaviour in some regards yet is exceptional in others. The Russian aggression towards Ukraine is particularly virulent and uncompromising. Most mainstream Russian nationalism does not recognize Ukrainian identity and culture as truly and independently national. It perceives Ukrainian traditions and language as local folklore unequal and subaltern to Russian nationality and high culture. From this perspective, Ukrainian nationalism and statehood have no right to exist and their very assertion is ridiculous. Ukrainian land, with the partial exception of Western Ukraine, constitutes “little” or “new” Russian territory, Malorossiia and Novorossia. Moscow's war in Ukraine cannot therefore be a real war, but is merely a “special military operation” within the borders of greater Russia.

Ukrainians are aware of these and similar Russian attitudes. While Russian Ukrainophobia still falls short of Nazi eliminationist antisemitism, Moscow's official agenda is a genocidal outlook that leaves little room for compromise. Kyiv might at some point become interested in ending the current war and even ready to conduct negotiations to this effect. However, it is unclear what kind of compromise could be achieved, short of submission to Russian demands as in the notorious 2014–15 Minsk Accords.

A truce with Moscow may become desirable now or later not only for ordinary Ukrainians, but also for Ukraine's government. Historical experience and strategic considerations, however, would advise Kyiv against any agreement based on fundamental compromise and basic trust. As a premature ceasefire can only serve the purpose of allowing Moscow to better prepare for a later assault, its conclusion in the current circumstances would be ill-advised.

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Even dovish Ukrainian politicians and diplomats might not need pressure from hawkish colleagues to refrain from talks with Moscow, at this moment. Historical experience advises all Ukrainians to wait for a Russian defeat before starting meaningful negotiations.

**The West's Strategic Dilemma**

Kyiv’s problem in negotiating a truce with Moscow is that it cannot, through an agreement, protect itself from Russia’s general imperial impulse and special anti-Ukrainian obsession. In the view of most Ukrainians, talking to the current Russian government about a long-term accommodation would be a waste of time. Russia would first have to undergo fundamental change in terms of its identity and polity. Only after a crushing defeat and deep transformation would a lasting peace between Moscow and Kyiv appear feasible.

Western countries, as well as other states across the globe, face a different dilemma. In contrast to Ukrainians, they may feel equivocal about Russia’s idiosyncrasies and Ukraine’s sovereignty. They might also be less worried about the durability of a ceasefire or peace agreement. Electoral cycles and pacifist moods in democratic states might encourage politicians to go for a questionable deal today rather than hold up norms and principles in a multi-year stand-off.

Even politicians and governments unconcerned about justice, freedom, self-determination, emancipation and similar values, however, cannot separate their behaviour vis-à-vis Moscow and Kyiv from broader issues of international stability and security. Many in Washington, Brussels, Paris or Berlin – not to mention capitals in Asia, Africa or Latin America – might view the Russian-Ukrainian War as a regional, post-Soviet or even inter-Slavic dispute. Some politicians argue openly that this Eastern European confrontation is of little concern to them.

Ukraine is geographically, culturally, historically and politically remote from these actors’ homelands. This requires, so the argument goes, that these governments’ financial, military and political investment in Ukraine’s defence, security and recovery should be limited or even discontinued. It also means, for this camp, that a bad but quick peace now is preferable to a long, and perhaps noble, military confrontation.

However, Ukraine – like Russia – is part and parcel of the world’s political and legal order. It constitutes a full member of the international community of states. In 1945–91, the Ukrainian Soviet republic was, unlike the Russian Soviet republic, a non-sovereign but formally full participant in the United Nations. Post-Soviet Ukraine, after gaining independence in August 1991, became a regular member of the UN as a sovereign state. It is today also a well-respected participant in the Council of Europe, the Organization for Security and Co-operation in Europe, the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and other international organizations, regulations and agreements.

For this reason, Russia had already created a fundamental problem for the international community of states (including those which care little for the fate of the Ukrainian people) with its annexation of Ukraine’s Crimean peninsula in 2014. Moscow insists that the Ukrainian nation and state have no value. Yet, the structure, logic and functioning of the international legal order and security system, and transborder cooperation by nation states presume that they do.
Eight years after its armed capture of Ukraine's Crimea, Russia doubled down on its denial of Ukrainian statehood by annexing four more regions in Ukraine's south-eastern mainland. This additional demonstrative violation of international law, as well as Moscow's escalating terror campaign against Ukraine's civilian population and infrastructure since 24 February 2022, have increased the stakes. The war's course, duration, outcome and repercussions have become even more consequential for the international system of states than was the case in 2014-21.

Nine years ago, the Russian narrative about the allegedly disputed status of Crimea was partly accepted by the international community. Few today, however, would any longer accept the Kremlin propaganda's odious justifications for Russia's outrageous behaviour in Ukraine. Moscow, of course, still provides putative explanations for why Ukraine has no right to exist – at least not within its current internationally recognized borders. Russian officials and propagandists continue their selective presentations or plain falsifications of this or that aspect of Ukrainian history, law, politics or culture, all of which are intended to substantiate the Kremlin's claim that Ukraine is not really a thing.

The problem with this disinformation campaign is not only and not so much its lack of factual accuracy and cherry-picking or decontextualization of certain past events. Moscow's more fundamental challenge with its narrative on Ukraine is that rhetorically similar stories could be told about many countries. There are plenty of states, territories and borders across the globe with confusing histories, contradictory tendencies and odd episodes in their past or present. All the countries of the world once, like Ukraine, did not exist. They were all, like Ukraine, in the beginning not real nations and, like Ukraine, once had different borders.

In spite of the potential explosiveness of Russia's behaviour for the international order, the Kremlin continues to insist that Pandora's Box is empty. Even worse, Russia is not just any country in the post-Cold War world. It has inherited from the Soviet Union a permanent seat on the United Nations Security Council and status as an official nuclear-weapon state under the NPT. The Russian Federation is thus one of the five UN member states that have special responsibility for upholding the order of nation states, world security system and international law. By its actions, Moscow is undermining the most fundamental principles of the UN Charter and is turning the logic of the non-proliferation regime on its head.

Self-proclaimed pragmatists and pacifists across the world may neither be on the payroll of the Kremlin nor have any sympathies for Putin and his entourage. Some may express sincere sympathy for Ukraine and its people. Their ceasefire or peace proposals might even have been drawn up in the naive belief that they correspond with the assumed interests of the Ukrainian people – whatever the value of such a supposition. Yet, voicing such well-meaning plans without specifying their various challenges is counterproductive.

First, a land-for-peace, land-for-NATO or similar deal with Moscow begs the question of what kind of peace this would lead to. The Ukrainian population in the Russia-occupied territories has been exposed to deportations, torture, executions, expropriations and other human rights violations. Many of the peace advocates are prone to moralistic arguments. They typically avoid, however, the thorny issue of Russia's terroristic regime of occupation.

Second, as the various plans either explicitly or implicitly foresee a temporary or permanent limitation on Ukraine's territorial integrity or/and political sovereignty, they create not only a problem for Ukraine, but a global issue. Implementation of such peace proposals would mean that the borders, freedom and independence of a full UN member state would be constrained not only by Russia, but now also by other parties of any such agreement. After
using large-scale military violence and nuclear blackmail, Russia would be officially allowed, by a group of nations, to keep certain fruits of its aggression.

This would create a perverse incentive structure for future international relations. An multilaterally sanctioned land-for-peace deal could be seen as a model to be applied to conflicts between other UN member states. Armed aggression, the violation of borders, terror against civilians and threatening perceived enemies with use of nuclear weapons will eventually – such would be the message – be rewarded.

There is thus what might be called a moral hazard to security policy. What authority and legitimacy would the UN system and European security order continue to have if Russia were to benefit from its violation of dozens of its bilateral and multilateral commitments in various international treaties and organizations? Western countries accepting and legitimizing a deal that results in net gains for Russia would not only fail to respect Ukraine's political sovereignty and territorial integrity. They would also contradict their obligation under international law not to legitimize the harvesting of fruits of aggression.

Otherwise, certain other revanchist countries might, in the future, try to emulate Russia. Yet other nations might take actions to seek to avoid ending up in a position similar to Ukraine's. Why should other relatively powerful countries in different parts of the world, some with semi-plausible claims or excuses, not act towards their neighbours in ways similar to Russia's behaviour towards its south-western “brother nation”? Aren't other territories far from Ukraine not as disputed and as much waiting to be “brought home” as Crimea to Russia? Why would governments of relatively weak nations across the world continue to rely on international law and organizations for the protection of their borders, territory and independence? If Western governments and other influential states cannot be counted on as staunch defenders of the international order and national borders, perhaps other instruments of proper self-defence may be necessary?

The slow and half-hearted reaction of the international community to Russia's annexation of Crimea in 2014, and its hybrid war in the Donbas in 2014–21, has already contributed to the subversion of the international security system. This damage has been partly repaired by the more consistent Western reaction to Russia's full-scale invasion into Ukraine since February 2022. The implementation of a fine-sounding peace plan would undo this positive effect on the international system. While it might temporarily end the fighting in Ukraine, it would deepen the already deep cracks in the world order.

There is thus no common ground between Ukraine's and the international community's interests in upholding international law, on the one side, and Russia's war aims, on the other. Moscow has been trying to take full political control of Ukraine since the start of its invasion in 2014. The Kremlin has been willing to pursue this war goal for more than nine years. There is no reason to believe that Moscow will not continue to pursue its initial war aim should the opportunity arise. Any kind of Minsk III agreement would become a part of the problem rather than its solution – as was the case with the infamous Minsk I and Minsk II accords of 2014–15.12

12 Hugo von Essen and Andreas Umland, “Russlands diktierter Nicht-Frieden im Donbas 2014–2022:
A land-for-peace or similar deal would mean acknowledging that Russian might is right. This admission would derail not only the liberal order, but also international security and stability more generally. It would also ridicule the worldwide regime for the non-proliferation of nuclear and other weapons of mass destruction.

**Conclusions and a Recommendation**

In addition to the various material and political hindrances, the search for a truce between Russia and Ukraine encounters two fundamental strategic challenges. The signing of a compromise agreement between Kyiv and Moscow contradicts lessons that Ukrainians have learned from their conflicts with Russia, as well as from confrontations between Moscow and its other former and current colonies. A peace deal would currently be in manifest denial of Ukrainian historical memory, cross-cultural observations and strategic culture.

Moreover, a Russian-Ukrainian truce based on concessions by Kyiv would not only be fundamentally unjust and run counter to the interests of many non-Ukrainians who have developed considerable sympathy for Ukraine. It would also do serious damage to the current system of states, intergovernmental organizations and international law. Key supporting pillars of the rules-based order of nations would be undermined. A questionable deal now is likely, moreover, to mean only a temporary peace. The price of short-term soothing of the conflict would be a subversion of such basic humanitarian principles as the inviolability of borders, the sovereignty of states and the integrity of national territory.

Oddly, the West and some Asian allies such as Japan or South Korea may have less reason to be concerned about such repercussions of a questionable deal than most other countries around the world. Western countries and their allies (including Ukraine itself) are all, to some degree, allied with the world's largest military and economic superpower, the United States. Whether through NATO or bilateral formal and informal agreements, those nations which are currently cooperating to assist Ukraine also benefit from the protection of the United States. Other countries around the world, by contrast, do not have such a powerful and reliable partner. The inviolability of their borders, sovereignty and territory is more dependent on the integrity of the international order than that of NATO's member countries and bilateral allies of the United States.

This latter circumstance appears not yet to be widely understood, and should thus be made the focus of various supporters of Ukraine in the West and elsewhere. Concerned politicians, diplomats, officials, experts, journalists and activists should emphasize the destructive aftereffects of Russia's actions when encountering their – often non-Western – colleagues who are equivocal concerning the outcomes of the war or even supportive of the Russian position. Thus far, narratives favouring continuing support for Ukraine and a military solution to the conflict attempt to appeal to such values as compassion, humanism, justice and freedom.

A complementary line of argument in political, journalistic, diplomatic and other public and non-public debates could refer to some axioms of pacifism, pragmatism and even nationalism across the globe. The defence, victory and recovery of Ukraine would not only be good for

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Ukrainians, but also in the interests of all the peoples of the world. By upholding, defending and restoring Ukraine's borders, integrity, sovereignty and prosperity, Ukrainians and their supporters strengthen international law and stability. By resisting Russian colonialism and imperialism, Ukrainians are fighting not only for their own freedom and security, but also for the liberty and independence of other nations. The smaller and weaker among them in particular will indirectly benefit from a Ukrainian victory over the Russian aggressor. In some ways, this applies even to the Russian people themselves.

It might sometimes be better to confront self-proclaimed pacifists and pragmatists on their own turf rather than with lofty ideals, abstract liberal principles or strong pro-Ukrainian sentiments. A questionable peace deal that favours the aggressor would, it is arguable, be a mockery of both consistent pacifism and strategic pragmatism. It would encourage future aggression by Russia and other revanchist powers.

As long as Russia's armed aggression and genocidal campaign against the Ukrainian nation cannot be fully reversed by non-military means, there is no other way than to meet force by force. This is in full accordance with international law in general, and article 51 of the UN Charter in particular. Compromise, concessions and other allowances to an aggressor state are no way to achieve a durable peace in Eastern Europe or elsewhere. They would seriously undermine the rules-based international order and future validity of international law.

Non-Western countries and especially the Global South should be made aware of the transcontinental stakes of the Russo-Ukrainian War. Even against the background of the neo-imperial impulse of Moscow's assault on its former colony, one should not count on much empathy from non-European nations for Ukraine's fate. However, the wider geopolitical, security and international legal implications of a partial satisfaction of Russia's demands vis-à-vis Ukraine should be obvious.

These need to be made more explicit in political forums, intergovernmental communications, analytical outlets and media discussions. In addition to upholding liberal ideals, a more targeted appeal to the narrowly national interests of non-Western states may be necessary. Challenging pragmatist and pacifist arguments on their own terms can help to counter the various simplistic proposals currently circulating and should expose the many seemingly straightforward approaches to achieving durable peace as mere mirages.
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