

RUSSIA & EURASIA STUDIES CENTRE

Providing Ukraine with Air Defence Capabilities

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Executive Summary

Ukrainian politicians have made repeated pleas to the West to supply the country with fighter jets and anti-aircraft systems. These requests have been declined due to the potential risk of escalation in NATO's stand-off with Russia, and due to the internal political and security dynamics of the various Western countries involved.

This research brief presents a set of 4 options for providing Ukraine with air defence capabilities. The first 3 options focus on the direct provision of jets, in line with previous Ukrainian requests. The concluding option focuses on the provision of ground-based air defence systems.

The first possibility is to simply call Russia's bluff, and fly the planes into an airport near to NATO borders with Ukraine. A brief flight time would minimise the risk of contact with Russian forces, and once in Ukraine the jets would be available for use. It is our view that this option is unrealistic given the concerns expressed by NATO leaders, and the escalatory nature of the action.

The second possibility is to have the planes take off from inside Ukrainian territory. If the concern is that a flight from NATO territory would constitute involvement in the conflict, allowing the planes to take off from inside Ukraine would resolve this issue. It would be possible for an amendment to the Slovakian constitution to

designate a small stretch of road as no longer belonging to the country, ceding approximately 1km of road and adjoining fields to Ukraine, providing a runway suitable for the MiG-29's short field capabilities. This proposal is legally and technically feasible but may not be politically palatable. Proposing this option is aimed at identifying whether the concern is the provision of systems in and of themselves, or the manner of their provision.

The third and most viable option for the provision of jets is partial disassembly and movement by road. By moving the jets at night, without an announcement, and individually or in small groups, it would be possible to convey them across the border to Ukrainian airfields.

However, it is our view that the primary focus of efforts should be option 4; provision of other air defence systems to Ukraine. Efforts should be made to obtain those systems in use in NATO countries which Ukrainian troops already have experience operating, offering new Western-made replacements to the countries donating the military equipment. Temporary gaps in national air defence capabilities could be filled with provisional deployments of NATO assets.

The remainder of this research brief discusses the background to Ukraine's request, the barriers to the provision of jets, and the options for providing air defence capabilities.

Background: Ukraine's Request for Air Defence Capabilities

On the 27th of February the High Representative of the European Union for Foreign Affairs Josep Borrell addressed a videoconference of Ministers where he discussed the Union's contribution to the defence of Ukraine. Responding to a question on how material would be delivered to Ukraine, Borrell stated that "we are going to supply arms and even fighter jets. We are not talking just about ammunition; we are providing the most important arms to go to war".¹ The basis for this action was stated to be a request from Ukrainian Foreign Minister Dmytro Kuleba for "the type of jets that the Ukrainian army is able to operate". Borrell added that "some Member States have these kinds of planes".²

The EU's announcement that it would provide fighter jets to Ukraine "came as a shock to many", particularly the countries supposedly supplying the jets; Slovakia, Bulgaria, and Poland.³ Borrell walked back his initial statement, saying any jets would be "bilaterally" provided, and Slovakia and Bulgaria stated they had no

fighter jets to spare.⁴ Polish President Andrzej Duda stated on 1st March is sending planes could be seen as “military interference in the conflict”.⁵ While a Ukrainian spokesman said pilots had been sent to collect the jets, no transfer actually took place.⁶

Subsequently, discussions began to revolve around how Poland might make bilateral provision. On the 6th of March, US Secretary of State Antony Blinken told CBS that Poland sending jets to Ukraine “gets the green light”⁷, and the US was discussing how “we might be able to backfill their needs if in fact they choose to provide these fighter jets to the Ukrainians”.⁸ US Ambassador to the United Nations Linda Thomas-Greenfield similarly stated the US has “not in any way opposed the Polish governments providing these jets to Ukraine” and was working “to see how we can backfill for them”.⁹

On 7th of March, British Defence Secretary Ben Wallace highlighted one issue with any such transfer: “the choices [Poland] makes will not only directly help Ukraine... but may also bring them into direct line of fire from countries such as Russia or Belarus”.¹⁰

A statement from the Polish foreign ministry on 8th of March attempted to square this circle, stating that they were “ready to deploy – immediately and free of charge – all their MIG-29 jets to the Ramstein Air Base and place them at the disposal of the Government of the United States of America. At the same time, Poland requests the United States to provide us with used aircraft with corresponding operational capabilities”.¹¹

The deal would have avoided singling Poland out as the direct contributor and met the requirement for the maintenance of capabilities. However, early optimism dissipated with Washington’s response to the idea. Defense Secretary Lloyd Austin informed Warsaw on 9th of March the US had no desire to take custody of the MiGs and did not support their transfer.¹² Undersecretary of State for Political Affairs Victoria Nuland described Poland’s proposal as “a surprise move”, and said she had no knowledge whether there was prior coordination between Poland and the US.¹³

Warsaw, for its part, made it clear that it would not take on the risk of antagonising Russia alone. Deputy foreign minister Pawel Jablonski echoed Duda’s earlier sentiment, stating “it cannot be that Poland has, as the only NATO country, to take the risk, and the other countries would not have to compensate or share it with us”.¹⁴

Prime Minister Morawiecki has also noted “NATO is not part of this war, and that’s why any decisions on the supply of offensive weapons should be taken unanimously by the entire alliance... we are not ready to make any moves on our own”.¹⁵

Despite repeated requests from the Ukrainian side for provision of anti-aircraft materials and fighter jets, this is where the situation has remained.¹⁶ The unwillingness of NATO countries to permit direct flights from NATO airspace into Ukraine presents a significant limitation on any transfers of material in the immediate future, but is not necessarily a hard barrier; Secretary Blinken has said in a press conference with UK Foreign Secretary Liz Truss any transfer would have to be done “in the right way”, avoiding the issues raised by Poland’s existing proposal.¹⁷ A question on whether there was “a creative way” to get the jets to Ukraine went unanswered. Subsequently, Senator Tim Kaine stated he does not believe “there’s a red line between air-defense systems and fighter jets”¹⁸

This research brief sets out ‘creative ways’ in which jets could be transferred to Ukraine while limiting the risk of escalation. After discussing the relative merits of these approaches, the research brief directs attention towards the potential for providing other material relevant to the support of Ukrainian air defence capabilities.

Barriers to the Provision of Fighter Jets

The primary barrier to the provision of fighter jets is the potential for the action to be viewed as escalatory. Other concerns revolve around availability and the time taken for any transfer to result in meaningful increases in capability.

Western responses are governed in part by uncertainty over when the current conflict will end, and the limited availability of time for training Ukrainian pilots to use new systems. This factor rules out the provision of models not currently in use with the Ukrainian air-force, and in turn raises the second issue of availability.

MiG-29 jets are currently operated by only three NATO members at present: Slovakia, Poland, and Bulgaria. While Slovakia appears in principle to be willing to make this transfer, its MiG-29s are the only fighter jets operated by the country, and their surrender would leave a substantial gap in Bratislava’s defences during a European crisis and deterioration of the West’s relations with Russia.¹⁹ The Slovakian Defence Minister has stated that if the air force were to “stop operating the MiG-29s”, it would need to “fill the gap until the arrival of new F-16s from the United

States”.²⁰ Simply speeding up the delivery of the system – possibly by transferring old jets from another NATO member – would not be sufficient, as the country would still lack the capability of operating them.²¹ This would appear to rule out a transfer of Slovakian fighter jets for the present.

Bulgarian officials have similarly noted they currently lack sufficient jets to guard their own airspace.²² Prime Minister Kiril Petkov has stated that Bulgaria has “few flying planes and they cannot be delivered to another country”, similarly ruling out any transfer.²³

This leaves Poland. As discussed above, Poland is willing to provide the jets, but is wary of being involved directly in their transfer during the on-going war in Ukraine.

The third set of barriers is logistical. RUSI analyst Justin Bronk has noted “the cockpit layout and weapons switchology in Polish Mig-29s likely differs sufficiently” that “Ukrainian pilots... would need several weeks of conversion training at least to be combat-effective”.²⁴ Moreover, “removing NATO-standard crypto, identification systems, radios, and other equipment which cannot be sent to Ukraine” would also take time.²⁵ Ukrainian fighters have stated that they would be able to fly US airframes within a period of months.²⁶

Finally, and most importantly, there are concerns that the provision of jets could result in unpredictable escalation. Pentagon Spokesman John Kirby has told reporters the transfer “may be mistaken as escalatory and could result in Russian reaction that could increase the prospects of a military escalation with NATO”.²⁷ He has also stated “departing from a US/NATO base in Germany to fly into airspace that is contested with Russia over Ukraine raises serious concerns”.²⁸

This concern can be broken down into two parts. The first, as set out by Polish President Duda on 1st March, is sending planes could be seen as “military interference in the conflict”.²⁹ The second element of risk follows from Russia’s statements that NATO members hosting Ukrainian combat planes flying combat missions “can be regarded as the involvement of these states in an armed conflict”.³⁰ While a transfer flight in from NATO airspace would not necessarily constitute a combat mission, it could either be interpreted as such or actually end up in a confrontation with Russian forces.

Both concerns have validity. Allowing an escalation in the form of direct support without equivalent escalation on the Russian part would put Moscow in a distinct-

ly disadvantageous position. If we believe that Russian forces are currently struggling in Ukraine, then they will have little spare capacity to respond to initiatives such as Poland's suggested peacekeeping force. Russian Foreign Minister Sergei Lavrov has described these proposals as "a direct clash between the Russian and NATO armed forces that... should not take place in principle".³¹ His apparent rationale is that Russia would have little choice but to respond in order to avoid NATO dictating its terms of operation within Ukraine. But if Russia has already backed down on one form of increased support, its commitment to this red line could be questioned. In brief, to maintain its capability to deter further action from NATO it is likely that Russia would wish to respond in some form to the transfer of fighter jets. It is unclear whether NATO in turn would wish to respond or risk the appearance of diminished solidarity with the affected member.

A lower level manner in which the transfer could be deemed escalatory is if it is viewed as a significant increase in Western support for Ukraine. Provision so far has focused on weapons systems which have limited ability to strike into another country's territory; defensive man-portable systems. Providing the Ukrainian air force with the means to conduct operations within Russian territory would be a significant increase on this previous level of support.

While the transfer of jets would be limited by supplies, and by the fact that only Poland has expressed any willingness to transfer its jets, Russia may want to deter the supply of other offensive weapons systems, or be concerned that this signals a willingness for the West to materially increase support to the detriment of Russian military and negotiating capabilities.

A secondary set of concerns revolves around Russian perceptions of Western actions. Comments from President Joe Biden on the need to remove Putin from power, and existing Russian paranoia, do create a degree of risk that Russia could potentially see further increases in Western support as more significant than they actually are.³² This could result in Russia attempting to strike at Western countries in ways short of open conflict in order to prevent further action.

Nuclear sabre-rattling aimed at deterring further action has continued throughout the conflict; earlier this month, Russian jets equipped with nuclear weapons briefly entered Swedish airspace.³³ Despite these actions, former Russian president Dmitry Medvedev has restated existing Russian nuclear doctrine on use of such weapons, drawing attention to the point that use is permissible if "the existence of the country itself" is "jeopardised".³⁴ Kremlin spokesman Dmitri Peskov has added

that “any outcome of the operation” in Ukraine would “is not a reason for usage”, only “a threat for existence of the state, in our country”³⁵, stating also that “No one is thinking... even about the idea of using nuclear weapons”.³⁶

The main function of this rhetoric has been to remind NATO countries that escalation can result in highly negative outcomes not entirely within the control of either party, and this potential for unpredictable escalation has been deemed sufficiently high risk to have killed the idea of a transfer to date. It is worth remembering that despite the great sympathy held for Ukraine among NATO members, the current conflict is not their war; there is little appetite for direct involvement, or for actions that would risk this.

Options for the Transfer of Fighter Jets

Given these concerns and constraints on NATO’s willingness to act, the following options for transfer have been identified.

Option 1: Call Russia’s bluff

The most basic option for the provision of fighter jets to Ukraine is to fly them into Ukrainian airspace. As discussed previously, this option seems to have been ruled out. NATO Secretary-General Jens Stoltenberg has commented that “NATO is not going to send troops into Ukraine or move planes into Ukrainian airspace”. Meanwhile Duda confirmed Poland is “not going to send any jets into Ukrainian airspace”.³⁷

For the reasons given above, it is likely that this move is viewed as highly escalatory. However, several former armed forces officials spoken to by the Henry Jackson Society expressed the view NATO has been too reticent in allowing Putin to set the terms for engagement. These sentiments are comparable to those of Dave Deptula, a retired US Air Force lieutenant general, who told *Politico* that “if we transfer a pocketknife to Ukraine, Putin’s going to object to that.”³⁸

It should be noted that any flight into Ukraine could be conducted to minimise total time in the air and the risk of direct conflict. The runway of Uzhhorod International Airport is situated 50 metres from the Slovak border. The jets would be in Ukrainian air approximately long enough to touch down. The escalation risks created by such a transfer would revolve around Russia needing to keep credibility over any commitment to prevent such movement of jets, and the shift in provision

from defensive to offensive capabilities. Creating an incentive to hit an airport surrounded by civilians and close to the NATO border also carries substantial risks of its own. Two other airports are sited approximately 50-60km from the border with Poland but would entail greater periods of flight.

Given Putin's objective appears to be to minimise NATO interference, a transfer of planes with a naturally limited supply would not in and of itself require a response sufficient to further draw the alliance into the conflict. While actions which could be repeated or built-upon might necessitate a response to deter such repetition, escalation in response to a single transfer may not be a credible course of action. However, as discussed above, if the concern is that such a movement would signal an intention on NATO's part to shift towards greater provision of offensive capabilities, or would weaken Russia's ability to deter other 'one-time' actions, then Moscow could feel compelled to respond.

Escalation is not necessarily predictable, and players can and do misread situations or make mistakes. Under these circumstances, it is better not to create situations of high potential risk for low potential reward.

Option 2: Have the Fighter Jets Take off From Ukraine

The primary motivating concern preventing the transfer of jets to Ukraine is the potentially escalatory nature of flying fighter jets from NATO airspace to Ukraine. White House Press Secretary Psaki has described the logistical questions surrounding the provision of jets as "how do you get planes into Ukraine in a way that is not escalatory?" Psaki said. "And what are the logistics and operational details of that?"³⁹ It is imperative no NATO country is seen to be entering the conflict, or to be hosting the military assets of a party to it. If the jets cannot therefore go to Ukraine, Ukraine could come to the fighter jets.

To prevent fighter jets entering Ukraine from NATO airspace, they should take off from Ukrainian soil. This circle can be squared if the soil is transferred to Ukraine. Ukraine shares borders with a number of countries which could in principle adjust their borders to transfer a small area of land to Ukraine.

MiG-29 jets of the type requested by Ukraine are capable of taking off from short runways under 300 metres in length, and have been filmed taking off from and landing on highways. Widening an existing stretch of road for use as a take-off point would not be beyond the realms of possibility for NATO members.

A stretch of road on Slovakia's Route 79 terminating immediately before the Ukrainian border presents a good candidate for such alterations. Bordered by fields and in flat terrain, modifications to the road could be made relatively quickly. The territory to be transferred would consist of approximately 2km of road, and an area of field to either side.

This would be legally feasible. Article 3(1) of the Slovakian constitution states that "The territory of the Slovak Republic is integral and indivisible"; Article 3(2) adds that "Borders of the Slovak Republic may be changed only by a constitutional law". The definition of a constitutional law is laid out in Article 84(4), which clarifies that "for the purpose of adopting or amending the Constitution, a constitutional law...the consent of a three-fifths majority of all Members of Parliament shall be required".⁴⁰

An expert in Slovakian constitutional law consulted by the Henry Jackson Society noted that for this to be feasible, there would need to be a treaty between Slovakia and Ukraine agreeing on the new borders. The primary obstacle to this is that under Article 157 "The Constitution of Ukraine shall not be amended under the conditions of martial law or a state of emergency."⁴¹ However, they noted that this constraint binds only upon the Ukrainian party; there is no requirement that Slovakia ensures the treaty was signed in the proper manner by Ukraine.

The most likely outcome would therefore be to create a small stretch of territory belonging to no country, as Ukraine would be unable to claim it in practice until martial law comes to an end. This would however no longer be NATO airspace. The text of the NATO treaty does not define what the territory of its members constitutes, and it does not seem that the North Atlantic Council would have to ratify a change of Slovakia's borders.

The barriers to this action are political, rather than legal. Whether NATO members would be content with the creation of 'stateless' terrain for the purpose of weapons delivery is far from obvious. Slovakia, meanwhile, is unlikely to welcome the prospect of putting its head above the parapet without significant assurances from NATO that it will not be left alone if there is Russian retaliation. Public statements and actions would at least appear to suggest a degree of wariness on the parts of Poland, Slovakia, and Bulgaria to directly antagonise Russia, and an unwillingness to test NATO's commitment to their defence.

In practical terms, this proposal is a very roundabout way of complying with the red lines set out by Russia. There would be no plausible deniability that NATO had facilitated the delivery of planes to Ukraine, only that they had taken off from NATO airspace. While this provides some area for Russia to climb down by not technically flying in from NATO airspace, if Russia's motivation is the effect rather than the means then it would be unlikely to avert a response. If on the other hand we believe that the provision of offensive capabilities is a step too far – but the provision of NLAWs, Star Streak, Stingers, and other weapons systems currently wreaking havoc on Russian military forces is not – then there is unlikely to be any means of delivery which satisfies the NATO parties. In other words, if we believe that the issue is solely the means of delivery, then this proposal technically satisfies that requirement.

This proposal by its nature would be a one-time transfer, would not be repeated, and would come with a sufficient cost to the country making the transfer that it is unlikely to particularly want to find a way to repeat it for a transfer of other military equipment. These factors would reduce the incentive for a direct response. The primary practical objection – announcing a transfer of territory which everyone can see has jets sitting on it invites a strike in response – could be dealt with alongside the request for suitable ground-based anti-air systems.

The political objections to this proposal mean that it is unlikely to be implemented. It is, however, of practical use in highlighting the ways in which we can look to evade the red lines NATO and Russia have set that aim to prevent the transfer.

Option 3: Move the Fighter Jets by Road

Turning again to the airports close to NATO borders, there is the possibility of looking to move the MiG-29 jets by road. This would likely require disassembly, followed by reassembly and flight checks after delivery.⁴² Ukraine has previously conducted such movement of MiG-29s in withdrawing aircraft when Russia invaded Crimea.⁴³

Moving the fighter jets by night, with air cover or ground-based defences, varying routes, and taking care not to move too many at the same time could prove a viable method for transfer. It would be important under these circumstances to avoid publicly committing to the transfer in order to avoid attracting attention to the movement of the vehicles. It is likely however that Russia would be aware that a transfer would be due to take place. This could result in Moscow deciding

to increase activity in the West of Ukraine, degrading the condition of roads and attempting to hit the convoys.

The key benefit of this option is that the jets would at no point operate outside of Ukrainian territory. There would be no risk of their being seen as NATO forces potentially straying into a conflict area. The primary risk would be that Russia views the transfer of capability as an escalation to respond to. A degree of deniability would be given by this option, but it would be highly limited and temporary; whether this would provide Moscow with sufficient room to overlook the transfer is unclear.

A critical concern with all options for the provision of jets is that the Ukrainian desire for more material is in part motivated by an entirely understandable desire to escalate NATO's commitment to their conflict. Avoiding any perception of meeting this desire is at the core of NATO's actions.

Option 4: Looking to Other Forms of Air Defence

Western reluctance to provide jets directly is not based solely on the cost side of the calculation. There is also concern that the benefits are not particularly large; a Biden administration official speaking to *Politico* said Ukraine has "planes they already don't fly much because of Russian air defence".⁴⁴

Originally designed in the 1970s by Soviet engineers, MiG-29s have been slowly retired by NATO countries. Of the original operators, only Poland, Slovakia, and Bulgaria remain.⁴⁵ The utility of older jets to the defence of Ukraine is questionable.

While this diminished utility in turn makes it less likely that Russia would risk direct conflict with NATO to prevent their transfer, it also forms the basis for Pentagon Spokesman Kirby's point the US believes the "best way" to support Ukraine is providing "anti-armor and air defense" systems.⁴⁶

As with the jets, the easiest and most effective pathway is to provide Ukrainians with systems they already have in use. Air defence systems require trained operators, maintenance, spare parts, and a reliable supply chain. Moving in new technology presents obstacles when what is required is speed.

Prior to the beginning of Russia's invasion, Ukraine operated S-300 PT and S-300 PS air defence systems alongside Buk-1, Shilka, Osa-AK, Tor, Tunguska, Strela-10, and S-125 systems.⁴⁷ German Foreign Minister Annalena Baerbock stated that Germany would provide Strela missiles previously in the inventory of the former GDR (German Democratic Republic) army.⁴⁸

Air defence systems, moved by road, and with greater deniability, would make for a significantly less charged transfer than the MiG-29 jets. They would also provide significantly greater utility to Ukrainian forces.

The primary barrier to transferring compatible systems possessed by NATO members is their concern over their ability to protect their own airspace, or their desire not to be drawn deeper into the conflict. Slovakia has already indicated it will not transfer its S-300 systems without receiving other military equipment to fill the vacuum.⁴⁹

This is a significantly easier problem to resolve. NATO has already deployed Patriot systems in Slovakia to reinforce its defences.⁵⁰ It should not be beyond the capabilities of NATO to find the means to fund replacement systems and training for countries willing to donate old systems. The American Patriot or British Sky Sabre systems would be strong candidates for purchase by NATO. To bridge the gap between the departure of old systems and the full operation of new anti-air systems, deployments of air defence systems from NATO members could be offered to countries donating their old Soviet equipment.

Russia has stated it "will not allow" the transfer of air defence systems to Ukraine.⁵¹ It has similarly stated that "pumping Ukraine with weapons... is not just a dangerous move, but an action that turns the corresponding convoys into legitimate targets".⁵² The risk that Russia might hit convoys within Ukraine is one that is already present, and there would be no obligation to officially declare that NATO would be supplying anti-aircraft systems alongside other arms shipments.

The movement of anti-aircraft systems does appear to be less escalatory than the movement of jets, as there is no direct flight in from NATO airspace and no provision of offensive capabilities. It is also more keyed towards Ukraine's immediate military needs.

Conclusion

Within the constraints NATO has set for itself, the provision of MiG-29 jets to Ukraine can most feasibly be achieved by road. However, given the limited utility of the transfer it would be more expedient to prioritise the movement of ground based air defences.

The primary obstacle to provision here is the risk of Russian retaliation or escalation. NATO's understandable desire to avoid actions which could be seen as stepping up its participation in the conflict has so far limited its willingness to provide systems of any sort.

It is plausible that the supply of ground-based air defences will be viewed as lower risk than the supply of jets, and an action NATO is willing to extend to. In this case, the primary barrier would be financial; ensuring that the countries parting with their old Soviet systems receive replacements. This could be easily overcome given the vast resources NATO possesses and is already committing to the war in Ukraine. By pledging to backfill capabilities, and providing interim deployments of current equipment, NATO would be able to cover this concern.

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