

БЕЗПЕКОВИЙ ЧИННИК ЗОВНІШНЬОЇ ПОЛІТИКИ УКРАЇНИ ТА СТРАТЕГІЧНА СПІВРАЦЯ ЗІ США



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U.S. Military Assistance to Ukraine under Obama and Beyond ¹

У даній статті розглядаються сучасні тенденції у сфері військової допомоги США Україні. Особлива увага приділяється правовим рамкам, механізмам і процесу прийняття рішень, що впливають на динаміку двостороннього безпекового співробітництва. Хоча в останній час

масштаби військової допомоги значно збільшилися, питання про надання летального озброєння оборонного характеру все ж залишається відкритим. У цій статті автор пояснює можливі сценарії розвитку подій, у випадку якщо Білий дім прийме позитивне рішення стосовно постачання зброї. З огляду на те, що спливає другий термін повноважень президента Обама, автор також обговорює позиції кандидатів від республіканської та демократичної партій щодо військової допомоги Україні.

Ключові слова: військова допомога Україні, оборонна летальна зброя, гібридна війна, президентські вибори в США 2016 року.

This article focuses on recent trends in U.S. military assistance to Ukraine. It examines the legal framework, mechanisms, and decision-making process that shape the dynamics of bilateral security cooperation. Although the scope and scale of military aid have considerably increased, the provision of defensive lethal weapons still remains on hold. Thus, I explain possible ramifications if the White House were to decide to move forward on this issue. Since President Obama's second term is nearing an end, I also discuss the positions of Republican and Democratic front-runners in the U.S. presidential race with respect to military assistance to Ukraine.

Keywords: U.S. military assistance to Ukraine, defensive lethal weapons, hybrid war, U.S. presidential elections 2016.

¹ Earlier version of this article appeared on the Institute of World Policy website.

Introduction

U.S. military assistance to Ukraine has significantly increased after the onset of the hybrid war with Russia in 2014. Following the illegal annexation of Crimea, the U.S. Congress adopted the Ukraine Support Act, which outlines economic and military aid to Ukraine while also imposing sanctions on those responsible for violation of Ukraine's territorial integrity.¹ This document authorized President Obama to provide a wide range of defensive military articles, including the counter-artillery radars and anti-tank systems that the Ukrainian army urgently needed. Although Ukraine received considerable military support, including armored vehicles, drones, and radar, as well as training and joint exercises, the provision of lethal defensive weapons still remains a contentious topic. On the one hand, bolstering Ukraine's defensive capability is essential to deterring Russia from further challenging the security order in Europe. On the other, the provision of defensive lethal weapons may further escalate the conflict.

In this regard, the U.S. Congress has consistently advocated for a more resolute support for Ukraine that includes defensive lethal weapons. In contrast, the Obama administration has adopted a more cautious approach that includes tougher sanctions and diplomatic efforts, yet in the military sphere the support to Ukraine has been limited to training and nonlethal aid. In less than a year, a new president will enter the White House. Based on the strategies and statements of the presidential candidates, the best-case scenario for Ukraine could be increased military support, including defensive lethal weapons and closer cooperation with the NATO alliance. In the worst case, Ukraine can expect normalization of U.S.-Russian relations at the expense of Crimea and eastern Ukraine.

Trends in the U.S. Military Assistance to Ukraine

During the early years of independence, American support was geared toward the emergence of a free-market, democratic society, as well as toward reform of Ukraine's security sector. In the 2000s and early 2010s, the level of assistance declined but remained relatively stable. Out of the total amount of the foreign aid, the peace and security programs accounted on average for 35–40 %. These were military training

¹ U.S. Congress, Ukraine Support Act of 2014. Accessed at <https://www.congress.gov/bill/113th-congress/senate-bill/2828/text>.

programs, foreign military financing, weapons sales, and assistance with the defense reform. For the past decade, arms sales to Ukraine were relatively modest. Ukraine was not on the front lines in the war against international terrorism, nor was it a "historic" recipient of U.S. military aid, as were Israel or Egypt. Since the proclamation of independence, Ukraine erroneously believed it did not have enemies, and thus defense funding was heavily reduced, weapon systems were dismantled or sold, and security sector reform was stagnant at best. Finally, the low levels of arms sales can be explained by the fact that both Ukraine and the United States are among the top 10 exporters in the competitive world of the global arms trade.

The situation changed drastically following the Russian aggression and the onset of hybrid warfare, which revealed the severely degraded state of the Ukrainian army. That is why from the onset of the conflict, the Ukrainian leadership appealed to U.S. counterparts for the supply of counter-artillery systems, anti-armor missiles, armored vests, counter-electronic systems, and other materiel that the Ukrainian army lacked. During the period of August 2014 to September 2015, the U.S. Department of Defense awarded four contracts to U.S. companies for the supply of military equipment to Ukraine. These contracts were for the provision of radio systems by Harris Corp., unmanned aerial vehicles by Aerovironment, Inc., HMMWVs (Humvees) by AM General, and tracking radars by Raytheon.² So far, Ukraine has received only nonlethal systems. Since 2014, U.S. support has totaled \$760 million, with an additional \$2 billion in loan guarantees.

What Shapes the Scope of the Military Aid?

In February 2015, when the U.S. defense budget was still in the development stage, the Obama administration stated that the provision of lethal weapons to Ukraine was under review and that no final decision had been made. While condemning Russian aggression, President Obama made it clear that he did not see a military solution to the conflict and instead preferred to punish Russia with economic sanctions. Among the arguments made against providing lethal aid were the danger that it might escalate the conflict and that U.S. weapons might fall into the wrong hands.³ Nine months later, President Obama put his

² U.S. Department of Defense. Accessed at <http://www.defense.gov/News/Contracts/Search/ukraine>.

³ The White House, "Remarks by President Obama and Chancellor Merkel in Joint Press Conference," press release, February 9, 2015. Accessed at <https://www.whitehouse.gov/the-press-office/2015/02/09/remarks-president-obama-and-chancellor-merkel-joint-press-conference>.

signature on the National Defense Authorization Act, which allocates \$300 million for security assistance to Ukraine, including \$50 million in lethal weapons.

While the bill itself was drafted earlier that year and passed by the Senate in the summer of 2015, President Obama vetoed it in October, citing the failure of Congress to adequately address the issues of sequestration and closing of the Guantánamo Bay detention camp. Although the Republican-controlled Congress and the Democratic president have differed on the provision of lethal defensive arms, this has not affected the solidarity of both sides in continuing to support Ukraine militarily in its actions against Russian-backed separatists. In fact, the total assistance package was increased from \$200 million to \$300 million following the amendments adopted by the Senate in the summer. The security assistance initiative is certainly a positive development for Kyiv, yet it appears modest in comparison to Afghanistan Security Forces and Iraq Train and Equip funds, which will cost \$3.65 billion and \$715 million respectively.

The hesitancy to provide lethal aid could be informed by Obama's earlier remarks that he would consider this option if diplomacy failed. While reiterating hopes for the Minsk process, the decision of the White House to support the increase in military aid for Ukraine has been affected in part by the following factors:

- **Constant cease-fire agreement violations.** President Obama made it clear that the United States might change its policy on the provision of lethal weapons to Ukraine if diplomatic means did not succeed. Although it has been over a year since the first cease-fire agreement was signed, heavy artillery was not fully withdrawn, OSCE (Organization for Security and Cooperation in Europe) observers do not have full freedom of movement in Donbas, and hundreds of Ukrainian soldiers have died in the line of duty.
- **Pressure from Congress and advocacy groups.** The Republican majority in Congress has been a consistent supporter of a more active American stance in addressing the conflict in Ukraine. The House and Senate Armed Services Committees from the start of the debate over the defense budget for fiscal year 2016 have recommended the provision of lethal weapons to Ukraine. From the early draft to the final bill, Congress has boosted security assistance to Ukraine from \$200 million to \$300 million and has specifically reserved \$50 million for defensive lethal weapons.
- **Recommendations of experts and decision makers.** A plethora of renowned thinkers as well as

senior officials in the U.S. government have advocated for comprehensive Western support for Ukraine, to include the provision of defensive lethal weapons. While the Obama administration has still not made a decision to provide lethal defensive aid, many of the recommendations concerning military assistance to Ukraine outlined in the joint report prepared by the Atlantic Council, the Brookings Institution, and the Chicago Council on Global Affairs have been taken into account, as the White House has provided a wide spectrum of nonlethal military equipment.

What to Expect in 2016?

The annexation of Crimea and conflict in the east have prompted the United States to significantly boost security assistance to Ukraine. In light of the total package of state and foreign operations assistance (including allocations under the National Defense Authorization Act) planned for the year 2016, Ukraine joined the ranks of the highest recipients of the American foreign aid (Figure 1). The recently signed Consolidated Appropriations Act (omnibus spending bill) for 2016 has increased the total assistance to Ukraine from \$514 million to no less than \$658 million.

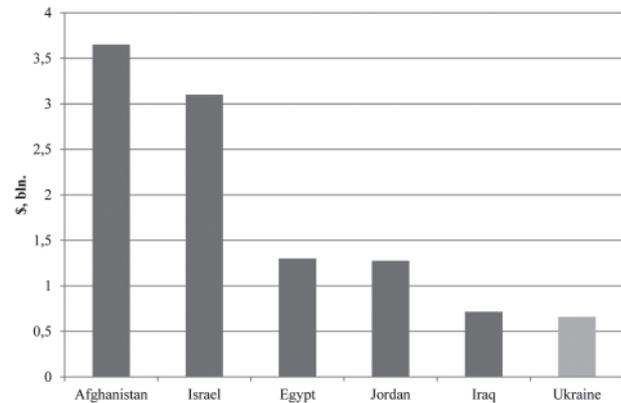


Figure 1. Top recipients of U.S. aid in 2016 by country
(Source: Consolidated Appropriations Act, 2016)¹

The National Defense Authorization Act of 2016 permits the administration, in addition to intelligence support and military training, to provide lethal weapons such as anti-armor weapon systems, mortars, grenade launchers, and small arms. Whether the Obama administration uses this authorization is another mat-

¹ According to the Consolidated Appropriations Act of 2016, Pakistan, one of the largest recipients of U.S. aid in the past, will receive economic and security assistance if the U.S. Department of State and Department of Defense certify that Islamabad is actively combating terrorism and meets other security-related conditions.

ter—and is at the administration’s discretion. Although designated as lethal, the primary purpose of these weapons would be to strengthen the defensive capabilities of the Ukrainian army in the wake of a potential offensive from the Russian-backed separatist forces. The nonlethal component of the Ukraine Security Assistance Initiative presupposes the provision of counter-artillery radars, unmanned aerial surveillance (drones), and means of counter-electronic warfare.

Another crucial aspect of the security aid is that it would not be affected by the overall trend in the reduction of the U.S. defense expenditures. U.S. military spending has been declining since 2010, following the minimization of a U.S. presence in Afghanistan and Iraq, as well as economic constraints. The Ukraine Security Assistance Initiative was designated as part of an overseas contingency operations fund, also known as a war fund, that is exempt from limits on discretionary spending.

Defensive Lethal Weapons: Political Message or a Strategic Game Changer?

Ukraine has come a long way from receiving declaratory support from the U.S. government to securing \$300 million in security assistance. Yet it is imperative to understand what the \$50 million that is allocated for lethal defensive weaponry might mean in practice if the administration were to decide to move forward. Ukraine’s ambassador to the United States, Valeriy Chaly, in an interview with a Ukrainian news agency stated that the funds reserved for lethal weapons would cover the purchase of anti-tank weapons. Furthermore, it was reported that the funds reserved for defensive lethal aid could amount to 324 Javelin anti-tank systems.¹ Regardless of the exact number of Javelins Ukraine might receive, Ambassador Chaly stressed that any provision of lethal aid would be purely defensive and serve to deter escalation of conflict. At the same time, it is important to understand the impact these anti-armor weapons would have on changing the state of affairs in the conflict in Donbas. Thus, Lt. Gen. Ben Hodges (Commanding General, U.S. Army Europe) expressed his concerns about the impact of U.S. lethal weapons

¹ The source article does not specify whether that number includes both anti-tank guided missiles (ATGMs) and command launch units (CLUs). Thus, the actual number of Javelins that can be purchased with \$50 million might be different if one considers that along with the CLUs (priced at around \$150,000), missiles would also be required (each priced at around \$80,000). The article can be accessed at <http://tsn.ua/politika/amerikanski-groshi-dlya-ukrayini-vpershe-pidut-na-profitankovi-sistemi-granatometi-i-zbroyu-508912.html>.

such as Javelins in Ukraine, citing the possibility of an increase in casualties among Ukrainian soldiers that would result from the intensification of the Russian presence.² He added that these weapons would not change the situation strategically and instead emphasized the benefits of U.S.-Ukraine training programs.

If a decision to provide lethal weapons to Ukraine is not going to fundamentally change Ukraine’s defensive capabilities (\$50 million in lethal support is a fraction of what Ukraine is spending yearly on war in Donbas), then a deviation from the previous U.S. strategy of “no military option on the table in Ukraine” would be intended to send a political signal to Russia. Indeed, perceptions mattered in Putin’s decision to engage in the gamble of Crimea and Donbas. Many experts share the sentiment that Putin’s risky endeavor in Ukraine and the subsequent spasms of violence that preceded each stage of the Minsk peace process partially resulted from the fact that the U.S. president had removed the lethal military support option from a set of potential response mechanisms. While economic sanctions can and do hurt the Russian leadership, they rarely have an impact in the short run. As a result of domestic support and the highly centralized political system in Russia, Putin had no trouble arming proxies in Donbas with heavy artillery, tanks, anti-aircraft systems, and multiple rocket launchers, while utilizing the Obama administration’s hesitation to provide defensive lethal aid to Ukraine as a tactical advantage. It is possible, however, that if Obama’s position toward arming Ukraine had been more assertive or at least equivocal during the height of Russian aggression, it might have made Putin think twice about further escalating the conflict so as to receive a more advantageous bargaining position at the cease-fire talks.

After Obama: The 2017 Budget and the Positions of the Presidential Candidates

The White House budget proposal for fiscal year 2017 quadruples resources aimed at strengthening the security of NATO members and partner countries such as Ukraine, Georgia, and Moldova. To deter the threats that emanate from Russian aggression, the Obama administration requested U.S. \$4.3 billion, which would largely be spent on increasing the U.S. presence in Europe. In comparison to the fiscal year 2016 budget proposal, the administration did not

² Voice of America, “Gen. Ben Hodges on Russia, Islamic State, and Women in Combat,” interview, December 9, 2015. Accessed at <http://www.voanews.com/media/video/hodges-talks-to-voa-russia-islamic-state-women-combat/3096724.html>.

specify the exact amount of aid to Ukraine through either foreign assistance funds or loan guarantees. Instead, the greater emphasis is put on the European Reassurance Initiative (ERI), a Department of Defense program that was initiated in 2014 to bolster the capabilities of NATO members and partner nations in response to Russian aggression. For 2017, the requested budget for the ERI is U.S. \$3.4 billion, a quadruple increase from the previous year. The program will support a larger presence of U.S. troops in Europe and an increase in multilateral military exercises, strengthen the capabilities of partners, including Ukraine.

It is worth noting that the 2017 budget will be under discretion of a new administration since Barack Obama's term ends in January 2017, following the November presidential election. Consequently, the level of assistance to Ukraine will depend on the foreign policy strategy of the new president. Judging from campaign programs and statements during the debates, both Republican and Democratic candidates condemn Russian aggression in Ukraine but propose different solutions to the conflict. Hillary Clinton stated that she will increase military aid to Ukraine and leave the doors of the Alliance open. Bernie Sanders applauded President Obama's decision to limit actions against Russia to sanctions and diplomacy. He believes that NATO expansion will provoke Russia and is against the membership of Ukraine. Ted Cruz and Marco Rubio believe it is imperative for the United States to strengthen military ties with Ukraine through the provision of defensive lethal weapons. Donald Trump's approach to Ukraine has been rather inconsistent. Thus, he has promised to "get along" with Putin and make Europeans deal with eastern Ukraine. At the same time, he is impartial about the

possibility of Ukrainian membership in the Alliance and believes in strengthening sanctions if Russia "does not behave."¹ Thus, despite different degrees of assertiveness that the U.S. presidential candidates have demonstrated regarding their ways of supporting Ukraine and handling Moscow, one thing is clear: in the short term, a U.S. presence will be crucial in balancing the Russian challenge.

Conclusions

The Obama administration has played a pivotal role in addressing Russian expansionism. Quadrupling U.S. foreign aid to Ukraine, enacting sanctions against Russian leaders and companies, and strengthening bilateral security relations have certainly contributed to lowering the scale of violence. At the same time, military assistance has been characterized primarily by the provision of nonlethal aid and the training of Ukrainian armed forces. Obama's hesitancy to pursue a more assertive policy with respect to Ukraine in the military dimension, such as by providing lethal weapons, was engendered by concerns about the potential escalation of violence, as well as by his belief that sanctions and diplomatic efforts could gradually put enough pressure on Russia. As the end of Obama's second term in the White House approaches, the presidential hopefuls have announced their strategies with regard to Ukraine. Although all candidates condemn Russian aggression, the views on U.S. military assistance have diverged. Thus, a year from now we will witness either the strengthening of cooperation in the security sphere between Ukraine and the United States, including an intensification of the dialogue with the Alliance, or a rapprochement between Moscow and Washington, which could jeopardize the efforts to return Donbas and Crimea to Ukraine.

¹ Ivan Medynskyi, "Ukrainian Issue in the US Presidential Election 2016." *Institute of World Policy* (February 2016).