

PRIORITY RECOMMENDATIONS FOR U.S. ASSISTANCE TO UKRAINE (May 2021)

INTRODUCTION

Moscow's war on Ukraine is entering its eighth year and, despite the announced pullback of the massive Russian deployment on Ukraine's eastern border, the situation remains precarious and could still take an ominous turn. Russia has not reversed its military build-up in occupied Crimea nor has it lifted its partial naval blockade in the Black Sea, including its declared closure of the Kerch Strait and Sea of Azov until October.

The massive build-up of forces, weapons and equipment is but a part of a larger Russian offensive. Russian officials and media personalities continue to spread disinformation about a purported Ukrainian offensive as well as Kyiv's alleged bombardment of civilians in Russian-occupied Donbas.

In addition, Moscow continues its ongoing economic and diplomatic pressure on Ukraine. These efforts coincide with ongoing diplomatic efforts to isolate Ukraine from Europe and induce Western allies to force Ukraine to agree to Russia's terms for a federalized Donbas that would legitimize Russia's puppet leaders and give them the power to bring the central government to a standstill and undermine Ukraine's sovereignty.

At an absolute minimum, Moscow has been and is trying to rattle Ukrainian President Zelenskyy, intimidate key European states, test the Biden Administration and gauge international reactions to Russian provocations. Of course, all of the Russian maneuvering could be a prelude to a new Russian military offensive – to seize the water canal north of Crimea, additional land in Donbas including Mariupol, and/or introduce so-called Russian “peacekeepers” into occupied Donbas.

Russia's announced pullback will take time to evaluate. It could be nothing more than a head fake as in 2014, when an ostensible retreat after the seizure of Crimea preceded Russian intervention into the Donbas. The pullback, in any case, is of the troops alone. Equipment is to stay for future “exercises”. The Sea of Azov blockade remains in place, none of the military build-up in Crimea is affected. And nothing was said about the Russian forces inside Ukraine.

Unless the planes are removed and the equipment withdrawn the Kremlin will remain prepositioned for ready action.

Since 2008, the United States and the West have been late in responding to Kremlin aggression in Georgia and Ukraine at every turn and in some cases, like after Moscow's escalation at the Straits of Kerch in November 2018, not responding at all. Germany and France have continued

this pattern following the latest Kremlin provocation by issuing a statement calling on both Russia and Ukraine to stand down. But the U.S. broke the pattern as the Biden Administration made a series of calls to Kyiv and Moscow expressing support for Ukraine if Russia escalates, and announced new sanctions with built-in headroom for further tightening if Moscow fails to deescalate.

Russian aggression toward and annexation and occupation of Ukraine has never been just about Ukraine. It is part of a broader mission to undercut NATO and the European Union, especially among their newest members, as well as reestablishing Kremlin domination over Ukraine and other former Soviet states. This means that NATO and the U.S. have a great strategic interest in helping Ukraine thwart Kremlin aggression across the board and resist the redivision of Europe into spheres of influence.

President Biden's telephone diplomacy was good and timely start to preventing further Kremlin aggression now in Ukraine. Likewise, Secretary Blinken's May 5-6 visit and his indication that the Administration is considering further military support is encouraging. But more needs to be done – and quickly – so that the United States and its allies can retake the initiative before Russia's next move. We and our allies need a well thought out series of strategic measures not just to deter Moscow now, but to strengthen Ukraine's security for the immediate and longer term, and to position ourselves, allies and friends against provocation elsewhere in Europe.

There are actions that can be taken now, by the Biden Administration, and there are actions to be authorized and appropriated for by the First Session of the 117th Congress.

IMMEDIATE ACTIONS

There are critical actions that should be taken by the Administration to make the strong public statements of support for Ukraine a reality.

A solid, high-profile person should be nominated and confirmed to fill the far too long vacant position of U.S. Ambassador to Ukraine. A fundamental element to a "strong commitment" to the country is to have a prominent ambassador in place.

Additionally, in the short term, we need to let Moscow understand concretely the price that it will pay if it launches a new offensive.

As to the status quo, it is time to accept that the Minsk Trilateral Contact Group and the Normandy Format are going nowhere. With the agreement of Kyiv, the United States needs to step forward and take leadership of international diplomacy, working shoulder-to-shoulder with Ukraine in all negotiations with Russia over the illegal annexation of Crimea and the Russian occupation of Donbas as well as Russia's unacceptable moves to deny Ukrainian access to the Sea of Azov. Ideally Washington should more deeply involve co-signer of the Budapest Memorandum, the United Kingdom in this effort, and possibly Canada, rather than working solely with Berlin and Paris. Washington should therefore take the initiative to form an effective

new negotiation mechanism. If that proves too difficult to do, the United States should restore the activist bilateral diplomacy practiced by then-Assistant Secretary of State Toria Nuland during the Obama Administration and Special Envoy Kurt Volker during the Trump Administration.

The United States should fully support President Zelenskyy's Crimean Platform Initiative and attend the first Summit meeting in August at a senior political level.

Regarding preventative actions to be taken immediately, they should include sanctions that bite – for instance on a major bank like Vneshekonombank. This would be a conditional sanction that would come into effect if Moscow escalates. Ideally, we would reach agreement to apply these sanctions jointly with the EU, which would make the sanctions more damaging; therefore, the Biden Administration should reach out immediately. But since timing is important, the Administration should act quickly and after initial outreach, announce the sanctions unilaterally if the EU is not able to respond quickly.

The U.S. can and should take tangible steps to enhance Ukraine's military defense without waiting for additional action from Congress.

American intelligence including satellites should be focused on Russian military activities from the Crimean Peninsula, to Russian occupied Donbas, to Ukraine's eastern borders, to Russian activities in the Sea of Azov and the Black Sea, and be provided in a timely manner to Ukraine. Some of this intelligence should be released publicly as well, including evidence of direct Russian involvement inside Ukraine despite Moscow's claims not to be a party to the conflict. United States and NATO ships should be on patrol in the eastern Black Sea and combat planes should be routinely overflying the Black Sea to complicate Moscow's military plans. And, perhaps in conjunction with key Allies, the U.S. should provide additional equipment immediately to enhance Ukraine's defense capabilities. The list should include more Javelins and four times as many launchers as have been provided to date (90 launchers and 340 Javelins). Including Belarus, Ukraine has 3,000 miles of border from which Russia could attack - 90 launchers can only cover a fraction of that. More need to be in place quickly. Additional equipment should include communications equipment, drones, counter battery radar for missiles and the new Stinger missiles. The purpose of all this is to confirm U.S. military support and suggest to the Kremlin the military cost of action will be higher than anticipated.

Another quick step the U.S. should take to bolster Ukraine would be to name it a Major Non-NATO Ally, while reaffirming U.S. support for Ukraine's eventual membership. While this would not dramatically expand Ukraine's access to U.S. defense trade and security cooperation, it would be a powerful symbol of the U.S. commitment to Ukraine's defense. This would not only give Moscow pause now, but suggest the long term prospects for its intervention in Ukraine will not improve.

While Allies remain cautious about any new moves on NATO membership (such as launching a Membership Action Plan for Ukraine), the U.S. should urge them to consider measures short of membership that would demonstrate a stronger NATO commitment to Ukraine's defense. This could include a persistent Allied military presence at a Ukrainian training center in Eastern Ukraine and/or establishing a NATO-Ukraine naval facility for common use at the port of Odesa. This would show a readiness by Allies to put some "skin in the game" in face of Russia's ongoing aggression.

In strengthening NATO's southern flank and raising serious doubt and uncertainties for Russian planning a force package with air assets and air defense in NATO member Romania would be very much to Ukraine's advantage. Air assets would include Unmanned Aircraft Systems (UAS), reconnaissance, air superiority and strike capability. Air exercises could and should be conducted with Ukraine and over the Black Sea.

Another important step would be providing the Ukrainian military with Covid vaccine. As yet the U.S. has not provided Ukraine vaccines although there is some indication the U.S. may soon provide some vaccine through COVAX. Special consideration should be given the armed forces defending the West's security interests against Russian aggression.

Finally, in order to put defense assistance on a more secure basis and deter further threats that, as we have seen, can arise quickly, the Administration should engage Congress on possible legislation to enable the government to enter into a relationship with Ukraine akin to that of the Lend-Lease program of World War II where we give Ukraine surplus weapons systems in return for long-term lodgment in naval, air, and air defense bases. This legislation could be written so that, once enacted, it would provide the Executive with the ability to create such a program if Moscow were to escalate.

LONGER TERM

The United States and NATO should be working on a multi-dimensional strategy for bolstering security in the Black Sea region. We have recognized and acted on Russian military and energy threats in the Baltics and Northern Europe. We are taking serious action against Russia's latest hegemonic claims in the Arctic. Have we done as much to provide that same sense of security for NATO members on the Black Sea; Romania, Bulgaria and Turkey, or for NATO's strategic partners Ukraine and Georgia. It is in the Black Sea region that Russia believes it has relative impunity.

A good start would be work on creating an annual exercise in the Black Sea region that would combine three existing, yet currently separate, exercises:

- SABER GUARDIAN (a land exercise in Romania, Hungary and Bulgaria);
- SEA BREEZE (a maritime exercise hosted by Ukraine); and
- NOBLE PARTNER (a land exercise in Georgia).

In addition, the U.S. should work to establish an air sovereignty exercise in Romania with the capacity to reach out over the Black Sea as well as back-stop Ukraine's limited air assets. Such a NATO package could involve more allies, provide for emergency capabilities as well as provide a helpful degree of ambiguity, reminding Russia of the risks of any sudden military move.

This will not be a simple matter. Gaining the support of Turkey, Hungary and Bulgaria for this effort pose different problems; but all are anxious to establish a good relationship with the new Administration and this will provide some leverage. NATO should also establish command and control centers in the Black Sea basin on allied territory and then create permanently garrisoned forces there to provide a genuine conventional deterrent that would stop Russian threats at the lowest rung of the escalation ladder.

The same impulse should make Kyiv more amenable to undertake the necessary reforms related to training, military organization, strategy, and its still corrupt public defense industry that would (a) meet NATO requirements; (b) increase its ability to absorb more sophisticated Western military equipment and (c) produce a more capable military able to exact a greater price on Moscow for its aggression.

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Priority Needs

Obviously, there are recommendations made above that will need ongoing support from Congress. But, as recommended above we urge passage of legislation establishing the lend-lease program.

In addition, however, specific things need to be authorized and provided for in the FY2022 appropriations bills.

Modern military command capabilities are needed - automated processing, exploitation and dissemination systems to allow leaders from the tactical level to strategic level to facilitate rapid decision-making.

Although mentioned above as things the Administration can start to address there needs to be clear authorization and funding for more Javelins and missile launchers.

Russia has been waging war against Ukraine for almost eight years now and regardless of whatever Russia's announced "withdrawal" of its recent massive buildup of forces along Ukraine's border, the reality remains that if and when Russia wants to impose its will by force it unequivocally will have air superiority – imposing damage, supporting land forces, dominating the coastline and countering almost anything Ukraine can do. This reality must be changed.

Ukraine's air force cannot be modernized and equipped in the short-term but steps need to be taken now.

The United States last exposed our ground troops to battle without significant – if not dominant – air cover early in the Korean War. We should not be urging and expecting Ukraine to defend against superior Russian forces without air cover.

Ukraine needs a layered air defense. Mentioned earlier was America's new Stinger missiles. What Ukraine has in the field now are old Soviet versions which Russians know and can easily defend against. Ukraine needs the best we can provide including our new Stingers. For mid and higher altitude defense Ukraine needs the ability to sense, command, control and shoot at mid and high altitude targets.

We need to be focused on funding the appropriation command-and control systems needed to build Ukraine's air defense system.

Ukraine needs aircraft! Building Ukraine's air force will take time but the time to start is NOW. Ukraine's limited fighter aircraft are rapidly reaching their expiration date. We need to assist Ukraine in building its air force with modern fighters comparable to the fighters being used by other European countries and especially NATO members. Training could begin immediately here in the United States. Congress should authorize ways to get the aircraft to Ukraine perhaps through a lend-lease program.

Many needs may not be headline grabbers but necessary to the mission of helping Ukraine build its military to be a significant force for self-defense and stability in the critical region.

Naval infrastructure, training and sustainment to ensure the growing fleet of small combatants is operationally relevant. (The relevant infrastructure is almost non-existent and while providing boats is critical as we have recommended strongly before, they need to be based somewhere (e.g.: housing for sailors) and maintained (now decrepit shipyards). Naval transfers should also serve to give Ukrainian and NATO force much greater situational awareness of the Black Sea and of Russian deployments there. A list of potential capabilities that would support these goals follows:

Itemized Recommendations:

New – Assistance in building layered air defense in Ukraine should begin, including:

- Modern aircraft comparable to what other European countries are putting in the air. Ukraine is defending Russia's violation of European stability and needs the best fighter. Ukraine's air force cannot be modernized overnight but the effort must begin.
- Training with aircraft mentioned should begin now.
- Transfer to Ukraine new Stinger short-range air defense missiles with training package
- Air Command-and-Control systems
- For mid and high altitude defense Ukraine needs U.S. or NATO compatible systems.

Strengthen Ukraine's land-based defense capabilities including:

- Continuation of Javelin program – transfer Javelin missiles with launchers
- Transfer of NSM or Harpoon Block 2 land-based coastal defense battery
- Counter battery radars to strengthen Ukraine’s defensive capabilities and troop resilience. We have never delivered what they need in the quantities needed
- Inexpensive anti-drone systems to frontline and sea control Ukrainian forces
- Anti-drones – whatever the U.S. is developing to counter drones should be “loaned” to Ukraine to be tried/tested there

U.S. assistance with Ukraine’s “mosquito fleet” should continue and be developed:

- Transfer sixteen Mark VIs with onboard weapons and equipment (short range anti-ship missiles (e.g.: Sea Griffin B or similar), automated C@ system (e.g.: SYNTACS C2), tactical multipurpose drones (e.g.: COYOTE) to provide asymmetric and simultaneously cost-effective response to Russian maritime threats in both theaters (the Sea of Azov and the Black Sea)
- Transfer of mobile radars FURUNO FAR 3000 or GIRAFE for Maritime Domain Awareness system improvement
- Assistance in naval infrastructure upgrades. The shipyards that exist (e.g.: Mykolayiv) are in a terrible state of maintenance. This is not as flashy as providing Mark VIs, but critically important. Naval base creation in Ochakiv and Berdyansk (including maintenance facilities, housing for crews, weapon storage and logistics and training centers)
- Transfer of Unmanned Underwater Vehicles for different purposes (underwater and surface surveillance, mine countermeasures, ASW critical maritime areas/port security).

The United States needs to provide military advisors in Land Forces Command and in other tactical units in Ukraine’s Land and Air Forces and Navy.