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Policy Brief

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U.S. Lethal Weapons for Ukraine: Mechanisms and Consequences

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Summary

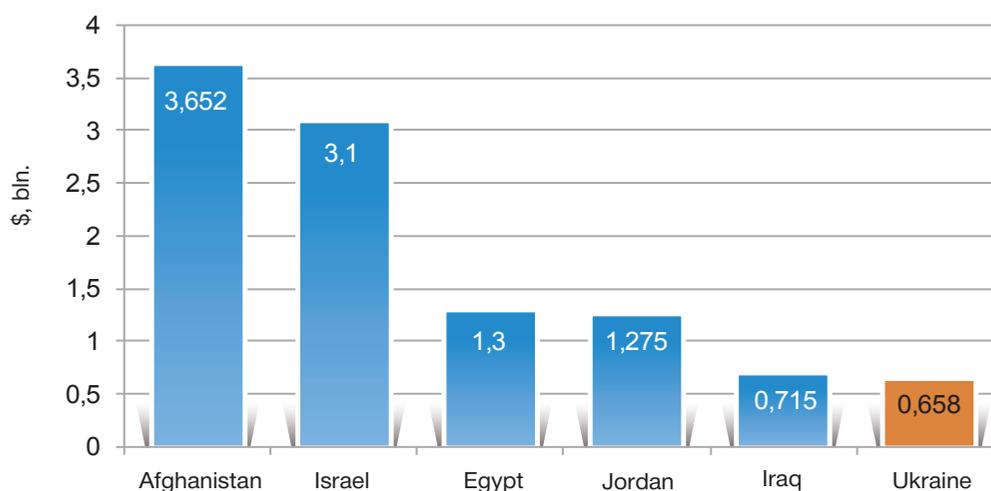
The provision of U.S. lethal defensive weapons to Ukraine has been a bone of contention since the onset of the conflict in Donbas. Proponents of the lethal arms supply argued that bolstering Ukraine's defensive capability is essential in deterring Russia from further challenging the security order in Europe. Opponents believed it will lead to the escalation of the conflict. While the U.S. Congress has consistently advocated for a more resolute support to Ukraine that includes defensive lethal weapons, the Obama Administration has thus far limited U.S. security assistance to training and non-lethal aid. Despite this, President Obama signed the National Defense Authorization Act 2016 that removed the last bureaucratic obstacle for a \$300 million security assistance program that would include the supply of defensive lethal weapons. This policy brief focuses on the consequences of how a U.S. decision to bolster Ukraine's defensive capabilities would affect the conflict dynamics in Donbas. The key argument is that the provision of the U.S. lethal weapons would be unlikely to tip the scales of conflict in favor of Kyiv. However, it would send a clear message to the Ukrainian people and the Russian leadership that the United States is ready to supplement diplomatic efforts with more robust security assistance.

U.S. Assistance to Ukraine: an Overview

The annexation of Crimea and conflict in the east has prompted the U.S. to significantly boost security assistance to Ukraine. Given 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).¹ 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.

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

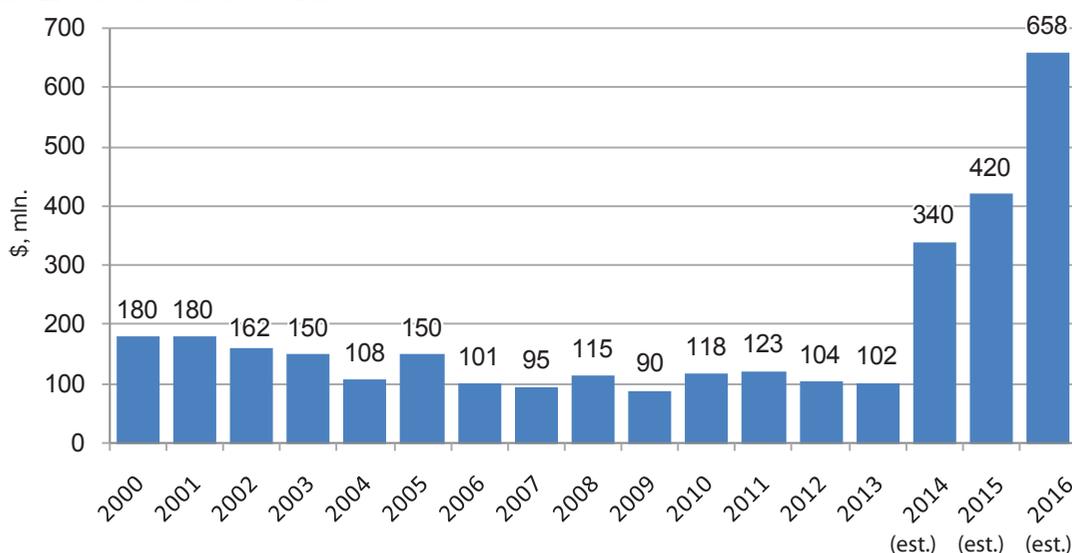
Figure 1. Top recipients of the U.S. aid in 2016 by country (\$, bln.)



Source: “Consolidated Appropriations Act, 2016”

Yet, even before the outbreak of hostilities with Russia, U.S.-Ukraine cooperation in the sphere of defense had been significant. During the early years of independence, American support was geared toward the emergence of free market, democratic society, as well as reforming Ukraine’s security sector. In the 2000s and early 2010s, the level of assistance declined, but remained relatively stable (Figure 2). Out of total amount of the foreign aid, the Peace and Security programs accounted on average for 35-40%. These were military training programs, foreign military financing, weapons sales, and assistance with the defense reform. Since 2014, U.S. support totaled \$760 million with an additional \$2 billion in a loan guarantees

Figure 2. U.S. assistance to Ukraine



Source: U.S. Department of State Foreign Operations Assistance Fact Sheets 2011, 2012, 2013, 2014; the White House Fact Sheet: U.S. Assistance to Ukraine, December 7, 2015; Consolidated Appropriations Act, 2016)

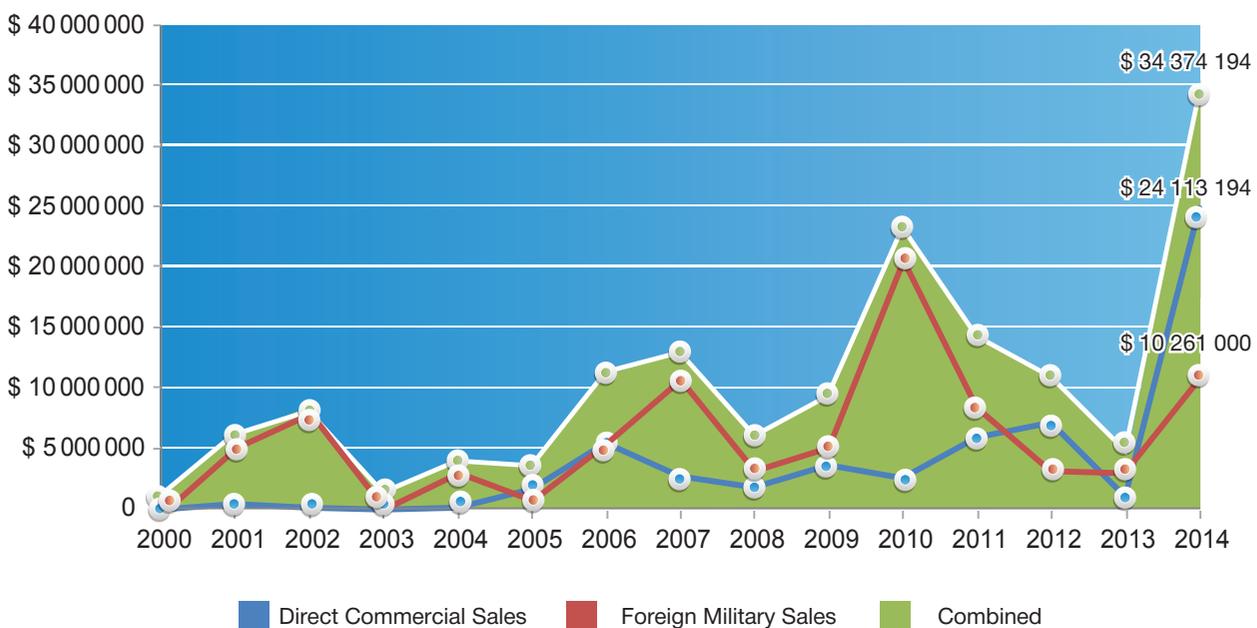
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Procurement Mechanisms and Composition of the U.S. Arms Sales to Ukraine

For the past decade, arms sales to Ukraine were relatively modest (Figure 3). Ukraine was not on the frontline in the war against international terrorism, nor was it a “historic” recipient of the U.S. military aid such as Israel or Egypt. Since the proclamation of independence, Ukraine erroneously believed that it did not have enemies and thus the defense funding was heavily reduced, weapon systems 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 U.S. are in the top 10 among exporters in the competitive world of the global arms trade.

Figure 3. U.S. arms sales (Foreign Military Sales and Direct Commercial Sales) to Ukraine 2000-2014



Source: *Security Assistance Monitor*

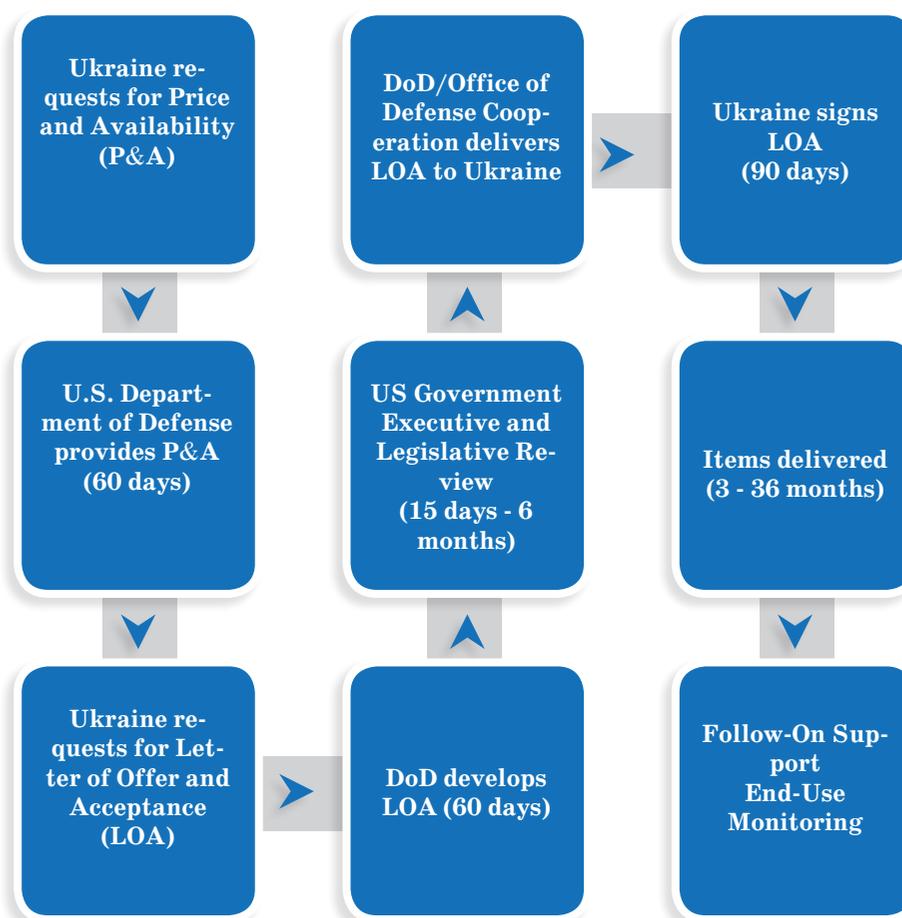
The situation drastically changed following the Russian aggression and hybrid warfare that revealed the severely degraded state of the Ukrainian army. That is why from the onset of the conflict, the Ukrainian leadership appealed to U.S. counterparts for the supply of counter-artillery systems, anti-armor missiles, armor vests, counter-electronic systems and other items that Ukrainian army lacked. Considering the amount of speculation around the supply of the American weapons to Ukraine, it is imperative to outline mechanisms and procedures in place. When it comes to the procurement of the lethal weapons, the United States uses several mechanisms: foreign military sales (FMS), direct commercial sales (DCS), excess defense articles, and emergency transfers.² In Ukraine, U.S. weapons are sold through the foreign military sales, which are negotiated between the defense ministries of two countries, and direct commercial sales that do not involve the Department of

² Defense Security Cooperation Agency. Accessed at <http://www.dsca.mil/programs/defense-trade-and-arms-transfers>

Defense and instead focus on directly purchasing weapons from the manufacturer (Figure 4). While the Pentagon regularly publishes the results of the tenders for the provision of weapons under FMS that include the weapon type, quantity, and sum of the contract, deals under direct commercial sales are harder to track due to the limited access to the information about weapons exports.

During the period of August 2014 to September 2015, the Department of Defense awarded four contracts to U.S. companies for the supply of military equipment to Ukraine through the foreign military sales. These were the provision of radio systems by Harris Corp., unmanned aerial vehicles by Aerovironment, Inc., HMMWVs (Humvees) by AM General., and tracking radars by Raytheon.³ Ukraine has received only non-lethal systems since the onset of Russian aggression.

Figure 4. Foreign Military Sales Process



Source: U.S. Department of State

³ U.S. Department of Defense. Accessed at <http://www.defense.gov/News/Contracts/Search/ukraine>

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U.S. Defense Expenditures 2016 and Ukraine

In February of 2015, when U.S. defense budget was still in the development stage, the Obama Administration stated that the provision of lethal weapons for 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 lethal aid were the danger that it might escalate the conflict and that U.S. weapons might fall into the wrong hands.⁴ Nine months later, President Obama put his signature under the National Defense Authorization Act that 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 summer of 2015, President Obama has vetoed it in October citing failure of Congress to adequately address the issues of sequestration and closing of the Guantanamo 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 to \$300 million following the amendments adopted in a Senate in summer. 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 that would 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 fails. 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 ceasefire violations.** President Obama made it clear that the U.S. might change its policy on the provision of lethal weapons to Ukraine if diplomatic means do not succeed. Although it has been over a year since the first cease fire agreement, heavy artillery was not fully withdrawn, OSCE 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 conflict in Ukraine. The House and Senate armed services committees from the onset of the debate over the defense budget FY2016 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 to \$300 million and 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 advocated for a comprehensive Western support for Ukraine that should include the provision of defensive lethal weapons. While the Obama Administration has still not made a decision to provide lethal defensive aid,

⁴ "Remarks by President Obama and Chancellor Merkel in Joint Press Conference" The White House. Accessed at <https://www.whitehouse.gov/the-press-office/2015/02/09/remarks-president-obama-and-chancellor-merkel-joint-press-conference>

many of the recommendations concerning military assistance to Ukraine outlined in the joint report prepared by the Atlantic Council, Brookings, and the Chicago Council on Global Affairs have been taken into account, as the White House provided a wide spectrum of non-lethal military equipment.

The authorization by Congress 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 matter — 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 non-lethal component of the 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 presence in Afghanistan and Iraq as well as economic constraints. Ukraine Security Assistance Initiative was designated as a part of overseas contingency operations fund also known as war funds 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 the 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 are allocated for lethal defensive weaponry might mean in practice if the Administration were to decide to move forward. The Ambassador of Ukraine to the United States, Valeriy Chaly, in an interview to 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 for 324 Javelin anti-tank systems.⁵ 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. General Ben Hodges (Commanding General US Army Europe) expressed his concerns about the impact of the U.S. lethal weapons such as Javelins in Ukraine citing the possibility of the increase in casualties among Ukrainian soldiers that would result from the intensification of the Russian presence.⁶ He added that these weapons would not change the situation strategically and instead emphasized the benefits of U.S.-Ukraine training programs.

⁵ The source article does not specify whether that number includes both Anti-Tank Guided Missiles (ATGM) and Command Launch Units (CLU). Thus, the actual number of Javelins that can be purchased with \$50 million might be different considering the fact that along the CLU (priced at around \$150,000), missiles would also be required (each priced at around \$80,000). Article can be accessed at <http://tsn.ua/politika/amerikanski-groshi-dlya-ukrayini-vpershe-pidut-na-protitankovi-sistemi-granatometi-i-zbroyu-508912.html>

⁶ “Gen. Ben Hodges on Russia, Islamic State, and Women in Combat,” Interview for Voice of America. Accessed at <http://www.voanews.com/media/video/hodges-talks-to-voa-russia-islamic-state-women-combat/3096724.html>

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If a decision to provide lethal weapons for Ukraine is not going to fundamentally change Ukraine's defensive capabilities (\$50 million of 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 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 Russian leadership, they rarely have an impact in the short-run. Given the domestic support and 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 would have been more assertive or at least dubious during the height of Russian aggression, it would have made Putin think twice about further escalating the conflict to receive more advantageous bargaining position at the cease fire talks.

Two years after the onset of conflict, Ukraine still wants to receive U.S. defensive lethal aid. So far, bureaucratic obstacles have been removed in a timely fashion: the bill on supplying Ukraine's armed forces with lethal weapons was passed by Congress in summer, signed into law in fall. However, any decision to actually transfer lethal defensive weapons will most likely correlate with the implementations of the Minsk Protocol. The Obama Administration is keeping the option open. A breakdown in the Minsk process — such as a large violation of the ceasefire by Russian backed forces — could prompt the Administration to use the transfer of defensive lethal arms to send a strong political signal to the Russian leadership.

Conclusions

In 2016, Ukraine is planning to spend 5% of its GDP (\$4.8 billion) on defense. It is evident that \$300 million security assistance from the U.S. will provide a significant boost to Ukraine's defensive capabilities. These funds will specifically address the critical areas such as training of troops, improving intelligence capabilities, and accelerating the security sector reform. When it comes to lethal weapons, provision of anti-armor and other defensive systems is less of a game changer and more of a signal to Russia and its proxies in Donbas that the cost for disrupting the peace process will be high. The primary function of the U.S. lethal aid to Ukraine is not to tip the scales of conflict in favor of Kyiv, but to send a message to Putin that the U.S. is standing by Ukraine's right to defend its sovereignty. These conclusions stem from the following premises:

- **Increasing defensive capabilities, lowering conflict probability.** U.S. security assistance that may include defensive lethal weapons would raise the cost of the military solution to the conflict by increasing Ukrainian army defensive capabilities. During Minsk I and II ceasefire talks, Putin negotiated from the position of power after his proxies escalated the conflict to give Russian leader a better bargaining position. In order to prevent even worse ceasefire arrangements and negotiate on par with the adversary, Ukraine should be able to effectively defend itself.
- **War is expensive.** Falling oil prices, economic decline, sanctions and a campaign in Syria (all of which are likely to continue in 2016) leave little room for another large-

scale military maneuver by Russia. While the low intensity conflict is likely to continue in Donbas, the escalation of violence by pro-Russian separatists will only lead to more economic losses due to new sanctions.

- **Defensive weapons for defensive purposes.** The conflict in Donbas cannot be solved through the use of force, but only through peaceful negotiations. It is the official position of Ukrainian government. The misuse of defensive lethal aid would jeopardize the subsequent security and economic assistance from the Western partners. Since Ukraine heavily relies on foreign support, it will certainly make sure that these weapon systems, when and if they are received, will not be used for offensive purposes or fall in the wrong hands.
- **Resilience of the armed forces.** Although Ukraine has structural problems, it is unlikely to repeat the shortcomings of Syria or Iraq train and equip programs. Unlike these Middle Eastern countries Ukraine has proven its willingness and ability to fight the adversary. From a cost-efficiency standpoint, Ukraine did far better with what modest emergency non-lethal aid it has received in comparison to a \$500 million Syrian program that was able to train only a handful of soldiers.
- **Expectations shape reality.** During Euromaidan, Ukrainians made a pro-Western choice to which Russia responded with a hybrid war. Provision of lethal weapons to Ukraine would be as much of a signal to Russia as it is to Ukrainian people that the U.S. is going to support Ukraine's geopolitical pivot toward Euro-Atlantic community. Moreover, there is a domestic support in Ukraine for the American defensive lethal aid. Recent opinion polls conducted by the Institute of World Policy and Razumkov Center indicated that Ukrainian policy experts and the general population support the provision of the U.S. lethal weapons to Ukraine.⁷ This move would improve image of American power among the Ukrainian populace since they consider the U.S. to be a guarantor of Ukraine's security and sovereignty according to the Budapest memorandum. In a sense, provision of lethal weapons can be compared to the free-trade zone and visa-free regime with the European Union in terms of expectations among Ukrainian people.

U.S. economic and security assistance to Ukraine has dramatically increased since the start of the conflict. In any scenario, the key to a peaceful outcome lies in making the war option too costly. Better trained, better equipped, better informed Ukrainian army can become a solid argument in dissuading Russia from conflict escalation and, thus, creating a space for conflict management under the Minsk format or its successor.

⁷ "Ukraine is not Alone: How the World Supports Ukrainians in Countering Russia's Aggression" Institute of World Policy. Accessed at <http://iwp.org.ua/img/policybrief.pdf>; "Результати соціологічного дослідження 'Оцінка громадянами ситуації на Донбасі'" Razumkov Center. Accessed at http://www.uceps.org/ukr/news.php?news_id=608

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