

BACKGROUND

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The Trump Administration and the 115th U.S. Congress Must Support Ukraine

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Abstract

Ukraine is in the midst of a national struggle that will determine its future geopolitical orientation: the West or Moscow. Ukraine represents the idea in Europe that each country has the sovereign ability to determine its own path and to decide with whom it has relations and how and by whom it is governed. Since 2014, Russia has been illegally occupying Ukraine's Crimea peninsula and continues to stoke a deadly war in the east which has resulted in more than 10,000 deaths. Although Ukraine is not a NATO member, there are things the U.S. can and should do to help. These include continuing and expanding when necessary economic sanctions against Russia, providing advanced weaponry and military training to the Ukrainians; issuing a non-recognition declaration over Crimea; pressuring Russia to live up to its commitments under the Minsk II cease-fire agreement; and helping Ukraine uproot entrenched corruption and cronyism within its economy and governing system.

Ukraine is in the midst of a national struggle that will determine its future geopolitical orientation: the West or Moscow. The outcome of this struggle will have long-term implications for the transatlantic community and the notion of national sovereignty. Since 2014, almost 5 percent of Ukraine's landmass and more than half of its coastline have been under illegal Russian occupation in Crimea.¹ In eastern Ukraine, Russia and Russian-backed separatists continue to propagate a war that has resulted in more than 10,000 lives lost, 23,000 wounded,² and an internally displaced population of almost 1.8 million people;³ has inflicted heavy damage on the Ukrainian economy; and has slowed Ukraine's progress toward deepening ties in the transatlantic community.

KEY POINTS

- In 2014, Russia invaded Ukraine. Russia continues to illegally occupy Crimea and has provoked and now supports a separatist movement in eastern Ukraine that did not previously exist.
- The outcome of Ukraine's struggle will have long-term implications for the transatlantic community and the notion of national sovereignty. It is in America's national interest that Ukraine remains secure, stable, and in full control of its territorial integrity.
- The U.S. should support continued political and economic reforms in Ukraine. In addition, supplying weapons should be an important part of a larger strategy for assisting Ukraine.
- The U.S. and its allies in Europe should maintain solidarity in continuing economic sanctions and applying diplomatic pressure on Russia over its aggression in Ukraine.

This paper, in its entirety, can be found at <http://report.heritage.org/bg3200>

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To put it bluntly, Russia invaded Ukraine. Russia illegally occupies Crimea. Russia provoked and now supports a separatist movement in eastern Ukraine that did not previously exist. Russia is the aggressor, and Ukraine is the victim.

Modern Ukraine represents the idea in Europe that each country has the sovereign ability to determine its own path and to decide with whom it has relations and how and by whom it is governed. No outside actor (in this case Russia) should have a veto on membership or closer relations with organizations like the European Union (EU) or North Atlantic Treaty Organization (NATO). In many ways, the future viability of the transatlantic community will be decided in the Donbas, the region in eastern Ukraine where the fighting has been taking place.

It is in America's interest that Ukraine remains independent and sovereign and maintains the ability to choose its own destiny without outside interference.

Since President Donald Trump took office, Ukraine has seen some of the fiercest fighting in over two years. The Trump Administration is being tested. Because Ukraine is not a NATO member, it does not enjoy a security guarantee from the U.S. However, the situation is not black and white. The alternative to a grand U.S. military intervention to liberate Crimea is not to sit idly by and do nothing.

The U.S. can and should help Ukraine by continuing (and expanding when necessary) economic sanctions against Russia over its ongoing aggression in Ukraine and annexation of Crimea; continuing military training programs and providing advanced weaponry to the Ukrainians; providing diplomatic support by issuing a nonrecognition statement, based on the 1940 Welles Declaration, on Russia's annexation of Crimea; pressuring Russia to live up to its commitments under the Minsk II cease-fire agreement; and helping Ukraine to uproot entrenched corruption and cronyism within the economy and government system.

A 21st Century Russia with 18th Century Ambitions

Russian President Vladimir Putin's actions are often described as Cold War behavior reminiscent of the Soviet Union. Such a characterization is by and large incorrect. Today, the West is dealing with an imperial Russia, not Soviet Russia. Under Putin's leadership, Russian policy is more reminiscent of what was seen in the time of the czar before the 1917 Russian Revolution. Putin is an imperial leader. Thanks to his constitutional changes, he has been either prime minister or president of Russia since 1999 and can remain in either one of these positions for as long as he lives.

Therefore, Putin sees Russia's role in the region through an imperial lens. This is especially true in Ukraine. Ukraine played an important role strategically and economically during Russia's imperial days. There is also a sentimental link that is a factor in the Kremlin's thinking: Modern-day Russia owes its existence to its 9th century Kievan Rus' predecessor (modern Ukraine). In Putin's eyes, the line connecting Russia's future with its past runs between Moscow, St. Petersburg, and Kyiv. There is a geopolitical symbolism that Russia attaches to Ukraine as well. Put simply, without control or at least some influence in Ukraine, Russia is solely an Asian power, not also a European one.

Russian Aggression

When Kremlin-backed Ukrainian President Viktor Yanukovich failed to sign an association agreement with the European Union in 2013, months of street demonstrations led to his ouster in early 2014. Russia responded by violating Ukraine's territorial integrity, sending troops, aided by pro-Russian local militia, to occupy the Crimean peninsula under the pretext of "protecting Russian people." This led to Russia's eventual annexation of Crimea.

Russia's annexation of Crimea is unprecedented in the 21st century. The annexation has de facto cut Ukraine's coastline in half and has essentially turned the Black Sea into a Russian-controlled lake. Russia

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1. Daniel Kochis, "Crimea Is Not Russia," Real Clear World, August 25, 2016, http://www.realclearworld.com/articles/2016/08/25/crimea_is_not_russia_112010.html (accessed March 3, 2017).
 2. Interfax-Ukraine, "Nearly 10,000 Ukrainians Killed, 23,000 Wounded Since War Started," *Kyiv Post*, February 21, 2017, <https://www.kyivpost.com/ukraine-politics/nearly-10000-ukrainians-killed-23000-wounded-since-russian-aggression-started.html> (accessed March 3, 2017).
 3. National Radio Company of Ukraine, "Ukraine's Social Policy Ministry Reports 1.8 Million IDPs," May 31, 2016, <http://www.nrcu.gov.ua/en/news.html?newsID=26431> (accessed March 1, 2017).
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has since claimed rights to underwater resources off the Crimean peninsula previously belonging to Ukraine. Furthermore, Russia has launched a campaign of persecution and intimidation of the ethnic Tatar community there.

In addition to the exploits in Crimea, Moscow took advantage of political grievances held by the Russian-speaking population in Ukraine's east to stoke sectarian divisions. Backed, armed, and trained by Russia, separatist leaders in eastern Ukraine declared the so-called Lugansk People's Republic and the Donetsk People's Republic. Since then, Russia has continued to back separatist factions in the Donbas region of eastern Ukraine with advanced weapons, technical and financial assistance, and Russian conventional and special operations forces. Two cease-fire agreements—one in September 2014 and another in February 2015, known as Minsk I and Minsk II, respectively—have come and gone. As events in eastern Ukraine since the signing of Minsk II have shown, the agreement is a cease-fire in name only.

Russia has also employed a wide array of so-called hybrid tactics in eastern Ukraine. Sophisticated uses of propaganda and cyber attacks have joined the use of irregular militias on the battlefield. In December 2016, a cyber attack against Ukraine's electrical grid took down a fifth of the capital's power consumption at that time of night.⁴ While Ukrainian government ministries such as defense and finance are frequent targets of cyber attacks, targeting the nation's electrical grid undoubtedly carried a political message as well.

There seems to be no end in sight to Russia's involvement in the conflict. In June 2016, NATO Secretary-General Jens Stoltenberg said that "Russia supports the separatists...with equipment, with weapons. They also mass troops along the Ukrainian border."⁵ In addition to massing troops along the border, Russia is reported to have placed several thousand troops in the Donbas, along with heavy weapons.⁶

Russia's Goals in Ukraine

The long-term strategic goal for Russia is ensuring that Ukraine remains out of the transatlantic community and distanced from organizations like NATO and the EU. (Russia would also benefit from the long-term integration of Ukraine into Moscow-backed groups like the Collective Security Treaty Organization or the Eurasian Economic Union.) The most effective way for Russia to achieve this goal is by keeping the conflict in eastern Ukraine "frozen"—meaning that the major fighting stops but localized fighting remains without a conclusive end to the conflict.⁷

Given the right circumstances (i.e., lack of U.S. and European resolve), another plausible scenario is that Moscow helps the separatists consolidate gains in Donetsk and Luhansk to create a political entity that functions more like a viable state. This would include the capture of important communication and transit nodes, such as the city of Mariupol and its port, and the Luhansk power plant, all of which are under Ukrainian government control. This would also require the complete abandonment of any notion of a cease-fire.

The most aggressive scenario could involve Moscow's attempting to reestablish control of the Novorossiia region of imperial times in southern Ukraine. This would create a land bridge between Russia and Crimea, eventually linking up with the Russian-occupied Transnistria in Moldova. This scenario would require that Russia take over Mariupol and Odessa, Ukraine's tenth and third largest cities, respectively, as well as a large-scale and public mobilization of the Russian armed forces.

However, since the Ukrainian military is far more capable, trained, and equipped than it was in 2014, local resistance would strengthen as Russian troops and their proxies move west, especially across the Dnieper River. Therefore, the aggressive scenario would prove to be very costly, making it unlikely that Russia will undertake it. However, nothing should be ruled out with regard to Russia.

4. BBC, "Ukraine Power Cut 'Was Cyber Attack,'" January 11, 2017, <http://www.bbc.com/news/technology-38573074> (accessed March 1, 2017).

5. Robin Emmott, "NATO Says Ukraine Ceasefire Barely Holding, Scolds Russia," Reuters, June 15, 2016, <http://af.reuters.com/article/worldNews/idAFKCNOZ10YH> (accessed February 13, 2017).

6. Joseph Trevithick, "The T-72B3: The Lethal Russian Tank That Ukraine Fears Most," *The National Interest*, June 7, 2016, <http://nationalinterest.org/blog/the-buzz/the-t-72b3-the-lethal-russian-tank-ukraine-fears-most-16500> (accessed March 1, 2017).

7. Although much fighting has taken place along the cease-fire line, resulting in hundreds of deaths since the agreement went into force, the front lines have not changed significantly. For all intents and purposes, the war in the Donbas is a frozen conflict.

Crimea: Militarizing the Black Sea

Russia has taken steps to strengthen its grip on Crimea and boost Moscow's military footprint in the Black Sea region. As described in The Heritage Foundation's *2017 Index of U.S. Military Strength*:

Russia has deployed 28,000 troops to Crimea and has embarked on a major program to build housing and restore airfields. In addition, control of Crimea has allowed Russia to use the Black Sea as a platform to launch and support naval operations in the Gulf of Aden and the Eastern Mediterranean. Russia has allocated \$1 billion to modernize the Black Sea fleet by 2020 and has stationed additional warships there including two equipped with Caliber-NK long-range cruise missiles. Caliber cruise missiles have a range of at least 1,500 miles, placing cities from Rome to Vilnius within range of Black Sea-based cruise missiles.⁸

Russia has used its position in Crimea to dominate the Black Sea region with advanced anti-access/aerial-denial (A2/AD) capability. In August 2016, Russia deployed S-400 air defense systems to Crimea⁹ with a range of around 250 miles.¹⁰

Russia has also been dangerously harassing U.S. warships in the Black Sea region. In February 2017, two Russian Su-24 fighter jets and one IL-38 transport plane buzzed the USS *Porter*, a guided missile destroyer taking part in exercises in the Black Sea.¹¹ According to reports, a fourth plane, a Su-24 Fencer

aircraft, "came within 200 yards of the ship, flying at 300 feet at more than 500 knots."¹² The destroyer was around 186 miles southwest of the Crimean peninsula in international waters.¹³ The strategic importance of the Black Sea for the U.S. is primarily derived from its treaty obligations under NATO.

For Russia, domination of the Black Sea region has always been considered a matter of national survival. Russian Black Sea ports, being Russia's only warm-water ports, have always served the economic interests of Russia. For example, on the eve of World War I, 50 percent of Russia's total exports and 90 percent of its agricultural exports passed through the Turkish Straits out of the Black Sea.¹⁴ Today, every 15 minutes an oil tanker passes through the Turkish Straits of the Black Sea carrying Russian oil or Kazakh oil (the latter first crosses through Russia, so Moscow receives transit fees).¹⁵

What happens in Crimea matters to the U.S. The strategic importance of the Black Sea for the U.S. is primarily derived from its treaty obligations under NATO. Three out of six Black Sea littoral countries (Turkey, Bulgaria, and Romania) are in NATO. Another two, Ukraine and Georgia, are NATO partners and have been promised eventual membership.¹⁶ In the case of Georgia, it is an official NATO candidate country.

The U.S. needs to maintain good relations with partner Black Sea countries because they have demonstrated the political will to deploy troops in support of NATO operations. For example, Turkey, Bulgaria, Romania, Ukraine, and Georgia collec-

8. Dakota L. Wood, ed., *2017 Index of U.S. Military Strength* (Washington: The Heritage Foundation, 2017), <http://index.heritage.org/military/2017/assessments/threats/europe/>.
9. Polina Devitt, Maria Tsvetkova, and Andrew Osborn, "Russia Deploys Advanced S-400 Air Missile System to Crimea: Agencies," Reuters, August 12, 2016, <http://www.reuters.com/article/us-ukraine-crisis-crimea-missiles-idUSKCN10N1H4> (accessed March 1, 2017).
10. Institute for the Study of War, "S-400 Missile Radius Map," December 21, 2015, <http://understandingwar.org/map/s-400-missile-radius-map> (accessed March 1, 2017).
11. Bill Gertz, "Russian Jets Buzzed U.S. Destroyer," *The Washington Free Beacon*, February 14, 2017, <http://freebeacon.com/national-security/russian-jets-buzzed-u-s-destroyer/> (March 1, 2017).
12. Sam LaGrone, "USS Porter Buzzed by Russian Planes in Black Sea" USNI News, February 14, 2017, <https://news.usni.org/2017/02/14/uss-porter-buzzed-russian-planes-black-sea> (accessed March 1, 2017).
13. Lucas Tomlinson, "Russia Sends Spy Ship Near US Coast, Deploys Banned Missiles at Home, Officials Say," Fox News, February 14, 2017, <http://www.foxnews.com/us/2017/02/14/russian-spy-ship-off-east-coast-us-officials-say.html> (accessed March 1, 2017).
14. Eugene Rogan, *The Fall of the Ottomans* (New York: Basic Books, 2015), p. 234.
15. John Daly, "Russia's Bosphorus Maritime Tanker Oil Superhighway Increasingly Unsettles Turks," Oil Price.com, October 4, 2011, <http://oilprice.com/Energy/Energy-General/Russias-Bosphorus-Maritime-Tanker-Oil-Superhighway-Increasingly-Unsettles-Turks.html> (accessed March 1, 2017).
16. North Atlantic Treaty Organization, "Enlargement," December 3, 2015, http://www.nato.int/cps/en/natohq/topics_49212.htm (accessed March 1, 2017).

Challenges to Securing the Black Sea

Russia's A2/AD capability is not the only thing that makes operating in the Black Sea a challenge. Additional diplomatic and political factors further complicate the matter.

Diplomacy. The 1936 Montreux Convention makes maintaining a robust NATO maritime presence difficult. The convention gave Turkey control of the Turkish Straits and placed limitations on the number, transit time, and tonnage of naval ships from non-Black Sea countries that can use the Straits and operate in the Black Sea.

Non-Black Sea state warships in the Straits must be less than 15,000 tons. No more than nine non-Black Sea state warships, with a total aggregate tonnage of no more than 30,000 tons, may pass at any one time, and they are permitted to stay in the Black Sea for no longer than 21 days.* This places limitations on both U.S. Navy and non-Black Sea NATO member operations in the Black Sea.

Soon after Russia's invasion of Ukraine, the U.S. stepped up its presence in the Black Sea.

- In 2014, the U.S. Navy spent a total of 207 days in the Black Sea.
- In 2015, it spent 150 days.
- In 2016, it spent only 58 days.†

Politics. Due to internal disagreements among NATO Black Sea members, NATO has been unable to meet its desired expectations in the region. For example, the creation of a permanent NATO maritime force in the Black Sea has been discussed since before the 2016 Warsaw Summit but still has not been realized.‡

* Montreux Convention Agreement, July 20, 1936, http://sam.baskent.edu.tr/belge/Montreux_ENG.pdf (accessed March 6, 2017).

† This information courtesy of Bosphorus Naval News, <https://turkishnavy.net/> (accessed March 1, 2017).

‡ Mariya Cheresheva, "NATO Black Sea Plans Cause Dissent in Bulgaria," *Balkan Insight*, February 22, 2017, <http://www.balkaninsight.com/en/article/nato-black-sea-region-plans-cause-roar-in-bulgaria-02-22-2017> (accessed March 1, 2017).

tively contribute one-third of the European forces serving in NATO's Resolute Support mission in Afghanistan.¹⁷

Crackdown on Freedom of Speech, Religion, and the Press in Crimea

In addition to its military entrenchment, Russia has cracked down on political dissent and targeted journalists in Crimea. Freedom House ranked press freedom in occupied Crimea as "Not Free" in 2016, stating:

The aggressive efforts by Russian and Russian-installed local authorities to establish control over what had been a fairly pluralistic media landscape made conditions in Crimea worse than in Russia itself. Independent outlets were forcibly shut down, transmissions of Ukrainian stations were replaced with broadcasts from Russia, access to a number of local and Ukrainian media outlets via the internet was blocked for users on the peninsula, and many journalists fled Crimea to escape harassment, violence, and arrests.¹⁸

17. As of February 2017, the total European contribution for NATO's Resolute Support mission was 6,118 troops, of which Bulgaria contributes 86 troops, Georgia 870, Romania 588, Turkey 558, and Ukraine 10.

18. Freedom House, "Crimea," *Freedom of the Press 2016*, <https://freedomhouse.org/report/freedom-press/2016/crimea> (accessed March 1, 2017).

More than 350 Ukrainian websites have been blocked, as has access to Ukrainian media.¹⁹ Journalists continue to be jailed, including Mykola Semena, a contributor to Radio Free Europe/Radio Liberty who was arrested in April 2016 in Crimea and charged with “extremism.” On January 26, 2017, the U.S. mission to the Organization for Security and Cooperation in Europe (OSCE) officially condemned his indictment.²⁰

Russia’s crackdown has been particularly felt by the minority Crimean Tatar community, an ethnically Turkic and religiously Sunni Islam community that has faced decades of religious and political persecution under Russian domination. More than 20,000 Crimean Tatars have fled the Crimean peninsula and settled elsewhere in Ukraine since the Russian invasion.²¹ Those Tatars who remain in Crimea are subject to repression and discrimination on account of their perceived opposition to Russia.

- Refat Chubarov and Mustafa Dzhemilev, the current and former chairmen, respectively, of the Mejlis of the Crimean Tatars, have been barred by the Russians from entering Crimea.²² In fact, Russia has outlawed the Mejlis from meeting.²³
- Russian security services have raided homes and offices of prominent Crimean Tatars on dubious pretenses.
- Moscow has banned the annual ceremonies marking Stalin’s mass deportation of the Crimean Tatars in 1944.

- Russia has also banned select pieces of Crimean Tatar literature and religious books despite the same texts’ being acceptable when Ukraine governed Crimea.²⁴
- Russian security forces have raided and in some cases shut down Tatar-language media outlets.²⁵
- Russia has closed down the Crimean Tatar council, known as the Mejlis, claiming it was connected to “extremist” activity.²⁶

Some in Moscow are even calling for the “de-Turkification” of Crimea by changing the name of the peninsula and its major cities back to the names used by the ancient Greeks.²⁷ For example, Crimea would become Taurida, Kerch would become Pantikapaion, Feodosia would become Theodosia, and Sevastopol would become Sevastoupoli. Ignoring the role that Turkic culture has played in Crimea’s history and suppressing the Crimean Tatar language amounts to nothing short of cultural vandalism.

A “Welles Declaration” for Crimea

Soon after Russia’s invasion of Crimea in February 2014, an illegitimate referendum took place on March 16 asking the people of Crimea to vote to determine whether they wanted to join the Russian Federation. This illegal referendum was denounced by the countries of the G-7 as well as by the member states of NATO and the EU. Furthermore, it took

19. Kate M. Byrnes, “Ongoing Violations of International Law and Defiance of OSCE Principles and Commitments by the Russian Federation in Ukraine,” U.S. Mission to the OSCE, January 26, 2017, <https://osce.usmission.gov/ongoing-violations-international-law-defiance-osce-principles-commitments-russian-federation-ukraine-statement-pc/> (accessed March 1, 2017).

20. Ibid.

21. News release, “Statement of the Ministry of Foreign Affairs of Ukraine on the Day of Remembrance of the Victims of Crimean Tatars Genocide,” Ministry of Foreign Affairs of Ukraine, May 19, 2016, <http://mfa.gov.ua/en/press-center/news/47679-zajava-mzs-ukrajini-z-nagodi-dnya-pamjati-zhertv-genocidu-krimsykotatarsykogo-narodu> (accessed March 1, 2017).

22. Luke Coffey, “Russia Continues to Oppress Crimea’s Tatars,” Al Jazeera, March 19, 2016, <http://www.aljazeera.com/indepth/opinion/2016/03/russia-continues-oppress-crimea-tatars-160308054208716.html> (accessed March 1, 2017).

23. Ivan Nechepurenko, “Tatar Legislature Is Banned in Crimea,” *The New York Times*, April 26, 2016, https://www.nytimes.com/2016/04/27/world/europe/crimea-tatar-mejlis-ban-russia.html?_r=0 (accessed March 1, 2017).

24. Vladimir Ryzhkov, “Russia’s Treatment of Crimean Tatars Echoes Mistakes Made by Soviets,” *The Guardian*, November 25, 2014, <https://www.theguardian.com/world/2014/nov/25/-sp-russia-crimean-tatars-soviet-ukraine> (accessed March 1, 2017).

25. Deutsche Welle, “Crimean Tatar Media Forced to Shut Down,” December 31, 2015, <http://www.dw.com/en/crimean-tatar-media-forced-to-shut-down/a-18352286> (accessed March 1, 2017).

26. Radio Free Europe/Radio Liberty, “Russian Court Bans Crimean Tatar Executive Council as Extremist,” April 26, 2016, <http://www.rferl.org/a/russia-ukraine-crimean-tatars-mejlis-banned/27699264.html> (accessed March 7, 2017).

27. Tom Balmforth, “You Say Crimea, They Say Taurida,” Radio Free Europe/Radio Liberty, January 21, 2015, <http://www.rferl.org/a/crimea-russia-renaming-taurida/26806157.html> (accessed March 1, 2017).

The Crimean Tatars

Russia's poor treatment of the Tatar community is nothing new. The Crimean Khanate—a vassal state of the Ottoman Empire—survived for 300 years until Catherine the Great took over the peninsula in 1783.

During the chaos following the Bolshevik Revolution and Russia's Civil War, the peninsula was finally incorporated into the Soviet Union. The Soviets never had the well-being of the Crimean Tatars in mind. Sometime in the 1920s, Vladimir Lenin reportedly wrote about his plans for the Crimean Tatars: "We will take them, divide them, subjugate them, digest them."^{*}

Under the iron-fisted rule of Joseph Stalin, the Crimean Tatars were almost annihilated. Stalin claimed that the Tatars were enemies of the state because some sided with Nazi Germany during World War II. While thousands did fight for the Germans, an equal number fought for the Red Army against Nazism. In fact, eight Crimean Tatars won the highest distinction in the Soviet Union: Hero of the Soviet Union. Amet-Khan Sultan, a Crimean Tatar pilot, won this prestigious award twice.

Nevertheless, the fact that some Crimean Tatars fought for the Nazis was a good enough excuse for Stalin to punish the whole community. In 1944, almost 180,000 Crimean Tatars were forcibly removed from their homes in Crimea and shipped east. Many ended up in Uzbekistan, but thousands were also scattered around Siberia. During this forced removal, tens of thousands of Tatars were killed.[†]

Under Mikhail Gorbachev's perestroika reforms, the Crimean Tatars were allowed to return to Crimea. In 1991, Crimea became part of an independent Ukraine. Life for the Tatars in an independent Ukraine, while not always perfect, was far better than anything they had experienced in the past century under Russian rule.

* "Divide and Digest," *The Economist*, September 17, 2014, <http://www.economist.com/blogs/easternapproaches/2014/09/russia-and-tatars> (accessed, March 1, 2017).

† Mansur Mirovalev, "Ukraine Calls Soviet Deportation of Muslims 'Genocide,'" *Al Jazeera*, November 13, 2015, <http://www.aljazeera.com/news/2015/11/ukraine-calls-soviet-deportation-muslims-genocide-151113061021629.html> (accessed March 1, 2017).

place without international monitors and under armed occupation.

The outcome of this dubious referendum was obvious from the start. Over 96 percent of voters backed Crimea's leaving Ukraine and joining Russia. Considering that the referendum took place under the watchful eye of thousands of Russian troops in Crimea, the outcome was not a surprise to many.²⁸

- On March 17, Putin signed a decree recognizing Crimea as a "sovereign and independent state... taking into account the will expressed by the people of Crimea."²⁹
- On March 19, Russian troops took control of Ukraine's naval headquarters at a base in Sevastopol, raising the Russian flag.

28. It is worth noting that Ukrainians, including those living in the Crimea, have already voted on this matter. In 1991, soon after the fall of the Soviet Union, Ukraine's Supreme Council voted to declare Ukraine's independence. A referendum was held later that year to affirm public support for independence from Moscow. Over 84 percent of eligible voters in Ukraine (32 million people) voted, and 90.32 percent endorsed independence. All 24 Oblasts, the one Autonomous Republic (Crimea), and the two Special Cities (Kyiv and Sevastopol) voted for independence. See Chrystyna Lalpychak, "INDEPENDENCE: Over 90% Vote Yes in Referendum; Kravchuk Elected President of Ukraine," *The Ukrainian Weekly*, December 8, 1991, <http://www.ukrweekly.com/old/archive/1991/499101.shtml> (accessed February 24, 2017).

29. "Putin Recognizes Crimea as a 'Sovereign and Independent' State," *The Moscow Times*, March 19, 2014, <http://www.themoscowtimes.com/news/article/putin-recognizes-crimea-as-a-sovereign-and-independent-state/496383.html> (accessed February 24, 2017).

- On March 20, the Russian Duma (lower house) voted 455 to 1 to approve a treaty incorporating Crimea into the Russian Federation.
- On March 21, the Russian Federation Council (upper house) approved the treaty by a vote of 155 to 0.³⁰
- The same day, Putin signed the treaty into law, formally making Crimea part of Russia as far as Russia is concerned.

Russia remains mostly isolated in the international community over its annexation of Crimea. However, according to some reports, at least six countries (Afghanistan, Syria, North Korea, Cuba, Nicaragua, and Venezuela) currently recognize or at some point since 2014 have recognized Crimea as being part of Russia.³¹ An additional 11 countries (Armenia, Belarus, Bolivia, Cuba, Nicaragua, North Korea, Russia, Sudan, Syria, Venezuela, and Zimbabwe) voted against United Nations General Assembly Resolution 68/262 titled “Territorial Integrity of Ukraine.”³²

A major part of America’s diplomatic efforts should be encouraging countries to issue an official “nonrecognition” policy on Crimea. The U.S. should issue a permanent message that it will never recognize Russia’s occupation and annexation of Crimea and should encourage others to follow suit. Such a message would send both a significant public signal to the people of Crimea and greater Ukraine of U.S. support and a clear message to Russia that the U.S. will never legitimize this illegal annexation.

Such a statement has historical precedent. In

1932, the U.S. government instituted the Stimson Doctrine, named after then–Secretary of State Henry Stimson, which proclaimed that the U.S. would not recognize international territorial changes that were executed by force.³³

Precedent specific to Russia also exists. After World War I, Estonia, Latvia, and Lithuania proclaimed their independence, and the U.S. granted full recognition to all three by 1923. In June 1940, as part of the Molotov–Ribbentrop Pact between Nazi Germany and Stalinist Russia, Soviet troops entered and occupied the three Baltic countries. In June 1940, acting U.S. Secretary of State Sumner Welles issued the Welles Declaration, which stated that the United States would never recognize the Soviet Union’s illegal occupation of the Baltics. In a statement, Welles proclaimed:

The policy of this Government is universally known. The people of the United States are opposed to predatory activities no matter whether they are carried on by the use of force or by the threat of force. They are likewise opposed to any form of intervention on the part of one State, however powerful, in the domestic concerns of any other sovereign state, however weak.³⁴

Daily Fighting in the Donbas

In conjunction with its occupation and annexation of Crimea, Russia instigated a war in eastern Ukraine. Backed, armed, and trained by Russia,³⁵ separatists continue daily violations of the Minsk II cease-fire agreement.³⁶ Of the more than 3,100 service members Ukraine has lost

30. Marie-Louise Gumuchian, Victoria Butenko, and Laura Smith-Spark, “Russia Lawmakers Vote to Annex Crimea; U.S. Steps up Sanctions,” CNN, March 21, 2014, <http://www.cnn.com/2014/03/20/world/europe/ukraine-crisis/> (accessed February 24, 2017).

31. Jeremy Bender, “These Are the 6 countries on Board with Russia’s Illegal Annexation of Crimea,” *Business Insider*, May 31, 2016, <http://www.businessinsider.com/six-countries-okay-with-russias-annexation-of-crimea-2016-5> (accessed March 1, 2017).

32. UN News Center, “Backing Ukraine’s Territorial Integrity, UN Assembly Declares Crimea Referendum Invalid,” March 27, 2014, http://www.un.org/apps/news/story.asp?NewsID=47443&Cr=ukraine&Cr1=#.WLB-LvKt_j9 (accessed March 1, 2017).

33. U.S. Department of State, Office of the Historian, “The Mukden Incident of 1931 and the Stimson Doctrine,” <https://history.state.gov/milestones/1921-1936/mukden-incident> (accessed March 1, 2017).

34. Sumner Welles, “Statement by the Acting Secretary of State,” July 23, 1940, https://vilnius.usembassy.gov/welles_declaration.html (accessed March 1, 2017).

35. Sarah Begley, “Read the Full Text of Samantha Power’s Scathing Speech on Russia,” *Time*, January 17, 2017, <http://time.com/4637117/samantha-power-united-nations-russia-speech-transcript/> (accessed March 1, 2017).

36. Meetings coverage, “Situation in Eastern Ukraine Remains ‘Tense and Volatile’ Despite Post-Ceasefire Reduction in Fighting, Security Council Told During Briefing,” U.N. Security Council, December 11, 2015, <https://www.un.org/press/en/2015/sc12154.doc.htm> (accessed March 1, 2017).

MAP 1

Conflict Areas in Ukraine



SOURCE: Information Analysis Center, National Security of Ukraine, “MAP ATO – 23.02.2017,” <http://mediarbo.org/2017/02/23/map-ato-23-02-2017/?lang=en> (accessed February 27, 2017).

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since Russia’s invasion, 620 have died since the signing of Minsk II.³⁷

In the Donbas, fighting has often centered around three main economic targets that Russian-backed separatists would like to control to make their self-proclaimed “people’s republics” more economically viable. These three targets are the port at Mariupol, the Avdeyevskiy Coke and Chemical Plant in Avdiivka, and the Kurakhove Power Station. Recently, fighting near the Avdeyevskiy Coke and Chemical Plant spiked. On the morning of January 30, 2017, just 24 hours after President Trump spoke with his Russian counterpart for the first time since entering the White House, Russian-backed separatists opened fire on Ukrainian positions near the city

of Avdiivka. Ukrainian forces returned fire in self-defense. Alexander Hug, chief of the OSCE’s Special Monitoring Mission (SMM) to Ukraine, described the fighting in and around Avdiivka as “the worst fighting we’ve seen in Ukraine since 2014 and early 2015.”³⁸

This new offensive, far from being spontaneous, was likely planned well in advance. A week before the separatist Avdiivka offensive began, the SMM report from January 23 observed in territory controlled by Russian-backed separatists “five stationary trucks carrying boxes of ammunition assessed as matching the shape and size of MLRS (BM-21) rockets and seven other trucks carrying additional boxes.”³⁹ Russia’s supplying grad rocket systems

37. Nolan Peterson, “Nolan Peterson: Russian Troops Man Ukraine Rebels’ Front Line,” *Newsweek*, February 2, 2017, <http://www.newsweek.com/nolan-peterson-russian-troops-man-ukraine-rebels-front-line-555141> (accessed March 1, 2017).

38. Christian Borys, “Everything Is Destroyed: A Deadly Surge of Violence Strikes Eastern Ukraine,” *The Washington Post*, February 3, 2017, https://www.washingtonpost.com/world/europe/an-on-the-ground-look-at-the-deadly-surge-of-violence-in-eastern-ukraine/2017/02/03/29d1c37c-ea1a-11e6-903d-9b11ed7d8d2a_story.html?utm_term=.dd277190ce10 (accessed March 1, 2017).

39. Organization for Security and Co-operation in Europe, “Latest from the OSCE Special Monitoring Mission to Ukraine (SMM), Based on Information Received as of 19:30, 22 January 2017,” January 23, 2017, <http://www.osce.org/ukraine-smm/295151> (accessed March 1, 2017).

in advance of the Avdiivka offensive is both a violation of the Minsk II agreement and a clear sign of a specific plan to launch the offensive in advance. In addition to stockpiling rockets, Russian electronic warfare units sent threatening text messages to Ukrainian soldiers meant to demoralize them. The texts contained messages like the following: “Soldier of the Ukrainian Armed Forces, they will find you when the snow melts,” and “NATO fighter, this winter will be for you like the one for the Germans outside Stalingrad.”⁴⁰

In addition to the risk of death and injury, civilians caught in the ongoing war in the Donbas face economic isolation and, at times, difficulty in accessing electricity, heat, shelter, and sustenance. In the parts of the Donbas region controlled by Russian-backed separatists, religious minorities face religious persecution and oppression. Separatist leaders declared the Russian Orthodox Church the official church of the new “state”⁴¹ shortly after fighting began. Buildings of religious minorities have been seized,⁴² leaders jailed or beaten,⁴³ and their worship forced underground.⁴⁴

The most recent State Department *International Religious Freedom Report* highlighted the plight of religious communities in the occupied territories of the Donbas:

Russian-backed separatists in Luhansk and Donetsk oblasts continued to kidnap, beat, and threaten Protestants, Jehovah’s Witnesses, and members of the UOC-KP [Ukrainian Orthodox Church—Kyiv Patriarchate]. Separatists also participated in anti-Semitic acts.⁴⁵

Russia is also taking political steps to legitimize the separatist-controlled region. In February 2017, President Putin signed a decree recognizing documents issued by the Russian-backed separatists. The decree stated that people in the regions controlled by Russian-backed separatists “can enter and leave the Russian Federation without applying for visas upon showing identification documents (birth certificates for children under the age of 16), issued by the corresponding authorities which are valid in the said districts.”⁴⁶ The decree covers a range of documents, including:

- Marriage and divorce certificates,
- Driver’s licenses and license plates,
- Passports, and
- Educational documents.

The decree was strongly condemned by the Ukrainian government. Oleksandr Turchynov, secretary of the National Security and Defense Council of Ukraine, stated that it “completely destroys the Minsk process and is equal to Russia’s statement about an exit from that.”⁴⁷

Putin’s decree is a continuation of Russia’s efforts to delegitimize the Ukrainian government’s authority of its own territory in the Donbas region. It is also another step closer to Russia’s formally recognizing the so-called Donetsk People’s Republic and Luhansk People’s Republic.

40. “Russia-Backed Forces Rain Grad Rockets on Avdeyevka on Third Day of Major Escalation in Fighting,” *The Interpreter*, January 31, 2017, <http://www.interpretermag.com/day-1079/> (accessed March 1, 2017).

41. Sabra Ayres, “In Rebel-Held Donetsk, Religious Intolerance Grows,” *Al Jazeera*, March 17, 2015, <http://america.aljazeera.com/multimedia/2015/3/in-rebel-held-donetsk-religious-intolerance-grows.html> (accessed March 1, 2017).

42. Jake Flanagan, “The People’s Republic of Donetsk Is Becoming a Theocracy,” *Quartz*, March 25, 2015, <https://qz.com/369015/the-peoples-republic-of-donetsk-is-becoming-a-theocracy/> (accessed March 1, 2017).

43. Roland Oliphant, “Ukraine Crisis: Priest ‘Kidnapped’ in Donetsk as Rebels Clash with Troops,” *The Telegraph*, May, 28, 2014, <http://www.telegraph.co.uk/news/worldnews/europe/ukraine/10860079/Ukraine-crisis-Priest-kidnapped-in-Donetsk-as-rebels-clash-with-troops.html> (accessed March 1, 2017).

44. Flanagan, “The People’s Republic of Donetsk Is Becoming a Theocracy.”

45. U.S. Department of State, Bureau of Democracy, Human Rights and Labor, *International Religious Freedom Report for 2015*, <https://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper> (accessed March 1, 2017).

46. Andrew Roth, “Putin Orders Russia to Recognize Passports Issued by Ukrainian Separatists,” *The Washington Post*, February 18, 2017, https://www.washingtonpost.com/world/putin-orders-russia-to-recognize-passports-issued-by-ukrainian-separatists/2017/02/18/9cfc0a84-f608-11e6-9fb1-2d8f3fc9c0ed_story.html?utm_term=.e48d98510b03 (accessed March 1, 2017).

47. *Ibid.*

Helping Ukraine Defend Itself

The separatists fighting in eastern Ukraine are Russian-backed, Russian-trained, and Russian-equipped. These soldiers are kitted out in the latest military gear and wearing uniforms with Russian military insignias. Military hardware such as T-72B3 tanks—which are not in the Ukrainian military’s inventory—is being used in eastern Ukraine.⁴⁸ In an era of prolific social media, this kind of major incursion can no longer be hidden from the outside world.

In the case of Ukraine, Russia is the invader and the aggressor. Ukraine is the victim.

There is no reason to believe that the cease-fire agreement will last when many such agreements have failed in the past. At this moment of crisis for Ukraine, the U.S. should be ready to help the people of Ukraine defend themselves by sending vital weapons and equipment in a responsible way.

However, U.S. policymakers should understand that weapons are not the silver bullet to resolve the crisis in Ukraine. Providing such material should be done only as one part of the larger strategy to rein in Russian ambitions in the region as outlined in the recommendations section of this paper.

The U.S. should supply weapons to Ukraine now, for the following three reasons:

1. Ukraine is the victim. Russia is clearly interested only in escalating violence and not in helping to deliver peace. Various cease-fires over the past three years have merely bought Russia and the separatists more time. The idea that Moscow is committed to a peaceful resolution of the war in eastern Ukraine is fanciful. Each country has the inherent right to self-defense. In the case of Ukraine, Russia is the invader and the aggressor. Ukraine is the victim.

2. Ukraine is committed to the transatlantic community. In 2014, it was unclear in which direction Ukraine was heading. This is no longer the case. The Ukrainian people have demonstrated, whether on the streets of the Maidan or through the ballot box in multiple elections, that they see their future as part of the West, not under Russian domination. As recently as late 2013, closer ties with the West were discouraged by Ukraine’s leaders. However, since the ouster of Russian-backed Ukrainian President Viktor Yanukovich in February 2014, all of this has changed.

3. The front lines are relatively stabilized. When Russia first backed the separatists, the situation on the ground was chaotic. Nobody knew how far the separatists would go and when they would be stopped. The Ukrainian military was in disarray, and flooding the battlefield with advanced Western weaponry would have been dangerous. The situation is now different. A front line and a traditional linear battlefield now exist. The Ukrainian military has shown its ability to defend territory. Thanks to international training, the Ukrainian military is professional, is capable, and has demonstrated responsibility for advanced weapons.

The National Defense Authorization Act for Fiscal Year 2017 authorized up to \$350 million in security assistance to Ukraine through the end of 2018.⁴⁹ The Administration should use a healthy portion of the authorized security assistance to provide weaponry to Ukraine. The exact types of weapons needed are best determined by experts on the ground with detailed knowledge of the local security situation, the capabilities of the Ukrainian military, and the capabilities of both the separatists and the Russian forces supporting their attacks. In general, the following defensive capabilities are urgently needed by the Ukrainian military:

- **Anti-tank/armor weapons** (especially on account of the continued use of Russian T-72BM tanks by the separatists).

48. Joseph Trevithick, “This Tank Has Become an Icon of Russia’s Secret War in Ukraine,” *War Is Boring*, June 6, 2016, <https://warisboring.com/this-tank-has-become-an-icon-of-russias-secret-war-in-ukraine-19711a6b7bae#.3wdhu5hqy> (accessed March 1, 2017), and Jeff Schogol, “U.S. Marines Are Training with Eastern European Allies to Stop a Ground Invasion,” *Marine Corps Times*, August 29, 2016, <https://www.marinecorpstimes.com/articles/us-marines-are-training-with-eastern-european-allies-to-stop-a-ground-invasion> (accessed March 1, 2017).

49. Vincent L. Morelli, “Ukraine: Current Issues and U.S. Policy,” Congressional Research Service *Report for Congress* No. 33460, January 3, 2017, p. 41, <https://fas.org/sgp/crs/row/RL33460.pdf> (accessed March 1, 2017).

- **Counter-battery radars.** These would allow Ukrainian forces to determine the origin of artillery strikes so that they can respond quickly and accordingly. Some have been provided, but more can be done in this area.
- **Increased secure communications equipment and unmanned aerial vehicles.** These would significantly improve situational awareness on the battlefield and the coordination of effective military actions to counter separatist efforts.

The U.S. should also continuously evaluate the effectiveness of equipment it sends to Ukraine. Sophisticated Russian technology has rendered some recently provided equipment largely useless. For example, in 2016, the U.S. supplied 72 Raven RQ-11B Analog minidrones to Ukraine at a cost of \$12 million. Through the Obama Administration's European Reassurance Initiative measures, the U.S. also trained 38 Ukrainians in Alabama on how to operate the drones.⁵⁰ However, the analog drones proved ineffective against Russian-supplied electronic warfare, and many were jammed or hacked.⁵¹

In addition to providing weaponry to Ukraine's armed forces, the U.S. started a significant train-and-assist program with the Ukrainian armed forces. Although U.S. soldiers were not involved even indirectly in any of the fighting, thousands of Ukrainian soldiers have completed U.S. training in the western part of the country.

The U.S. should continue to exercise and train with Ukrainian forces and should look for new opportunities to enhance cooperation. Ukraine has been part of

the National Guard State Partnership Program since 1993, partnering with California's National Guard.⁵² In addition, the U.S. Joint Multinational Training Group-Ukraine will train up to five Ukrainian battalions a year through 2020.⁵³ The United Kingdom has also been active in training Ukrainians. By March 2017, the U.K. will have trained 5,000 Ukrainian forces, with British Defense Minister Michael Fallon confirming that the training mission will be extended through early 2018.⁵⁴

Training and exchange programs benefit both U.S. and Ukrainian forces. U.S. forces can learn from soldiers who have experienced urban fighting, trench warfare, and cold-weather warfare. Current National Security Adviser Lieutenant General H. R. McMaster reportedly developed the idea for the Army's "Russia New Generation Warfare Study," meant to understand Russian advances highlighted in Ukraine, and to craft recommendations for how the U.S. military could successfully adapt.⁵⁵ Ukraine's military experience fighting Russia for three years is a valuable resource from which U.S. military planners can learn. For its part, the U.S. can assist Ukrainian forces particularly in the areas of sniper and counter-sniper training, artillery training, and the development of young leadership in Ukraine's military forces.

On September 8, 2016, Ukraine and the U.S. signed a five-year partnership concept.⁵⁶ As written, the concept will "enhance the effectiveness of U.S. security cooperation efforts, marking the transition of our bilateral relationship from one characterized by crisis response to a more enduring strategic partnership."⁵⁷ The specific goal of the partnership concept is to assist Ukraine in carrying out defense-sector reforms and to increase defense-technology

50. Phil Stewart, "Exclusive: U.S.-Supplied Drones Disappoint Ukraine at the Front Lines," Reuters, December 22, 2016, <http://www.reuters.com/article/us-usa-ukraine-drones-exclusive-idUSKBN14A26D> (accessed March 1, 2017).

51. Ibid.

52. U.S. Department of Defense, National Guard, "State Partnership Program," January 1, 2017, <http://www.nationalguard.mil/Portals/31/Documents/J-5/InternationalAffairs/StatePartnershipProgram/SPP%20Partnership%20Map.pdf> (accessed March 1, 2017).

53. United States Army Europe, Joint Multinational Training Group-Ukraine, "What Is Joint Multinational Training Group-Ukraine?" <http://www.eur.army.mil/jmtg-u/> (accessed March 1, 2017).

54. News release, "Britain Extends Training of Ukrainian Armed Forces," U.K. Government, Ministry of Defence, December 19, 2016, <https://www.gov.uk/government/news/britain-extends-training-of-ukrainian-armed-forces> (accessed March 1, 2017).

55. Bryan Bender, "The Secret U.S. Army Study That Targets Moscow," *Politico Magazine*, April 14, 2016, <http://www.politico.com/magazine/story/2016/04/moscow-pentagon-us-secret-study-213811> (accessed March 1, 2017).

56. U.S. Department of Defense, "Fact Sheet: United States-Ukraine Five Year Partnership Concept," September 8, 2016, https://www.defense.gov/Portals/1/Documents/pubs/FACT_SHEET_-_Partner_Concept_8_Sep.pdf (accessed March 1, 2017).

57. Ibid.

cooperation. The U.S. takes part in the Multinational Joint Commission on Defense Reform and Security Cooperation with Ukraine, which, along with helping Ukraine implement defense reform, “assesses Ukrainian requirements and prioritizes training, equipment, and advisory initiatives.”⁵⁸

In 2016, the U.S. participated in the Ukrainian-hosted peacekeeping exercise Rapid Trident and the naval exercise Sea Breeze, held in the Black Sea.⁵⁹ The U.S. should continue to take part in these Ukrainian-hosted exercises. In addition, Ukraine should continue to be invited to take part in some NATO-hosted training exercises. Meeting NATO standards and becoming interoperable with NATO country forces is a long-term goal of Ukraine.⁶⁰ While Ukraine is not currently ready for NATO membership, seeking to attain a NATO-quality military force will be a strong incentive for continued reform inside Ukraine’s military.

NATO has established six trust funds (five at the 2014 Wales Summit and one in June 2015) to help Ukraine better provide for its own security:⁶¹

- Command, Control, Communications, and Computers;
- Cyber Defense;
- Logistics and Standardization;
- Military Career Management;
- Medical Rehabilitation; and
- Countering IEDs.

At the 2016 Warsaw Summit, NATO and Ukraine

endorsed a Comprehensive Assistance Package (CAP)⁶² meant to consolidate Alliance assistance to Ukraine. The trust funds and the CAP have been modestly successful.

- NATO is now supporting a Regional Airspace Security Program to help Ukraine better handle air-security incidents.
- NATO’s Medical Rehabilitation Program has helped over 150 servicemen and women of the Ukrainian Armed Forces.
- NATO’s Defence Education Program trained nearly 800 Ukrainian military personnel in 2016.
- NATO has provided anti-corruption training and advice to Ukrainian ministries and the National Anti-Corruption Bureau.
- NATO is helping Ukraine to establish a center to monitor and investigate cybersecurity incidents.⁶³

U.S. Must Keep Sanctions Regime in Place over Russian Aggression in Ukraine

Economic sanctions have been the most high-profile U.S. response to Russia’s actions.

On March 6, 2014, President Barack Obama issued Executive Order (EO) 13660,⁶⁴ which declared a national emergency and thus authorized sanctions against people and entities

who have asserted governmental authority in the Crimean region without the authorization of the

58. U.S. Department of State, U.S. Mission to the North Atlantic Treaty Organization, “Fact Sheet: U.S. and NATO Efforts in Support of NATO Partners, Including Georgia, Ukraine, and Moldova,” July 10, 2016, <https://nato.usmission.gov/fact-sheet-u-s-nato-efforts-support-nato-partners/> (accessed March 1, 2017).

59. Morelli, “Ukraine: Current Issues and U.S. Policy.”

60. Oriana Pawlyk, “California Guard May Send More Troops to Ukraine in 2017,” *Military.com*, December 28, 2017, <http://www.military.com/daily-news/2016/12/28/california-guard-send-more-troops-ukraine-2017.html> (accessed March 1, 2017).

61. North Atlantic Treaty Organization, “Fact Sheet: NATO’s Support to Ukraine,” July 2016, http://www.nato.int/nato_static_fl2014/assets/pdf/pdf_2016_07/20160627_1607-factsheet-nato-ukraine-support-eng.pdf (accessed March 1, 2017).

62. North Atlantic Treaty Organization, “Fact Sheet: Comprehensive Assistance Package for Ukraine,” July 2016, http://www.nato.int/nato_static_fl2014/assets/pdf/pdf_2016_09/20160920_160920-compreh-ass-package-ukraine-en.pdf (accessed March 1, 2017).

63. North Atlantic Treaty Organization, “Joint Press Point with NATO Deputy Secretary General Rose Gottemoeller and the Prime Minister of Ukraine, Volodymyr Groysman,” February 9, 2017, http://www.nato.int/cps/en/natohq/opinions_140847.htm (accessed March 1, 2017).

64. *Federal Register*, Vol. 79, No. 46 (March 10, 2014), pp. 13493-13495.

Government of Ukraine—that undermine democratic processes and institutions in Ukraine; threaten its peace, security, stability, sovereignty, and territorial integrity; and contribute to the misappropriation of its assets.⁶⁵

On March 16, 2014, President Obama issued EO 13661,⁶⁶ which expanded EO 13661 to include some officials close to Putin.

On March 24, 2014, the Obama Administration again expanded sanctions with EO 13662,⁶⁷ which authorized sanctions “on certain entities operating in specified sectors of the Russian Federation economy.”⁶⁸

In December 2014, Obama issued EO 13685,⁶⁹ which, among other things, prohibited new investments in Crimea by U.S. individuals and companies,⁷⁰ as well as forbidding U.S. individuals and companies from importing or exporting goods, services, or technology to or from Crimea.

U.S. sanctions relating to Russia’s invasion of Ukraine and occupation of Crimea are administered across the U.S. government. The Department of the Treasury’s Office of Foreign Assets Control (OFAC), the Department of Commerce’s Bureau of Industry and Security, and the State Department’s Directorate of Defense Trade Controls⁷¹ all play a role.

Ukraine-related sanctions have blocked specific individuals involved in the invasion of Ukraine or key Russian government officials. In addition, the U.S. has imposed sectoral sanctions pursuant to EO 13662,

which “blocked the property of any person operating in such sectors of the Russian Federation economy as the Secretary of the Treasury designates.”⁷²

The OFAC lists a number of individuals and entities on its Specially Designated Nationals and Blocked Persons List. In addition, the OFAC has instituted, under EO 13662 and subsequent directives, sectoral sanctions against companies in the financial, energy, and defense sectors,⁷³ listing companies under the Sectoral Sanctions Identifications List.

The BIS also keeps an entity list: “The restrictions on the entities designated on the Entity List vary from a broad prohibition on exports of items subject to the U.S. export control laws to narrowly tailored restrictions on exports for use in connection with certain end-uses.”⁷⁴

Many in Europe are watching what the Trump Administration will do with sanctions. The EU also maintains two types of sanctions against Russia:

- Sanctions linked to progress on the Minsk II agreement and
- Sanctions related to the Russian annexation of Crimea.

Slight cracks are already starting to appear on maintaining European sanctions. Many EU countries depend on trade with Russia and are suggesting that it might be time to review continued sanctions against Russia.⁷⁵ Therefore, what the Trump Admin-

65. News release, “Executive Order—Blocking Property of Certain Persons Contributing to the Situations in Ukraine,” The White House, March 6, 2014, <https://www.whitehouse.gov/the-press-office/2014/03/06/executive-order-blocking-property-certain-persons-contributing-situation> (accessed March 1, 2017).

66. *Federal Register*, Vol. 79, No. 53 (March 19, 2014), pp. 15535-15538.

67. *Federal Register*, Vol. 79, No. 56 (March 24, 2014), pp. 16169-16171.

68. U.S. Department of the Treasury, Office of Foreign Assets Control, “Ukraine/Russia-Related Sanctions Program,” June 16, 2016, <https://www.treasury.gov/resource-center/sanctions/Programs/Documents/ukraine.pdf> (accessed March 1, 2017).

69. *Federal Register*, Vol. 79, No. 247 (December 24, 2014), pp. 77357-77359.

70. Jennifer M. Smith, “Ukraine-/Russia-Related Sanctions Update and Overview: U.S. and EU Reaffirm Sanctions,” Stewart and Stewart, August 8, 2016, <http://www.stewartlaw.com/Article/ViewArticle/1078> (accessed March 1, 2017).

71. *Ibid.*

72. “Understanding OFAC’s Ukraine-Related Sanctions,” Barnes/Richardson Global Trade Law, January 20, 2015, <http://www.barnesrichardson.com/?t=40&an=37279&format=xml&p=3734> (accessed March 1, 2017).

73. Smith, “Ukraine-/Russia-Related Sanctions Update and Overview.”

74. Jones Day, “Increases in U.S. Sanctions Related to Russia and Ukraine Signal Continued Pressure,” Lexology, <http://www.lexology.com/library/detail.aspx?g=c42feaa3-55f3-447d-95c5-ed756c7f979d> (accessed March 1, 2017).

75. Noah Barkin, “Europe’s Policy Toward Russia Is Starting to Crack,” *Business Insider*, June 20, 2016, <http://www.businessinsider.com/r-cracks-emerge-in-the-european-consensus-on-russia-2016-6> (accessed February 13, 2017).

istration does regarding sanctions will set the tone for what Europe will do.

Ukraine Must Continue on the Path to Reform

The Ukrainian economy was hit hard by the war. At the time of occupation, Crimea alone accounted for 4 percent of Ukraine's gross domestic product (GDP).⁷⁶ In 2017, Ukraine's Ministry of Justice assessed the economic damage of Crimea's annexation alone to be \$100 billion.⁷⁷ Russian trade sanctions, the cost of fighting a war, and the loss of foreign direct investment from investors scared away from the nation contributed to a shrinking economy. In addition, corruption and entrenched ways of doing business hurt Ukraine's economic prospects. Ukraine's GDP shrunk by 7 percent in 2014 and 12 percent in 2015.⁷⁸

Ukraine's economy has made some reforms, and increases in agricultural productivity and exports have helped to drive economic growth.⁷⁹ In 2016, the Ukrainian economy grew by around 1.5 percent of GDP, and projections show a growth of 2.5 percent in 2017.⁸⁰ Martin Schuldt, the top representative in Ukraine for Cargill, stated that he believes that by the middle of the next decade, Ukraine will be the third largest food producer worldwide.⁸¹

Corruption remains a serious problem. In February 2016, Ukraine's economic development and

trade minister resigned over frustration with how deeply rooted corruption ran in the economy, saying that "systemic reform is decisively blocked." Ukraine ranked 131st in the world in the Transparency International *2016 Corruption Perceptions Index*.⁸²

Still, it is unfair to say that Ukraine has failed to make significant strides in tackling corruption. Due to Ukraine's progress in this area, in March 2017, an agreement in principal was reached to allow Ukrainian visitors with biometric passports entry to the EU for up to 90 days without a visa.⁸³ This is a major milestone in Ukraine's Euro-Atlantic ambitions and was made possible only because of its reforms. In the fall of 2016, an electronic disclosures database went live,⁸⁴ the result of reforms passed in 2014 mandating that public officials declare their assets. More than 100,000 electronic declarations have already been filed.⁸⁵ The declarations are available for anyone to view online through the National Anti-Corruption Bureau of Ukraine, which was created after the Maidan revolution to root out corruption.

Despite some successes, the bureau's work still faces entrenched roadblocks. The head of the bureau, Artem Sytnyk, stated recently that he sees "growing opposition to the bureau's work as we charge high-ranking politicians and top managers of large state-run enterprises."⁸⁶ Implementation of the judicial reforms passed by the parliament in June 2016 is seen as a key marker in the fight against corruption.

76. Morelli, "Ukraine: Current Issues and U.S. Policy."

77. UAWire, "Ukrainian Ministry of Justice: Ukraine Lost \$100 Billion Due to the Annexation of the Crimea," February 23, 2017, <http://uawire.org/news/the-ministry-of-justice-of-ukraine-has-assessed-the-damage-of-ukraine-from-annexation-of-the-crimea#> (accessed March 1, 2017).

78. "The Ukrainian Economy Is Not Terrible Everywhere," *The Economist*, January 20, 2016, <http://www.economist.com/blogs/freeexchange/2016/01/lviv-not-donetsk> (accessed March 1, 2017).

79. Volodymyr Verbyany, "New 'Locomotive' Power Ukraine as Economy Retools After War," Bloomberg, February 15, 2017, <https://www.bloombergquint.com/business/2017/02/13/new-locomotive-powering-ukraine-as-economy-retools-after-war> (accessed March 1, 2017).

80. International Monetary Fund, "Central, Eastern, and Southeastern Europe Effective Government for Stronger Growth," *Regional Economic Issues*, November 16, 2017, p. 54, <https://www.imf.org/external/pubs/ft/reo/2016/eur/eng/pdf/rei1116.pdf> (accessed March 1, 2017).

81. Alan Bjerga and Volodymyr Verbyany, "That Boom You Hear Is Ukraine's Agriculture," *Bloomberg Businessweek*, October 13, 2016, <https://www.bloomberg.com/news/articles/2016-10-14/that-boom-you-hear-is-ukraine-s-agriculture> (accessed March 1, 2017).

82. Transparency International, *Corruption Perceptions Index 2016*, January 25, 2017, http://www.transparency.org/news/feature/corruption_perceptions_index_2016 (accessed March 1, 2017).

83. Dan Alexe, "EU Parliament Scraps Visa Obligation for Ukraine," *New Europe*, March 1, 2017, <https://www.neweurope.eu/article/eu-parliament-scraps-visa-obligation-ukraine/> (accessed March 1, 2017).

84. Reid Standish and Ian Bateson, "Ukraine Has Opened Pandora's Database of Corruption," *Foreign Policy*, November 4, 2016, <http://foreignpolicy.com/2016/11/04/ukraine-corruption-declaration-poroshenko-clinton-trump-russia-oligarch/> (accessed March 1, 2017).

85. Kateryna Boguslavsk, "Full Disclosure: Tackling Public Corruption in Ukraine," Chatham House, November 30, 2016, <https://www.chathamhouse.org/expert/comment/full-disclosure-tackling-public-corruption-ukraine> (accessed March 1, 2017).

86. Daryna Krasnolutska and Volodymyr Verbyany, "Ukraine's Corruption-Battling Cops Bemoan Growing Resistance," Bloomberg, February 18, 2017, <https://www.bloombergquint.com/politics/2017/02/16/corruption-battling-cops-in-ukraine-bemoan-growing-resistance> (accessed March 1, 2017).

Tackling corruption would improve investment prospects, keep money in the licit economy and out of the pockets of corrupt officials and businesspeople, improve the functioning of government, and rebuild the reservoir of trust that Ukrainian citizens have in their government.

Crafting a Strong Policy on Ukraine and Russia

Recent events in eastern Ukraine have confirmed what many already knew: Ukraine will provide an early test for the Trump Administration. How the new Administration and Congress act now will set the tone for the next four years. Russia's behavior is a direct violation of Ukraine's sovereignty and territorial integrity and shows that Moscow has no genuine interest in bringing the conflict to a peaceful resolution.

A number of steps can be taken to protect America's interests in the region while checking Russian aggression and helping Ukraine through a difficult period. Specifically, the new Administration and Congress should:

Provide political and diplomatic support.

- **Show solidarity with the Ukrainian people.** Many of America's European allies are wondering what the new Administration's policies will be regarding Ukraine. President Trump should deliver a major keynote speech on transatlantic relations and offer America's public support to the people of Ukraine during this difficult period. It should be made crystal clear that Russia's irredentist behavior cannot go unchecked.
- **Show a more visible political presence in Ukraine and pay an early visit.** President Trump or Vice President Michael Pence should make an early visit to Ukraine to get a better understanding of the situation. Furthermore, occasional Cabinet-level visits should be followed up with regular visits by senior officials from all areas of the U.S. government.
- **Take a realistic approach to Russia.** As long as Putin remains in power, the experiences of the George W. Bush and Obama Administrations show that Russia will not be a credible partner of

the U.S. The Trump Administration should learn from the mistakes of the past instead of repeating them in the future.

- **Resist Russia's attempts to link Ukraine to its role in Syria.** The current sanctions on Russia are linked only to Ukraine and the progress, or lack thereof, taking place there—not in any other region (such as Syria). Russian policymakers are likely to try to parlay an increasingly important role in Syria into a reduction in sanctions and legitimation of Russia's control of Crimea. The U.S. should resist these efforts, making it clear to Russia that U.S. policy toward Russia vis-à-vis Ukraine will be judged by Russian actions there, not held hostage to promises of helpful behavior elsewhere.
- **Highlight the persecution of the Crimean Tatars.** President Trump has repeatedly mentioned his desire to highlight the plight of religious minorities. He should invite a delegation of Crimean Tatars to the White House to raise awareness. All of the religious and political persecution taking place elsewhere around the world can make it easy to overlook what is taking place in Crimea.
- **Issue a public nonrecognition statement on Crimea.** In 1940, acting Secretary of State Sumner Welles issued a statement declaring that the U.S. would never recognize the legitimacy of Soviet occupation of the Baltic States. The Trump Administration should issue a similar declaration stating that the U.S. will never recognize the legitimacy of Russian claims to annexed Crimea.
- **Encourage, where possible, countries not to recognize Crimea as part of Russia.** Countries like Cuba or North Korea will always support Russia and will recognize Crimea as part of Russia. However, other countries siding with Russia—which are nevertheless dependent on the financial support and military sacrifices of the West (e.g., Afghanistan)—should be strongly encouraged to change their policy to recognize Crimea as part of Ukraine.

■ **Push for Russia to live up to the commitments it made in the Minsk II agreements.** In his first meeting with Russian Foreign Minister Sergei Lavrov on February 16, 2017, Secretary of State Rex Tillerson stated that the U.S. expects “Russia to honor its commitment to the Minsk agreements and work to de-escalate violence in Ukraine.”⁸⁷ U.S. officials should continue to state clearly that Russia and Russian-backed forces are in violation of the terms of the Minsk II peace agreement.

■ **Restrict the movement of Russian officials attending U.N. activities in New York City until Crimea is returned and Minsk II is fully implemented.** The U.S. is obliged to allow officials, even those under a travel ban, to attend U.N. meetings in New York City. However, the U.S. government does not have to allow them free access to the rest of the country and so should impose a 25-mile movement limit on any Russian official attending a U.N. meeting in New York City and on any Russian U.N. staff permanently based at the mission. This can be applied to Russian delegations to other international organizations with offices in the U.S.

■ **Ensure that Ukraine is on the agenda for NATO’s minisummit in May.** NATO must continue to present a united voice against Russian aggression against Ukraine, reiterating the need for a complete restoration of Ukraine’s territorial integrity. Furthermore, the NATO-Ukraine Commission should meet at the head-of-state or head-of-government level as a sign of Alliance commitment.

Offer economic support and support for reform measures.

■ **Make a clear commitment to continue Ukraine-related sanctions against Russia.** Russia continues to occupy Crimea as well as

to violate daily the terms of the Minsk II agreement, fanning the flames of a conflict that continues to engulf Ukraine. As long as Russia violates Ukraine sovereignty, the U.S. should continue economic sanctions against those who are responsible.

■ **Affirm an enduring commitment to sanctions in Congress.** Current U.S. sanctions are based upon executive orders. Congressional action to incorporate into legislation sanctions on Russia for its aggression in Ukraine would help to demonstrate long-term U.S. commitment to the security of Europe. As Senator Rob Portman (R-OH) recently said, lifting sanctions “for any reason other than a change in the behavior that led to those sanctions in the first place would send a dangerous message to a world already questioning the value of American leadership and the credibility of our commitments after eight years of Obama administration policies.”⁸⁸

■ **Work with allies in Europe to maintain solidarity on sanctions.** The U.S. should strongly encourage allies in Europe to keep sanctions in place against Russia for its actions in Ukraine. In December, EU sanctions were extended through July 31, 2017.⁸⁹ The U.S. should work with its European allies to ensure that these sanctions remain in place as long as Russia continues its aggression.

■ **Focus on Ukraine’s achievements in fighting corruption and not on unrealistic expectations.** Social, economic, and political reforms in Ukraine will take time. Reform is a process, not a single event. Western policymakers need to support Ukraine on the path to reform, even if change takes a whole generation.

■ **Promote economic and political reform in Ukraine.** The U.S. and Europe should cooperate to enhance governance in Ukraine. Tackling corruption and building a vibrant, free economy

87. Saim Saeed, “Tillerson Warns Russia to Respect Ukraine Commitments,” *Politico*, February 16, 2017, http://www.politico.eu/article/tillerson-warns-russia-to-respect-ukraine-commitments/?utm_content=buffera2fb6&utm_medium=social&utm_source=twitter.com&utm_campaign=buffer (accessed March 1, 2017).

88. *Ibid.*

89. News release, “Russia: EU Prolongs Economic Sanctions by Six Months,” The European Council, December 19, 2016, <http://www.consilium.europa.eu/en/press/press-releases/2016/12/19-sanctions-russia/> (accessed March 1, 2017).

to attract foreign direct investment will go a long way toward securing Ukraine's future.

- **Work to assist Ukraine in successful implementation of judicial reform.** An honest, non-political judiciary that carries out the law impartially will greatly assist in stabilizing Ukraine's economy, attracting investment, and rooting out corruption.
- **Be honest about Ukraine's progress and setbacks.** While the work of reform is far from over in Ukraine and in many cases has just begun, U.S. policymakers should not play into Russian propaganda about Ukraine as a failed state by focusing only on the negative. The U.S. should hold Ukraine to account where it is failing and praise Ukraine for the strides it has made in tackling entrenched economic and political challenges.
- **Work with European countries to help Ukraine support its Internally Displaced People (IDPs).** Fighting in eastern Ukraine has led to an estimated 1.8 million IDPs. They are in Ukraine only because of the country's large geographical size. However, if major fighting was to reoccur, the IDPs could become refugees spilling over into Ukraine's neighbors. This would add to Europe's existing refugee problem and have a destabilizing effect.
- **Ensure the effective use of financial aid.** The central government in Kyiv's agenda for the use and allocation of international aid is often at odds with local requirements. Politics and corruption in Kyiv sometimes reduce the impact of international aid out in the regions. Organizations such as the U.S. Agency for International Development should coordinate with the central government to develop a better understanding of regional and local needs for international assistance and develop policies to ensure that aid reaches the proper parties.

Provide military and security support.

- **Supply weapons to Ukraine.** Every country has the right to self-defense. Weapons can be an effective

part of a larger strategy for assisting Ukraine. As authorized by the 2016 National Defense Authorization Act, the U.S. should appropriate funds to increase its assistance to the Ukrainian military to include anti-armor weapons, anti-aircraft weapons, and small arms.

- **Improve the quality of nonlethal support to Ukraine.** The U.S. has provided nonlethal support to Ukraine since 2014 in the form of cold-weather gear, military rations, radios, counter-battery radars, and unmanned aerial vehicles (UAVs). While such support is welcome, the U.S. needs to improve the quality of equipment provided, especially in terms of secure communications and more capable UAVs.
- **Continue joint exercises with Ukrainian forces.** U.S.-led and NATO-led training exercises in western Ukraine have helped to create a professional and capable Ukrainian military. This is in America's long-term interest. Any planned joint training exercises between the U.S., NATO, and Ukraine should continue, and more training opportunities should be considered. In addition, NATO countries should continue robust participation in exercises in or near Ukraine, especially the Rapid Trident and Sea Breeze exercises.
- **Work with Ukraine to improve its wounded warrior care.** Ukrainian soldiers have fought gallantly against Russia, but not without terrible costs to life and limb. More than 23,000 Ukrainians have been wounded.⁹⁰ Thanks to advancements in battlefield medicine made possible because of more than 16 years of combat operations in Afghanistan and Iraq, the U.S. is well placed to share best practices with Ukraine. This is particularly true with the invisible wounded soldiers suffering from post-traumatic stress disorder and other mental-health-related issues. In extremis, the U.S. should consider providing long-term medical care and rehabilitation support to some of the most seriously wounded soldiers to show solidarity with and support for the Ukrainian people.
- **Reaffirm NATO's open-door policy for Ukraine.** NATO should reaffirm that its open-

90. Interfax-Ukraine, "Nearly 10,000 Ukrainians Killed, 23,000 Wounded Since War Started."

door policy remains in place and that Russia does not have a veto right, including for potential future Ukrainian membership.

- **Evaluate the 2014 Wales Summit trust funds.** NATO should evaluate the effectiveness of the trust funds established at the 2014 Wales Summit. For example, NATO's devoting resources for counter-improvised explosive device (IED) training makes little sense when IEDs are not a major threat to the Ukrainian military. If deemed effective, Alliance members should be encouraged to increase voluntary contributions to the trust funds.
 - **Ensure that NATO's trust funds are fully funded.** The total budget of these new funds is about \$9.5 million. To date, only half of this amount has been raised.⁹¹ President Trump should apply pressure on allies to ensure that they are contributing their fair share.
 - **Focus NATO's Centers of Excellence on the war in Ukraine.** NATO should encourage NATO's Centers of Excellence to assist Ukraine in facing Russian aggression, especially at the centers focusing on cyberspace (Estonia), energy security (Lithuania), and countering propaganda (Latvia). The Alliance should consider inviting Ukraine to become a Contributing Participant in each of these three centers.
 - **Work with NATO to open a NATO-certified Center of Excellence on Hybrid Warfare in Ukraine.** There is no precedent for a Center of Excellence being in a non-NATO country; however, doing so can improve NATO-Ukraine relations and show how important the war in the Donbas has become for Europe's overall security. The Center of Excellence would provide an opportunity to engage in meaningful dialogue and training in how to address the challenges associated with hybrid warfare, using lessons learned from the fighting in the Donbas.
- **Reiterate America's commitment to Europe.** President Trump should reiterate that it is in America's best interests to remain actively engaged in NATO. A peaceful, stable Europe has led to economic, political, and military dividends that have had an immeasurably positive effect on the U.S.
 - **Commit unconditionally to America's NATO treaty obligations.** Although Ukraine is not in NATO, there are concerns that Russia's aggression could bleed into NATO countries. As long as the U.S. remains a member of the Alliance, it must make crystal clear to any adversary that an attack on one NATO member will be considered an attack on all. Any deviation from this commitment will only invite aggression.
 - **Lead NATO back to basics.** NATO does not have to be everywhere doing everything. It does not have to become a global counterterrorism force or the West's main tool for delivering humanitarian aid. However, as events in Ukraine have shown, NATO does have to be capable of defending its members' territorial integrity in Central and Eastern Europe.
 - **Develop a strategy for the Black Sea region.** The Black Sea sits at an important crossroads between Europe, Asia, and the Caucasus. Since Russia's illegal annexation of Crimea, the Black Sea has essentially become a Russian lake. This is a direct threat to U.S. and NATO security interests. Many of the recent initiatives at the NATO level have not met expectations. The U.S. should be a leader inside the Alliance to develop meaningful ways to work with the Black Sea littoral states to develop a strategy for regional security.

Maintain America's broader security interests in the region.

Needed: U.S. Leadership

While the future success of Ukraine will rest in large part on the shoulders of Ukrainians themselves, U.S. leadership is essential for counteracting Russian aggression and supporting reform. The new Trump Administration and the U.S. Congress should

91. East European Security Research Initiative, "NATO Trust Funds' Assistance to Ukraine," November 7, 2016, <http://eesri.org/2016/11/nato-trust-funds-assistance-to-ukraine/> (accessed March 6, 2017).

not hesitate to provide support for Ukraine. Rather, the U.S. should seize the opportunity to move quickly and robustly to reaffirm American commitment and support for the people of Ukraine. In turn, this will make both America and its allies safer.

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