



UKRAINIAN AMERICAN BAR ASSOCIATION

Асоціація Українських Правників Америки

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Ukrainian American Bar Association Urges Immediate Defensive Military Assistance to Ukraine

In 1997, the Carnegie Endowment for International Peace opined that “Ukraine will do much to determine whether Europe and the world in the twenty-first century will be as bloody as they were in the twentieth.” Ukraine is the largest European country. Red Russia’s conquest and occupation of Ukraine was key to the formation and viability of the Soviet Union. Ukraine’s declaration of independence in 1991 made that “Union” no longer possible. The Cold War was suddenly over. But Russia has now reinvaded a portion of Ukraine and is threatening to expand its military aggression further into Ukraine, which would in effect reverse the resolution of the Cold War. The United States and the West should not countenance such a reprise or passively accept all that this would imply for our national security and the security of our European allies.

Thus, for reasons of geopolitical prudence, the defense of Western values and fundamental morality, the Ukrainian American Bar Association urges our Government and NATO to provide Ukraine with immediate defensive military assistance. If reports about what Ukraine has requested are accurate, such assistance should include anti-tank and anti-aircraft equipment, border control equipment, communications gear, mine-clearing equipment, vehicles, ammunition, fuel and medical gear.

Our action or inaction with respect to the crisis in Ukraine does not merely implicate regional interests. As reported in the world’s media, whether in Eastern Europe, the Far East or the Middle East, both our country’s allies as well as those who have already violated international norms and those who may be tempted to do so in the near future have watched our response to the Russian invasion and occupation of Crimea closely. Our taking the view that the Budapest Memorandum does not obligate us to defend Ukraine has caused concern among our allies such as Japan and, if our passivity is continued, may well embolden our challengers.

In the now famous words of President Kennedy, if you fool me once, shame on you; if you fool me twice, shame on me. Russia has already fooled the United States and the rest of the world once when it lied about not having designs on Crimea. For reasons set forth below, we should not now allow Russia to fool us again with respect to its subornation or invasion of the rest of Ukraine.

At issue with respect to the Ukraine crisis is not a matter of influence or spheres of interest but unambiguously predatory aggression by Russia in Crimea, piracy of Ukrainian naval assets in and around Crimea, military intimidation with the massing of tens of thousands of troops and tanks on Ukraine’s borders, and now attempts at internal subversion, as reflected by the recent arrest of Russian special operations agents in Kyiv who had plans to detonate the Ukrainian parliament building and the Russian attempts at subversion in Donetsk, Luhansk and Kharkiv.

Ukraine does not seek and the United States is understandably not prepared to put any boots on the ground to defend against further Russian aggression. That said, it would be highly imprudent to fail to help Ukraine defend itself. To begin, at the strong urging of the United States and the West, Ukraine in the 1990’s voluntarily gave up its entire nuclear arsenal, then the third largest in the world, and signed the nuclear non-proliferation agreement. In return, the United States, Britain and Russia signed the Budapest Memorandum in which the signatories assured Ukraine’s sovereignty and territorial integrity. If the United States now fails even to provide defensive military assistance to Ukraine when it is under immediate threat and after it has already been invaded, our ability to persuade or induce other international actors to give up or forswear nuclear arms will be fatally compromised.

Second, our strong preference for seeking diplomatic resolutions to foreign challenges, while, in light of certain earlier entanglements that cost us much blood, treasure and credibility, is obviously laudable, where such measured and practical rationality does not produce clearly positive solutions, we may understandably be viewed internationally as dithering and, thus, temporarily weak. As a matter of core national security and national interests, we cannot afford to be viewed in this light, however unfairly or unreasonably.

Third, if we do not help Ukraine help itself immediately and wait to react until after Russia has further engaged in aggression, we will both lose credibility and find ourselves in the difficult reactive position of having to expend very considerable political and economic resources to mobilize real sanctions against the Putin regime in a Europe that has not yet recovered from the last economic recession and in the face of very strong private business interests that care principally about their bottom line rather than any geopolitical considerations.

In addition to geopolitical considerations, there is the issue of the defense of Western values and the defense of the post-World War II and the post-Cold War order, both of which were achieved through the expenditure of tremendous human and financial capital. As David Remnick, the well known observer of Russia has recounted in the April 2 issue of *The New Yorker*, after the Russian invasion of Crimea followed by president Putin's triumphant but deeply resentful of the West speech, a leading Moscow columnist wrote in *Komsomolskaya Pravda*, the most popular daily in Russia, that "the Soviet Union, like the phoenix, has been reborn." And, that "it is not Crimea that has returned. It is we who have returned. Home. To the U.S.S.R." As uncomfortable as it may be to force ourselves to acknowledge that we are dealing with a regime that has reignited an atavistic, primitive form of nationalism and imperialism, the failure to do so will not make it go away or preclude it from causing ongoing damage both to our interests and those of our allies as well as to what remains of the international order.

There are, in addition, important moral considerations that militate in favor of providing defensive military aid to Ukraine. To begin, in addition to taking the unique step of giving up its nuclear arsenal, Ukraine has been a very good international citizen. Since its independence in 1991 and in response to U.N. or NATO requests, Ukraine has sent over 28,000 military and civilian personnel to help participate in numerous international peacekeeping and security operations during which 27 of those personnel were killed. Ukraine's soldiers and civilians have, for example, served in Kosovo, Afghanistan, Liberia, Congo and the Transdnistria region of Moldova.

Further, as George Kennan noted in his diaries in 1944, "The jealous and intolerant eye of the Kremlin can distinguish, in the end, only vassals and enemies, and the neighbors of Russia, if they do not wish to be one, must reconcile themselves to being the other." As the University of Alabama at Birmingham historian George Liber has noted in his forthcoming history of Ukraine, over 13 million Ukrainians were killed during the 20th century, most by or at the direction of Stalin and his minions in Moscow, but with his former ally Hitler making a significant contribution in corpses as well. The Yale historian Timothy Snyder has called Ukraine part of what he has termed the "Bloodlands." Russia is now seeking to re-impose vassal status upon Ukraine. In light of the above-mentioned history, it would be immoral now to fail to help Ukraine help itself to avoid that fate.

Lastly, whether out of ignorance or indifference on the part of all of those to whom Ukrainians simply didn't matter enough, the world was silent in 1932-33 as Stalin's regime ordered and carried out the deliberate starvation of millions of men, women and children in the Ukrainian countryside in order finally to bring Ukrainians to heel in what is today referred to as the Holodomor. It would be more than indecent if we again did nothing as Russia seeks to devour pieces or all of Ukraine.

Ukrainian American Bar Association by all the Officers and Governors of the UABA

For further information, please contact

Myroslaw Smorodsky, Esq.

Communications Director of the Ukrainian American Bar Association (UABA)

Tel: 201-507-4500; Email; myroslaw@smorodsky.com; Website; www.smorodsky.com