



# UKRAINIAN AMERICAN BAR ASSOCIATION

## Асоціація Українських Правників Америки

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COMMENTARY: September 20, 2014

### Ukraine to the US: "*Live free or die!*"

### The US to Ukraine: "*Do the best you can!*"

On September 18, 2014, I had the honor and privilege [at the invitation of Congressman Bill Pascrell. (D-NJ), a strong supporter of Ukraine] to personally witness a truly historic event - Ukrainian President Petro Poroshenko addressing a joint session of Congress. President Poroshenko's speech was very eloquent and emotionally charged, but laser focused on the realities of Ukraine's present geopolitical situation. His oration garnered many a standing ovation from members of the House and Senate. His speech emphasized that Russia's war against Ukraine is not only a local war of aggression, but, if this unprovoked hostility in violation of international norms is not contained and reversed now, it will infect Europe in the future with bloodshed and will ultimately militarily engage the United States, thus, returning the world to the dangerous [and possibly] nuclear bipolar political and military stance that existed in the previous century. In President Poroshenko's words "*It is Europe's, and it is America's war, too. It is a war of the free world – and for a free world!... To prevent this, thousands of Ukrainian soldiers are in the line of fire right now*".

The Ukrainian President pointed out that in the Budapest Memorandum of 1994, Ukraine voluntarily surrendered the 3rd largest nuclear arsenal in the world. In return, Russia, the United Kingdom, France and China **and the United States** agreed, jointly and severally, to assure Ukraine's economic, political independence and territorial integrity. In the past year, Russia breached this international agreement in a blatant and violent manner. It first invaded and annexed Crimea, and then instigated an insurrection in Eastern Ukraine by alleged separatists/terrorists that were guided and supported by Russian troops, which hostilities are in reality an invasion and violation of Ukraine's territorial integrity. During the course of this Kremlin inspired "insurrection", 298 lives were lost in the downing of Malaysian flight 17 by Russian equipped terrorists. President Poroshenko emphasized that "*the United States made a commitment that it would stand behind Ukraine's territorial integrity – and we hope that it will live up to that promise.*"

The Ukrainian President's speech ended with an emotional appeal to America. He said:

*"Live free or die!" – was one of the mottos of the American Revolutionary War.*

*"Live free or die!" – was the spirit on the revolutionary Maidan during the dramatic winter months of 2014.*

*"Live free or die!" are the words of Ukrainian soldiers standing on the line of freedom in this war.*

*"Live free!" – must be the answer, with which Ukraine comes out of this war.*

*"Live free!" – must be the message Ukraine and America send to the world, while standing together in this time of enormous challenge.*

The question arose in my mind: So what has been the reaction of the United States to date and what will be its future response to Russia's blatant invasion of Ukraine and Moscow's overt violation of the Budapest Memorandum? And how would the American President react to Ukraine's impassioned plea for military aid?

Needless to say, the initial response to Russia's invasion were numerous verbal condemnations of the Kremlin's actions which resounded vociferously throughout the world. All civilized nations deplored this blatant and callous undermining of the basic principles of international law that were the cornerstone of the peace and stability on the European continent for 70 years after World War II. As a stern scolding of Russia, the United States and the EU instituted a variety of economic sanctions on an escalating basis. It is true that these economic sanctions have had a negative effect on Russia's economy, but it has not stopped the Kremlin's aggression [much less reversed it] and Putin has doubled down even further on his bellicose rhetoric and actions. The United States had also pledged nonlethal military support to Ukraine such as food rations and blankets for the Ukrainian Armed Forces; a poorly prepared military which is defending Ukraine from the onslaught of a well-equipped, fully armed Russian fighting apparatus [much

of whose weaponry was purchased by Russia from the West]. Ukrainian President Poroshenko acknowledged and appreciated this American non-lethal assistance for Ukraine but stated Ukraine's soldiers in the field "*.. need more military equipment – both non-lethal and lethal. Blankets and night-vision goggles are important but one cannot win the war with blankets Even more, we cannot keep the peace with a blanket.*"

Recently, the American Congress initiated legislation that would give President Obama the authority to grant lethal and nonlethal military aid to Ukraine. The Ukraine Freedom Support Act of 2014 sailed through the Foreign Relations Committee of the Senate with unanimous bipartisan vote in short order. Similar bills were introduced in the House: H.R. 5241 "Crimea Annexation Non-Recognition Act" which prohibits any recognition of the annexation of Crimea by the Russian Federation; H.R. 5190, the Ukraine Security Assistance Act of 2014, authorizes the President to give military assistance to Ukraine and the designation of Ukraine as a Major non-NATO Ally (MNNA). Hopefully, Congress will act upon this legislation in a timely manner since time is of the essence for Ukraine.

After his speech, President Poroshenko ceremoniously met with American President Obama at the White House only to get additional verbal assurances and pontifical statements of solidarity – but no lethal military assistance nor MNNA status. Apparently, the core foreign policy principle of the United States towards Ukraine [as expressed by President Obama at a fundraiser earlier this month] is that since the US "does very little trade with Ukraine, what happens to Ukraine doesn't pose a direct threat to America." In essence, money trumps all! Is that what "*live free or die*" means? Is that one of the founding principles of our democratic society? This ill-founded foreign-policy position is grossly naïve at best and is grounded on a systemic lack of understanding of the historical realities of the existing world order, how it came to be, and inadvertently puts global stability into great jeopardy. International agreements are not to be disregarded merely because there's no money in it - especially if they deal with nuclear nonproliferation. What happened to our solemn pledges to uphold the principles of sovereignty and territorial integrity of nations as embodied in the UN charter, the Helsinki Accords, the Budapest Memorandum and a plethora of other international agreements? America readily supplies lethal weapons worth billions of dollars to questionable allies in the Middle East. We are ready to put "boots on the ground" to protect countries in that region, many of which have well-equipped armies of their own and the economic strength to fully support their own military, but these same countries do not put their citizenry's boots on the ground to defend their own territorial integrity from invasion. We are asked to do it for them - and we have done that! However, when it comes to Ukraine, which does not ask America to put our soldiers in the line of fire - Ukrainians already have their sons and daughters dying daily on the front lines - but asks only for adequate weapons so that Ukraine's sons and daughters can suitably defend themselves, America rebuffs Ukraine's dire requests with lame excuses.

The Obama Administration must seriously take a long hard look at itself and its foreign-policy and the image it portrays of the United States and of our core American principles to the rest of the world. The Administration must recognize that its present anemic policy towards Ukraine jeopardizes our own country's national security in the future. Regrettably, the Administration's actions to date have given the green light to despots in other countries [ i.e. Putin] to ignore international norms and freely grab territory by unprovoked surreptitious warfare. These dictators only need to make an economic calculation as to whether they can withstand the financial price of a scolding by the West--and all international agreements, promises, and pledges they signed don't matter. International politics and world law and order should not be all about money. In the long run, the present American myopic foreign policy towards Ukraine will unwittingly create a conflagration on the European continent in which our children or grandchildren will be putting their "boots on the ground". America can continue to give blankets to Ukrainian soldiers so they can be warm in the winter -- and also to use them to cover and bury their dead. But, by failing to give Ukrainians the necessary means to defend themselves, we, as a country, are telling Ukraine "*Do the best you can!*". And that is simply the wrong message! It does not reflect the principles of freedom upon which this country was created. We Americans should and must do much, much more to aid Ukraine and to reestablish the primacy of the principles that we claim are our core values - and that our promises mean something.

***The opinions expressed herein are solely those of the author***

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