

Strengths and weaknesses of US foreign policy

Dr Gayane Novikova

A rapidly-changing strategic landscape demands additional flexibility from global and regional actors. President Biden’s mantra in his first days in the White House – “America is back” – indicated the renewed involvement of the USA in world affairs. It also meant that the US *modus operandi* as the most advanced actor in the great power competition, will be defined by its focus on preventing – as much as possible – any strategic vacuum that can be filled by its rivals, primarily China and, to a lesser extent, Russia.

These brief analyses of the ongoing Armenia–Azerbaijan conflict and the Ukraine–Russia and Israel–Palestine wars seek to outline some aspects of the strengths and weaknesses of US foreign policy through an evaluation of three critical parameters: the US role as a mediator; US military and security assistance; and its approach to human rights violations.

The simmering Armenia–Azerbaijan conflict

After the end of the first Nagorno-Karabakh war (1991–1994) the US became one of the mediators (or Co-Chairs) of the OSCE Minsk Group, together with Russia and France, while simultaneously offering a separate Armenia–Azerbaijan negotiation track under a US umbrella.

After the 2020 Nagorno-Karabakh war, Azerbaijan restored its control over the territories around the enclave. On 19–20 September 2023, after a nine-month blockade culminated in a large-scale military attack, nearly the entire ethnic Armenian population of Nagorno-Karabakh fleeing the enclave, with over 100,500 people out of an estimated 120,000 leaving by 3 October, and more fleeing in the following weeks. This development led to Armenia’s Prime Minister Nikol Pashinyan accusing Azerbaijan of conducting the ethnic cleansing of the region. This restoration of Azerbaijan’s sovereignty over its internationally-

Credit: Narek Aleksanyan



Exodus of ethnic Armenians from their homes in Nagorno-Karabakh (The former self-proclaimed Republic of Artsakh), on 19 September 2023.

recognised territory through violent and coercive means, as well as an invasion of Azerbaijan’s military forces into Armenia proper in the aftermath of the 2020 war, have dramatically reshaped the situation in the region. This newly-established status quo provides more opportunities for direct – although ambivalent – US involvement. The Biden Administration welcomed the beginning of the delimitation and demarcation of the Armenian–Azerbaijani international borders without making any reference to the continuous violation of Armenia’s sovereignty by Azerbaijan. The US succeeded in bringing the parties to the conflict together, hosting three meetings between the foreign ministers of Armenia and Azerbaijan in Washington DC, with the most recent taking place on the margins of the NATO Summit on 10 July 2024. Despite the host’s optimistic statements, the positions of the parties to the conflict on several core issues remain significantly

different. Moreover, since the outbreak of the Russo–Ukrainian War, Azerbaijan has been viewed as an indispensable provider of energy resources to the West and an important transport corridor. At the same time, Baku demands new concessions from Yerevan under the threat of force. It is not interested in any peace agreement with Armenia, especially with the involvement of international (including US) mediators. When compared to other recipients, Armenia’s and Azerbaijan’s shares in US defence and security assistance within the frameworks of Foreign Military Financing (FMF) and International Military Education & Training (IMET) programmes are insignificant. However, owing to several reasons, the US was providing disproportionately more assistance to Azerbaijan than to Armenia. Initially, Congress adopted Section 907 of the 1992 Freedom Support Act, thereby prohibiting the provision of any direct security assistance to the Azerbaijani

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Credit: Armenian MFA

On 10 July 2024, under the initiative and with participation of the US Secretary of State Anthony Blinken (centre), the Minister of Foreign Affairs of Armenia Ararat Mirzoyan (right) and Minister of Foreign Affairs of Azerbaijan Jeyhun Bayramov (left) met in Washington DC in the framework of their participation at the NATO 75th Anniversary Summit.

government. In 2002, Congress waived this section, proclaiming Azerbaijan a valuable partner in its 'global war on terror', and approved a mechanism for an annual renewal of the waiver. According to the US Government Accountability Office (GAO), in fiscal years (FYs) 2002–2020, Azerbaijan received USD 164 million in aid and assistance, including USD 100 million provided by the Trump Administration in 2018–2019 under the Pentagon's Building Partner Capacity Programme. In the same period, Armenia mostly received aid to the tune of between a few million dollars to around USD 10 million annually.

After the 2020 Nagorno-Karabakh war, several attempts were made to halt US military assistance to Azerbaijan. The strongest pressure was put on Congress in July 2023 during the course of the blockade of the ethnic Armenian population of Nagorno-Karabakh by Azerbaijan's armed forces. The 13 pro-Armenian/pro-Artsakh Amendments were introduced to the NDAA (National Defence Authorization Act) Bill. Part of these amendments reflected upon the violation of human rights by the Azerbaijani authorities; however, some aimed to clarify the US role in this conflict.

In particular, the Amendments required:

- a) "the Secretary of State to report on if US assistance to Azerbaijan is being used to undermine the status of ongoing peace negotiations with Armenia;"
- b) to investigate whether "US parts and technology discovered in Turkish Bayraktar drones deployed by Azerbaijan against Nagorno-Karabakh, Azerbaijan's use of prohibited munitions;"

- c) whether Turkish F-16 jets were used during the 2020 war; and
- d) to prohibit the respective Departments from "authorizing new export licenses for offensive weapons for Azerbaijan, until Azerbaijan ceases the offensive use of force against Armenia and Nagorno-Karabakh". Azerbaijan's energy partnerships with Russian and Iranian companies, which undermine international sanctions, were also questioned.

Although all these amendments were ruled out, in November 2023 the Senate unanimously voted for cutting off US security assistance to Azerbaijan for FY 2024 and 2025, banning the President from issuing a waiver to unlock it.

On 26 April 2024, the bipartisan Azerbaijan Sanctions Review Act of 2024 Bill was initiated. If it passes, it will sanction 44 Azerbaijani officials responsible for alleged violation of human rights in Nagorno-Karabakh. The bill refers to the Global Magnitsky Human Rights Accountability Act and Section 7031 of the State, Foreign Operations and Related Programs Act.

Armenia's hesitant drifting to the West has manifested in an attempt to diversify its foreign and security policies. Although Washington cannot and will not provide any security guarantees to Yerevan, it can still deepen cooperation with Armenia, in particular with regards to defence and security. As a step in this direction, the second Armenia–US Strategic Dialogue Capstone Meeting (11 June 2024, in Yerevan) where the parties emphasised their readiness "to replace this strategic

dialogue with a strategic partnership commission... for deeper cooperation." Armenia twice hosted the joint US–Armenia military peacekeeping exercise Eagle Partner (September 2023 and July 2024), which focused on improving interoperability between the partners. The parties announced a decision to dispatch a first US military adviser to the Ministry of Defence of Armenia as a commitment to bilateral relations and mutual interests in security and defence.

Russia and Azerbaijan permanently express their concerns regarding US involvement in the region, viewing Armenia–US cooperation as a threat to their coinciding strategic interests.

The Russo–Ukrainian War of attrition

Russia's annexation of Crimea in 2014 and subsequent Donbas War was not only a prelude to the full-scale Russo–Ukraine war in early 2022, but also an indication of a widening gap between the positions of the parties involved. To a certain degree, Russia's leadership underestimated Ukraine's readiness to defend its sovereignty and territorial integrity, as well as the unity of the Western Allies in their determination to punish the aggressor. Conversely, the Allies have underestimated Russia's capacity to withstand pressure.

In the first months following Russia's 2022 invasion of Ukraine, there was an illusion that Ukraine would proclaim neutrality. In late February–early April 2022, Ukraine and Russia held direct peace talks; However, now, after more than two and a half years of fierce fighting, this option is all but excluded. Any possible compromise would be viewed by either party as capitulation. As for now, Washington also excludes any possibility of direct peace negotiations between Kyiv and Moscow.

In 2002–2014, the US focused primarily on providing Ukraine with military training programmes to enhance interoperability with NATO, small arms transfers, and logistical support. In 2014–2016, the US extensively provided non-lethal military aid. In 2017–2022, lethal military assistance (such as Javelin anti-tank missiles and associated training) became a part of broader efforts to deter Russia and to support Ukraine's sovereignty. All these steps were viewed by Russia as provocative.

Over this entire period, Ukraine gradually became the major recipient of US military and security assistance. The following



Airmen with the 305th Aerial Post Squadron upload munitions onboard a C-17 Globemaster III at Joint Base McGuire-Dix-Lakehurst, New Jersey, on 30 April 2024. The munitions cargo is part of a security assistance package for Ukraine.

three documents present a legal foundation for the US–Ukraine partnership:

- The Strategic Defense Framework between the United States Department of Defense and the Ministry of Defence of Ukraine (August 2021);
- the US-Ukraine Charter on Strategic Partnership (November 2021);
- and the most important, the 10-year ‘The Bilateral Security Agreement Between the United States of America and Ukraine’ (June 14, 2024).

According to the latter document, “The security-related commitments ... are intended to support Ukraine’s efforts to win today’s war and deter future Russian military aggression.” At the NATO Washington Summit in July 2024, the US played a crucial role in coordinating and combining the Allies’ efforts in support of Ukraine’s victory over Russia in the long run and in promoting Ukraine’s “irreversible path” towards NATO membership.

In May 2024, the Council on Foreign Relations published an analysis on the USD 175 billion provided by the US to Ukraine in military assistance since February 2022, emphasising that only USD 107 billion has directly aided the Government of Ukraine (USD 69.8 billion for military aid, USD 34.2 billion for budget support, and USD 2.9 billion for humanitarian support). The rest goes to various US-based military-industrial enterprises and activities associated with the war, while a rather symbolic (small) portion supports other affected countries in the region.

Russia has been hitting Ukraine’s infrastructure from the air in parallel with offensive land operations. In May 2024, the US authorised the use of US munitions across the Russia–Ukraine border in support of Ukraine’s defensive strikes. In the meantime, all existing restrictions on the use of longer-range weapons, especially ATACMS, remain despite appeals from Ukrainian au-



President of Ukraine Volodymyr Zelenskyy with the Leaders of US Congress Chuck Schumer and Mitch McConnell, during NATO’s 75th summit, in Washington DC, on 9 July 2024.

thorities. In early June 2024, the US Administration approved the deployment of the second PATRIOT missile system to Ukraine, delivered from Poland; Germany and The Netherlands have so far delivered one PATRIOT system each. On 20 June, the White House announced that, upon an agreement with its Allies, Ukraine will begin receiving PATRIOT and National Advanced Surface-to-Air Missile Systems (NASAMS; of which Ukraine presently possesses 15 batteries) by the end of summer 2024; these shipments were initially intended for other states. A transfer of F-16 fighter jets was scheduled for mid-summer of 2024 with the first batch expected from The Netherlands (24) and Denmark (19), presumably after these states receive F-35s to replace the F-16s. On 31 July, Ukraine received its first 10 F-16s.

The US Administration has imposed a broad range of sanctions as one of the mechanisms to deter Russia’s aggression and to punish Russian individuals and enterprises directly involved in the war and in the violation of human rights in Ukraine. Considering that the effectiveness of these sanctions falls short of earlier expectations, the US initiated a discussion around making use of frozen Russian assets, totalling some USD 280–300 billion. At the 2024 G7 Summit, it succeeded in unlocking USD 50 billion in the proceeds from these assets, to be used to restore and reconstruct Ukraine’s energy sector, cover its budget needs, and to some extent, support its military procurement. Some analysts argue that this step, while beneficial in the short-term perspective, could have long-term negative consequences for the US economy, potentially weakening the dollar’s status as the main global reserve currency. An important aspect of US actions regarding the war in Ukraine is its response to war crimes committed against the Ukrainian population. An international team of investigators and prosecutors has been collaborating with colleagues from Ukraine’s Office of the Prosecutor General in preparing war crimes cases. Meanwhile, the Pentagon initially hesitated to share US military intelligence information on alleged atrocities with the International Criminal Court (ICC), though in June 2023, President Biden ordered the government to begin providing relevant information to the ICC.

The never-ending Israeli-Palestinian conflict

This conflict is probably the most sensitive and complex issue for the US, as it has direct and significant implications for its foreign and domestic policies. As one of the guarantors of the establishment of the



Credit: WAFA Agency, via Wikimedia Commons (CCA-SA 3.0)

Damage following an Israeli airstrike on the El-Remal area in Gaza City on 9 October 2023.

two – Jewish and Palestinian – states [in accordance with UNGA Resolution 181, 29 November 1947], since the beginning of the conflict the US has played a critical role in the negotiations. However, the activities of Palestinian terrorist organisations supported by Iran, and a suppression of the rights of the Palestinian people by the Israeli right-wing government have shattered the status quo established in the last decade. Israel's justifiable response against Hamas followed after the latter's horrific attacks

on 7 October 2023, soon transformed into a full-scale disproportionate war waged by the Israeli Defence Forces against the population of Gaza.

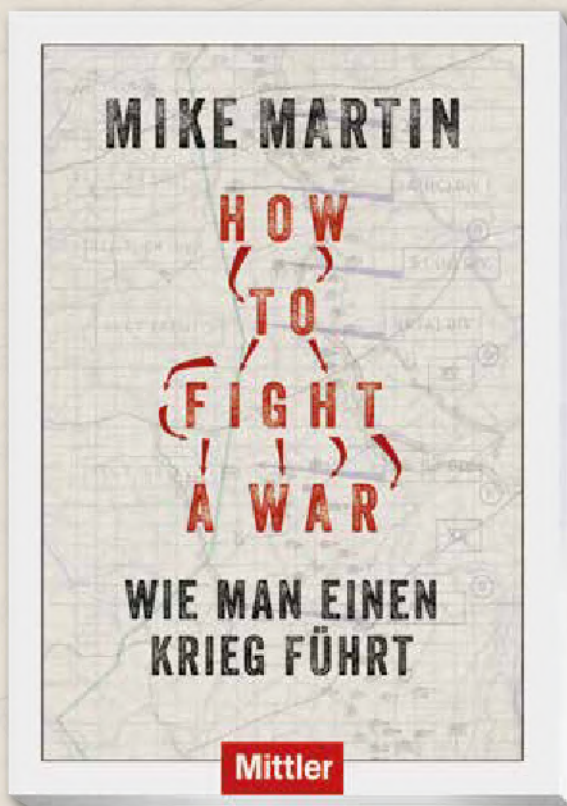
This dynamic placed the Biden Administration firmly between a rock and a hard place: It should:

- a) find a delicate balance between pro-Israeli and pro-Palestinian groups inside the US;
- b) assure Israel that the US commitment to its security remains strong as ever;

- c) assist in managing a humanitarian catastrophe in Gaza;
- d) prevent a cross-national spillover of this war; and
- e) continue its engagement with Türkiye and its Middle-Eastern Arab partners.

On 31 May 2024, President Biden presented "a roadmap to an enduring ceasefire and the release of all hostages". This three-phase proposal did not refer directly to a two-state solution, although on several occasions the US government has confirmed its commitment to its implementation as a long-term goal for the final resolution of the Israeli–Palestinian conflict. The main weakness of this plan is the presupposition that both Israel and Hamas will fulfil their obligations; in this vein Biden remarked: "If Hamas fails to fulfil its commitments under the deal, Israel can resume military operations. But Egypt and Qatar ... are continuing to work to ensure that Hamas doesn't do that. And the United States will help ensure that Israel lives up to its obligations as well."

The maximalist goals of the Israeli government (an elimination of Hamas and a right to "resume fighting until all of the objectives of the war have been achieved") and Hamas ('no cease-fire unless it is perma-



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nent') are irreconcilable. Israel's Prime Minister in his address to a joint meeting of the US Congress on 24 July 2024 clearly articulated that no compromise with Hamas will occur. This situation was significantly aggravated after the assassinations of two senior members of Hamas and Hezbollah in late July by Israel. At present, neither the US Administration nor Egypt or Qatar have been able to persuade the respective parties to sign a ceasefire agreement and to resume negotiations.

Despite the fact that Israel is a producer and exporter of sophisticated weapons (totalling USD 13 billion in 2023), the US continues to provide significant military and security aid to Israel. In line with the 10-year security assistance Memorandum of Understanding (MOU), in 2007–2018, the US provided USD 30 billion in an assistance package. The most recent MOU, signed by President Obama in 2016, covers 2019–2028 fiscal years: The US agreed to provide to Israel USD 38 billion, including USD 5 billion for missile defence products funding both Israeli and joint US–Israeli enterprises (and since 2011 this has included costs relating to the Iron Dome very short range air defence (VSHORAD) system); USD 12 billion out of USD 38 billion are earmarked for the purchase of advanced military capabilities provided exclusively by the US. Currently, Israel has in its possession 362 F-16 and 35 (out of 50 ordered) F-35A fighter jets. In June 2024, Israel signed a USD 3 billion deal with Lockheed Martin for an additional 25 F-35As.

The humanitarian catastrophe in Gaza has forced the US Administration to slightly review its initial unequivocal support for Israel. It has a legal instrument conditioning its military and security assistance in correlation to gross violations of human rights committed by a potential recipient in the area of conflict. Two statutory provisions of the Leahy Law prohibit assistance "to any unit of the security forces of a foreign country if the Secretary of State has credible information that such unit has committed a gross violation of human rights," and oblige the US Secretary of Defense to give "full consideration ... to any credible information available relating to human rights violations by such unit." The Biden Administration did not implement this law; however, on 9 May 2024 it suspended the delivery of two types of bombs (Mk 82 (227 kg) and Mk 84 (907 kg); along with JDAM guidance kits) that could be used in the full-scale Israeli invasion of Rafah. According to US officials, the invasion in Rafah was devastating, but Israel "did not cross the red line". However

Credit: Office of Speaker Mike Johnson



Benjamin Netanyahu addresses the 118th United States Congress, Washington DC, on 24 July 2024.

this suspension was partially lifted soon after – on 10 July, according to an unnamed Biden administration official cited by The Washington Post, the Mk 82 bombs were "in the process of being shipped" to Israel, while the larger Mk 84 bombs remained on hold.

The International Court of Justice (ICJ) and the ICC have both been involved in an evaluation of violation of human rights in Gaza by Israel. In January 2024, South Africa (in August with Türkiye supporting its case) sued Israel at the ICJ for committing genocide against the Palestinians. After a two-day hearing, the Court ordered Israel to take preventive measures to comply with the 1948 Genocide Convention; however, it did not order Israel to suspend its military campaign. The US dismissed the case as baseless, while in the meantime admitting that it "has made no legal assessment about Israel's conduct in Gaza or how U.S. weapons may have been misused".

In May 2024, the ICC's Chief Prosecutor Karim A.A. Khan KC publicly announced that he had filed applications to issue arrest warrants – in separate sections laying out specific charges – for three Hamas leaders (Yahya Sinwar, Mohammed Diab Ibrahim Al-Masri, and Ismail Haniyeh) as well as two high-level Israeli officials (Prime Minister Benjamin Netanyahu and Defence Minister Yoav Gallant). The White House's reaction followed immediately: "The application for arrest warrants against Israeli leaders is outrageous. We will always stand with Israel against threats to its security" (May 20, 2024). US Secretary of State Anthony Blinken called the warrant "shameful," and the House of Representatives passed a bipartisan bill to impose sanctions upon officials of the ICC. Neither the US, nor Israel are ICC members.

Ad hoc foreign policy

Although foreign policy has traditionally been viewed in the US as of secondary importance when compared to critical domestic issues, an upcoming presidential election and internal political turbulence significantly complicate decision-making processes. Ad hoc politics is a result of deficient strategic thinking and an incoherent approach, which questions US primacy.

Dealing with a broad range of its and its Allies' strategic interests, the US definitely faces limits in implementing a balanced policy in the three aforementioned conflicts, where the parties pursue mutually-exclusive objectives. The US takes sides in conflict management – and this allows at least one of the parties to view Washington as a partial negotiator. On the one hand, in the absence of negotiations or their imitational character, providing military assistance to an ally to ensure the latter's 'absolute victory' limits US potential leverage over any given ally. Opponents, on the other hand, are provoked into making alliances with those regional powers and forces which disagree with the US's world view and its actions. Economic sanctions can be effective only in the long term. Moreover, double standards in the evaluation of violation of human rights contradict the manifestation of human rights as an indisputable priority in US foreign policy.

In sum, the US is losing some of its powerful leverage to manage situations in different parts of the world. The absence of consensus between the world powers indicates a dangerous shift towards a more aggressive foreign policy. In turn, it opens more space for regional powers and actors to act independently – often only for the sake of their own strategic interests and along axes of convenience. ■