



The view from Washington: How the new Biden administration views the EU's eastern neighbourhood

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Anders Åslund

Abstract

President Joe Biden and his administration are uniquely knowledgeable about Eastern Europe. Therefore, during his term we should expect an activist and well-informed US policy on Eastern Europe and the EU's eastern neighbourhood. The two main planks of the Biden policy in this region are set to be unconditional support for each country's national sovereignty against Russia and tough love in the fight against corruption in these countries. Ukraine is the natural focal point. The Biden administration will probably let the US Department of Justice pursue its cases against the Ukrainian oligarchs Dmytro Firtash and Ihor Kolomoisky, which is likely to change Ukrainian politics. Eastern Europeans can trust Biden to stand up to Russian aggression as this has been a hallmark of his political career.

Keywords

Joe Biden, US foreign policy, Europe, Eastern Europe, Ukraine, Russia, NATO, Eastern neighbourhood

Introduction

US foreign policy is bound to go through a metamorphosis with Joe Biden as president. Few have done more in foreign policy for longer than Biden, so we know where he stands. No US president has known Europe better than Biden: he has attended European security conferences for the last four decades. In particular, he has been greatly engaged in Eastern Europe. As vice president he visited Ukraine no less than six times. To

Corresponding author:

Dr Anders Åslund, Senior Fellow, Atlantic Council, Washington, DC, USA.
Email: aaslund@atlanticcouncil.org



understand Biden's policy, it is necessary to forget all that Donald Trump did in foreign policy—even if, to the detriment of US interests, he left behind a number of poison pills, which Biden must now eliminate.

The basis of Biden's policy in Eastern Europe is to stand up to Russian aggression and defend the national sovereignty of its neighbours. We should expect a tougher but more rational and streamlined sanctions policy against Russia. At the same time, Biden has a clear view that democracy can only be saved through decency, that is, through the combating of corruption. US friends in the region should expect more 'tough love', as the US will demand that they really stand up to corruption. Those who do not are unlikely to receive much financial support from the US.

Biden and his team

Barack Obama nominated Biden as his vice president on 23 August 2008 because of Biden's stance on the country of Georgia. Together with the late Senator John McCain, Biden had stood up for Georgia during the Russo-Georgian war, which had taken place on 8–12 of that month. Obama lacked foreign policy credibility in general and particularly in Eastern Europe. He realised that he needed Biden, who has taken great pride in being a hardliner on Russian President Vladimir Putin's authoritarianism and kleptocracy.

As an experienced foreign-policy politician, Biden has a highly qualified foreign-policy team. His first nominations were Anthony Blinken, who has been his top foreign-policy adviser for many years, as secretary of state, and young star Jake Sullivan as his national security adviser. Both are perceived as the best and brightest of Washington's foreign-policy specialists, and they are very close to Biden both personally and in their views. The next level down is also impressive. Victoria Nuland has been nominated as under-secretary of state for policy. Several others have already been appointed or nominated for various roles, and they all appear highly competent and aligned in their views with Biden's policy.

These people have well-known views. They are internationalists and Atlanticists with a strong commitment to values—democracy, freedom, human rights and the rule of law. They believe in multilateralism and want the US to coordinate its policies with other truly democratic states and with the EU. They strongly support NATO.

Some have argued that these people were responsible for the mistakes of the Obama administration, such as not delivering lethal weapons to Ukraine, but they actually formed the opposing camp to that policy (Thiessen 2019). Ukraine seems to have been a dividing line for Biden. He and his people took a hard line on Russia's antidemocratic domestic policies and aggressive foreign policy, and those who wanted a reset or to go soft on Russia do not now hold jobs related to foreign policy. Thus, any deduction that Biden will pursue the same policy as Obama in Eastern Europe is likely to be wrong. Biden knows where he stands, and so do his people.

Biden's policy on Eastern Europe

Since Biden's people are so knowledgeable and well known, it is easy to deduce the policy they will pursue on Eastern Europe. The essence of their policy can be summarised in two principles: to stand up for the sovereignty of all independent states and to pursue the adoption of universal values in friendly states, also known as tough love. Which policy will come to the fore may be accidental, as certain policy issues will mature regardless of Washington's desires.

Biden repeatedly promised prior to his inauguration that he would call all allies and declare that the US was back, and he has already done so (Shin et al. 2020). A foundation of his policy will be strong support for NATO. Unlike Trump, he will not even think of reducing US troops in Europe, but rather will consider how NATO's defence of Europe can become more effective. The existing demand that all NATO members spend at least 2% of their GDP on defence will remain and, if anything, become even more important, but Biden will never threaten to abandon NATO. Biden has always supported the provision of US military assistance to Georgia and Ukraine. Under Trump, Congress consistently boosted US support for the defence of Ukraine, but now the White House will do so too.

One of the first issues to be addressed will be Biden's long-promised 'Summit of Democracies'. An intense debate has developed in Washington: should Biden just invite those countries that are really committed to democracy and demand that they prove this, or should he invite pretty much anybody? The debate seems to be leaning in the direction of strict rules and a prior commitment to real democracy. Which leaves the question of whether Hungary and Poland will be invited. If they are, what conditions will be imposed on them? The answer to this question will be of fundamental importance to the nature of the Western alliance. In early 2020 Biden (2020a) published an article on his foreign policy in which he stated, 'During my first year in office, the United States will organize and host a global Summit for Democracy to renew the spirit and shared purpose of the nations of the free world'. Yet he carefully avoided stating who would be invited. His vagueness has unleashed discussion of whether the invitation should be demanding in its criteria or not.

Biden stands for diversity and tolerance at home and abroad. Lesbian, gay, bisexual and transgender rights will also become quite important in his foreign policy, which again puts Hungary and Poland in an awkward position. Trump's two darlings in Europe might become Biden's black sheep, although he is strongly committed to Poland's real national causes. The Biden administration will put a lot of emphasis on upholding democracy, freedom and the rule of law among its allies. These issues will also be raised in conversations with the countries of the EU's eastern neighbourhood, notably Ukraine, Georgia and Moldova.

The most dramatic situation is likely to develop around Ukrainian domestic policies. Biden knows Ukraine well and he considers it very important. He is therefore likely to engage directly and intensely. Ukrainian President Volodymyr Zelensky is clearly in over

his head and does not appear to know what to do. At present, he seems to be no servant of the people but merely of one oligarch, his long-time sponsor Ihor Kolomoisky (Petrella 2019). Biden's arrival in the White House probably offers Zelensky his last chance to gain some spine and straighten out his policies.

The Biden administration is likely to allow the US Department of Justice to work on prominent Ukrainian cases, and it might impose sanctions on obvious Ukrainian culprits. It has long been reported that the Federal Bureau of Investigation has pursued major cases against Kolomoisky for money laundering in the US, including one instance in Cleveland (*Cleveland.com* 2020), and a civil case in Florida called for the forfeiture of \$70 million of his property (US Department of Justice 2020). Allegedly the Trump administration impeded cases against Kolomoisky, since his people provided Trump's personal lawyer, Rudolph Giuliani, with dubious evidence against the Biden family. Under Biden, the US Department of Justice will presumably do its job, and US criminal action against Kolomoisky is likely to ensue, which would affect Ukrainian domestic politics. The embarrassment to Zelensky of Kolomoisky being prosecuted in the US would presumably suffice to end the current Zelensky–Kolomoisky cooperation.

The US Department of Justice has been requesting that Ukrainian gas trader Dmytro Firtash be extradited to the US on charges of bribery since 2014, but the Austrian authorities have, as yet, failed to fulfil this request. Firtash lives in Vienna and is currently out on bail (Hess 2019). The Biden administration is likely to speed up action on this matter, which may have slowed down after Firtash hired two lawyers from the Trump camp. Kolomoisky and Firtash have also been discussed as suitable candidates for sanctioning under the Global Magnitsky Act.

Besides Ukraine, Belarus is likely to be an early focus for the Biden administration. Unlike Trump, who did not comment on Belarus, Biden has made a strong statement: 'I continue to stand with the people of Belarus and support their democratic aspirations. I also condemn the appalling human rights abuses committed by the Lukashenka regime' (Biden 2020b). Biden will clearly add spine to the EU reactions and sanctions on Belarus.

Moldova might be the easiest policy case. A pro-Western liberal, Maia Sandu, has just been elected president, and the US clearly has an interest in supporting her and helping her fight the country's severe corruption. Georgia is currently a complicated case. It has just had elections, whose result the opposition contests. It is unclear what the US can do there, and it is likely to stay cautious.

Biden is strongly in favour of multilateral cooperation, and his administration is bound to engage closely with the International Monetary Fund, the World Bank, and the European Bank for Reconstruction and Development in Europe's eastern neighbourhood. On the one hand, this should open up more funding for Ukraine, Moldova and Georgia. On the other, the US is likely to once again sharply increase the pressure on these governments to improve the rule of law in a fashion that the EU appears to shy away from. Thus, Biden will offer these countries a new opportunity to reform.

Another aspect of Biden's policy regarding the eastern neighbourhood will be its stance on Russia. This is bound to consist of two major parts, negotiations on arms control and sanctions. The rest is currently of little consequence. All along, Biden has been very clear that he will not discuss the fate of third countries with Moscow without their presence or consent. The risk of Biden selling anybody out to Moscow for other purposes does not exist. Biden was vice president when Obama launched his 'reset' with Moscow in 2009, but he was no advocate of that policy, and no one within his circle endorses the idea of a reset. There is no contradiction in pursuing sanctions and arms control negotiations at the same time. All parties are interested in certain aspects of arms control, while sanctions are a separate issue.

The primary aim in US negotiations with Russia on arms control was to prolong the 2010 New START agreement on the limitation of strategic nuclear weapons. The current agreement was set to lapse two weeks after Biden's inauguration. The Trump administration was interested in its prolongation, but was administratively unable to accomplish it. The Biden administration favoured its extension and the Russians were very positive about this, so both parties agreed to prolong the old agreement for five years through a simple exchange of notes. This was an instant win for Biden.

In August 2019, the US completed Trump's withdrawal from the 1987 Intermediate-Range Nuclear Forces Treaty, which was a major agreement between former US President Ronald Reagan and Soviet leader Mikhail Gorbachev. Since 2014, the US has accused Russia of violating the treaty by testing, possessing and fielding a ground-launched cruise missile called 9M729 (Arms Control Association 2019). The Trump administration also wanted China to be covered by this treaty, which China firmly opposed. Russia has indicated that it could make amends, which could facilitate a renewal of the agreement, but such negotiations would require more time.

A third treaty of relevance is the Treaty on Open Skies, designed to reduce the chances of an accidental war by allowing mutual reconnaissance flights by parties to the 34-nation agreement. Trump completed the US withdrawal in November, claiming that Russia has violated this treaty. Russia responded by withdrawing as well. Since this treaty was ratified by the Senate and has legally lapsed, it will be difficult to renew it, despite renewal being in the US interest, as Republican senators are unlikely to support this.

In the last decade, sanctions have become an ever more important tool for US foreign policy as interest in military action has declined. While Biden is likely to activate traditional diplomacy, he is also likely to continue to pursue an active sanctions policy against Russia and in favour of human rights as he did when vice president.

Biden has long advocated support for vulnerable Eastern European states and sanctions on Russia for violating their rights. Since it was obvious that Trump opposed sanctions on Russia, Congress found it necessary to adopt the Combating America's Adversaries Through Sanctions Act in the summer of 2017. Unfortunately, this stand-off between president and Congress led to a number of incongruities. In particular, it is no longer clear why the US government sanctions any particular person or entity, or what

the individual or entity must do to enable the sanctions to be eased. Another problem has been that sanctioning seems to have been at the whim of President Trump.

Biden's sanctions policy is likely to differ significantly from the Trump policy. Although no policy has become clear as yet, we should expect substantial changes to US sanctions policy. First, the main authority for sanctions is likely to move from the Treasury back to the State Department. This will lead to better coordination both within the US government and with allies. Second, sanctions have traditionally been the prerogative of the president, because it is difficult to revoke sanctions imposed by Congress. Given that the Biden administration will not suffer from the same level of Congressional distrust as Trump on sanctions, this responsibility is likely to move back to the president. Third, the wild outbreaks of sanctioning that were characteristic of the Trump administration are likely to abate. The US will probably move to passing more predictable and better explained sanctions. Fourth, the reasons for sanctions and the actions needed to have them reversed are likely to be clarified. At present, the common view is that if you have been sanctioned, there is nothing you can do about it, which means that those sanctioned have no incentive to improve their behaviour. Fifth, greater continuity in sanctioning is likely. If a principal has been sanctioned and passes on his companies to a son, the son is likely to be sanctioned as well.

Apart from greater coordination with the EU and other allies and the streamlining of the sanctions process, the US sanctioning apparatus is likely to continue to operate similarly to how it does now. Biden is not likely to opt for any softening. Yet the secretary of the treasury is essentially in charge of sanctions, and since Janet Yellen has not been engaged in sanctioning previously, she might offer some surprises.

An important part of the 2021 National Defense Authorization Act is the Corporate Transparency Act, which requires that all limited liability companies provide the name of their ultimate beneficial owners to the Financial Crimes Enforcement Network. This will offer US law enforcement completely new abilities to follow dirty money in the US and should render the US enforcement of money laundering and sanctions far more effective. Biden has talked about making the fight against international kleptocracy a hallmark of his presidency.

Conclusion

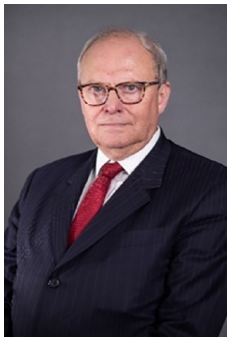
To summarise, Biden's policy on Eastern Europe and the EU's Eastern Partnership is likely to be characterised by great engagement. Biden will stand up for these countries' sovereignty and defence, but he will also pursue good universal values—democracy, freedom and the rule of law—while economic issues will not be high on the agenda. A rising American and international issue is the combating of kleptocracies. Biden has consistently expressed huge support for the EU and for US integration with Europe. He is clearly intent on re-establishing close US cooperation with the EU on sanctions against Russia. However, coordination takes time and Trump caused so much damage that Biden must first undo. Biden faces a dilemma. He needs to act fast and firmly, but that has to be combined with a revision of the Trump policies, which may take some time. Also, it takes quite some time for a new US administration to get the relevant policymakers

appointed and confirmed by the Senate. In the meantime, Biden would do better to act rather than wait, as waiting may arouse new European irritation. The Biden administration should be an ideal partner for the EU and, after some initial hiccups, considerable policy coordination on Eastern Europe seems both possible and likely.

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Author biography



Anders Åslund, Ph.D., is a Senior Fellow at the Atlantic Council. His latest book is *Russia’s Crony Capitalism: The Path from Market Economy to Kleptocracy*.