

## Obama's Security Strategy: Frustration, not hope

*Report 'shows Bush's Axis of Evil vindicated'*

Thursday, June 03, 2010

Chibli Mallat



National security strategy texts do not read well. Moving the ship of state is difficult, especially in a country where so many powerful interests compete on a domestic as well as on the international strategy. It took an inordinate amount of time and credit for Obama's battle over health care to pass, and anyone who tries to move Washington against Israel or Saudi Arabia knows how solid the wall of immobilism remains.

These documents are not insignificant, but they need a special grid to make sense. One way to read them is to distil the flavor of the president's inclination. Against Bush's go-it-alone policy (but also Bush securing a "coalition of the willing"), Obama is emphatically multilateral (but also "going it alone" whenever it pleases him, for instance on the Af-Pak theater).

The flavor of this document, confirming his main speeches, in Cairo, Moscow, at the UN and before

Congress, is resolutely "legal." Our strength, the US president repeats, is in our Constitution and legal values, we need to stick to them. This is a belief strongly held by the administration as a whole, and can be found entrenched in the State Department intellectual leadership.

The document echoes the published works of Harold Koh, the State Department legal advisor, and the director of its strategic planning, Anne-Marie Slaughter. George Bush and Dick Cheney cared little for law, domestic or international. Obama is sincere, but we have yet to see any tangible support for the human rights agenda on the international scene. Some open and enthusiastic embrace of the leaders of the Iranian, Sri Lankan, or Russian civil and political resistance to authoritarianism would not be amiss.

All in all, the themes familiar to "Liberty under law," the document patiently drawn by John Eikenberry and Anne Marie Slaughter in her academic days ("From Princeton, a new power paradigm," *The Daily Star*, October 10, 2006), are taken up by Obama in this national security strategy: law, law, law, i.e. rejection of torture, development of and respect for treaties, action through the UN, closing Guantanamo international tribunals and the International Criminal Court (so long as US soldiers are not in the dock).

The overall reading is helpful, but is not decisive. To appreciate the gap between principles and reality, we need to look more closely at the details. There are some bright spots: the closure of Guantanamo may be falling behind schedule, but there is little doubt that the prison will be a vestige of the Bush past at the end of Obama's current term in office. It is also likely that the troops, barring a few hundred, will have been out of Iraq by the end of Obama's current term in office. The commitment to a "victorious exit" in Afghanistan harder to come about, especially in the light of the continued failure to secure a self-reliant and democratically-bent administration

in Afghanistan, like the one Nouri al-Maliki has secured, at least temporarily, for Iraq. Here is certainly a grave mistake of Obama's administration.

The reports of large-scale military activities from the field remain oblivious of the fundamental flaw: Karzai's dictator-status, as evidenced on these pages on the basis of Peter Galbraith and other decent UN and EU observers, is a non-starter for any progress in Afghanistan. There is no point trumpeting, as the president's document suggests, support for democrats in the world so long as the red carpet remains extended to Hamid Karzai in Washington.

So the devil is in the details, and crises have a tendency to force their own agenda on any strategic policy. Witness the sudden Korean tension occasioned by the vagaries of North Korea's leadership. Bush's "axis of evil" seems vindicated, and short of the use of force, what can remove the Kim Il-Sung dynasty from power and its arbitrary killing habits? Another candidate on the "evil axis" infamous list was Iran.

Obama opened up to Iran like no other US leader since the 1979 revolution, asking for the Iranian leaders' fist to be "unclenched." By all accounts, the fist is ever more clenched, and the lack of support in Washington to the leaders of the Green Revolution is disheartening. Iraq was the third component of the axis, and one has little doubt that Saddam would still be in power if Bush did not commit to ending his dictatorship. With all the horrors that succeeded the 2003 invasion, few Iraqi citizens dismiss a fact that allows them, alone in the region, to sleep on voting day without knowing who their next elected leaders are.

This is not an advocacy for war against Iran or North Korea, and I have written profusely on other, better ways, to end Saddam's dictatorship. But what is the shape of an efficient alternative to Obama's propensity to "engage" dictators and international law breakers?

Amid the overall legal message, and occasional bright spots, I find the details of Obama's strategy disheartening: no mention of Israel's discrimination against Palestinians of "before 1967;" no mention of drones and the policy of extra-judicial killings they represent in Pakistan and Afghanistan; business as usual with China, Russia; open support for a division of Sudan next year instead of ensuring the end of Bashir's rule over the whole of the country, in a Balkan-like disastrous precedent for Africa and the Middle East; silence over Egypt, Syria, Saudi Arabia and other authoritarian rules in the Arab world.

So yes to law, law, and more law, but legal means that perpetuate immobilism render the most egregious disservice to the principle that law is the nemesis of war.

*Chibli Mallat* is presidential professor of law at the University of Utah, EU Jean Monnet professor of law at Saint Joseph's University in Lebanon. He edits **The Daily Star** law page.