

Biden as a Liberal Crusader

Assessing the Obama-Biden
Human Rights Legacy

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Biden as a Liberal Crusader:

Assessing the Obama-Biden Human Rights Legacy

Preamble

After all the high-decibel electoral drama and the mass assault on Capitol Hill by the disaffected Trump supporters, the transition of American presidency from Trump to Biden has finally taken place. Joseph Robinette Biden Jr has taken charge as the 46th President of the United States. There is an evident relief amongst many Americans, academia, foreign policy experts, climate activists, men, women, children and communities across the world troubled or victimised by the insensitive words and the inconsistent actions of President Trump.

Zafar Agha, a senior Indian journalist, has aptly summed up the feelings regarding the 2020 US Presidential election, which captured attention both among Americans as well as people all over the world. According to him, it was an election wherein Americans were supposed not just to elect another US President, but also had to decide whether they would want to continue to support Trump's racist, illiberal and divisive politics for another 4 years that impacted many regions of the world during his tenure as the American President.¹

In other words, the electoral victory of Biden is a liberal hope for a better post the Trump US image at the global stage. According to Jonathan Kirshner, Professor of Political Science and International Studies at the Boston College, “Level whatever criticisms you may about the often blood stained hands of the American colossus on the world stage, but Trump’s foreign policy was different: short-sighted, transactional, mercurial, untrustworthy, boorish, personalist, and profoundly illiberal in rhetoric, disposition, and creed.”² A similar opinion is made by Kenneth Roth, the executive director of Human Rights Watch (HRW), -- President Trump was a disaster for human rights, he said.³ From flouting legal obligations that allowed people in danger to seek refuge in the US (‘Remain in Mexico’ programme), to dangerously empowering white supremacists and withdrawing the US from key international initiative like the Paris Climate Accord and the United Nations Human Rights Council (UNHRC), Trump, according to Roth, expressed a blunt disdain towards human rights.⁴

Contrarily, throughout the 2020 Presidential election campaign, Biden and his Democratic Party were cautious and prudent in these regards. They carved out an appealing image for Biden in and around the globe. Joe Biden was portrayed not only as a leader respectful of human rights, liberalism, and democratic values but also as a potential President with solid foreign policy decision making skills and someone mindful of a rules-based international order - a classic depiction of an archetypical American President good for the US and the world!

Trump, indeed, was different from other US Presidents, be it in his reckless rhetoric, confrontational narratives, often unthoughtful policies and a general disdain towards democracy and human rights. The stamping of Trump as a ‘disaster for human rights’ and as the master-brain behind some of the most ‘illiberal’ foreign policy choices of the US is difficult to set aside. But it is also difficult to ignore the claims made by academics like Jonathan Kirshner that even though Biden’s victory margin was wide, the

results of the 2020 US election was not a rejection of Trump.⁵

An analysis of the merits and demerits of ‘Trumpism’ for America and the world and whether the 2020 election results were an actual pronouncement of anti-Trump emotions in the US is beyond the scope and purpose of this paper. Instead, the paper seeks to assess whether the celebration of the newly elected President of the US as a liberal icon is well deserved. With the victory of Biden as the 46th President of the US, the amplified and renewed liberal expectation is that “Biden, by all means a pragmatic liberal, must not only restore liberalism at the heart of the American polity but also reorient it for contemporary challenges”.⁶ The liberal ecosystem with their belief in ‘the universal and inalienable rights’ of humanity have found a new crusader for liberalism and human rights in Joe Biden.⁷

This paper argues that it is too early to make a projection of Joe Biden as a crusader of liberalism and human rights, notwithstanding his personal political preferences. Such an assessment is based on the political history of the United States. It cannot be forgotten that the world has witnessed other American presidents, some with well-known liberal credentials, who led the US into flagrant wars, and who were directly or indirectly backers of egregious crimes against humanity in many parts of the world. George W. Bush (Iraq), Barack Obama (Libya), Bill Clinton’s (genocide in Rwanda), George H.W. Bush (Bosnia), Jimmy Carter (Cambodia), Gerald Ford (East Timor), or Richard Nixon (Bangladesh), the instances endless and the memories chilling.⁸ If the argument that may arise in this context is similar to the one posed by Hitler years ago, “Who, after all, speaks today of the annihilation of the Armenians?”⁹, then the answer should lie in the wisdom imparted by George Santayana, the Spanish-American philosopher, “Those who cannot remember the past are condemned to repeat it.”¹⁰

Trusting the wisdom of George Santayana that it is crucial to remember the past to avoid repetition of mistakes, particularly when the cheer for

Biden from the liberal constituency is getting stronger and steadier, this article shall delve deep into the legacy of one of the past presidents of the US with impeccable liberal qualifications, Barack Obama. Indeed, Joe Biden was his illustrious liberal Vice President.

There are two obvious reasons to pick President Obama's human rights legacy as the case study of this article. First and foremost, as mentioned, Biden was the Vice President of the US from 2009 to 2017, i.e., during the entire tenure of Obama Presidency. Thus an evaluation of the Obama Presidency becomes to some extent a reflection of Biden himself and his policy outlook on humanitarian issues that happened during this period. Secondly, the prophecy and excitement over Biden, stirs a *déjà vu* moment for those following the US policies over the years. The frenzy and excitement of the liberals over the post-Bush accession of Obama as the US President then is like that for post-Trump Biden now.

For this paper, the analyses of the human rights legacy of President Obama and Vice President Joe Biden proceeds through four selected case studies. President Obama's foreign policy choices towards some of the notable humanitarian crises pertaining to Guantánamo, Libya, Syria and use of drone and air strikes in conflict zones have been selected as the most prominent case studies in this article. The focus of the paper shall be on the foreign policy decisions of the Obama-Biden administration and not on the domestic policy formulations by them.

After a critical analysis of the foreign policy choices of President Obama in the aforementioned areas, this article argues that keeping in mind the deleterious effects of some of the policy decisions of the Obama-Biden Administration on humanity, the world needs to deal with the human rights proponent and liberal crusader image of President Biden with caution. During his term of office, President Obama digressed from his values towards humanity when dealing with some of the major human rights issues of his times. When the choice was between protecting the

national interest of America and preventing the human rights violations happening elsewhere, expectedly the Obama-Biden administration picked the former, at least in the areas mentioned in the case studies of this article.

Hence, the prophecies and expectations on Biden from his liberal cheerleaders in and around the world should not push the international community to banal expectations. When it comes to dealing with yet another US President, it would be in the best interests of other nation-states to follow pragmatism and political realism as their governing principles – just as it must be the choice of American leaders when dealing with, as they would see, the US' interests.

Biden, Obama and the *Déjà Vu* Moment

The 2008 US Presidential election was exceptional for the liberals. Given the political roller coaster of the last decade and a half, wherein they were made to feel side-lined by the Republicans, the liberals were desperately hoping for a 'liberal renaissance'.¹¹ And, then came their liberal crusader - Barack Obama. "Millions of liberals were enraptured by a candidate who embodied the way they wanted to see themselves....For a while, it seemed like that liberal promise would be fulfilled in his presidency", wrote Paul Waldman, a senior writer of *The American Prospect*.¹²

Obama became the ideal representative of the "liberal for a new century: young, multiracial, urban and urbane, cosmopolitan and erudite and cool. He made liberals feel things they hadn't felt in a long time, and perhaps most important, convinced them that they were no longer the victims of American politics. They could be actors, steering the country into a new age".¹³ When he ran for the US Presidency in 2008, Senator Obama also had the fame "of being the most liberal member of the United States Senate", a title bestowed on him by the *National Journal*, "an inside-the-Beltway watchdog that annually assigns Senators (and Congressmen) an ideological rank based on their votes on economic, social, and foreign

policy issues”.¹⁴ Like Joe Biden, Barack Obama was also once given an early welcome into the liberal ecosystem.

Campaign promises of Joe Biden also brings forth a sense of *Déjà vu* for its resemblance of rhetoric by the two Democrat colleagues. “By nearly every measure, the credibility and influence of the United States in the world have diminished since President Barack Obama and I left office on January 20, 2017”, penned the then Presidential candidate Biden for an article in *Foreign Affairs* titled, ‘Why America Must Lead Again: Rescuing U.S. Foreign Policy After Trump’.¹⁵ In the same article, Biden goes on to mention Trump’s controversial asylum policies, gives the promise of increasing the refugee admissions, hints at the separation of children and parents at the border during the Trump days and also reminds the world the necessity of forming a “united front of U.S. allies and partners to confront China’s abusive behaviours and human rights violations even as we seek to cooperate with Beijing on issues where our interests converge, such as climate change, non-proliferation, and global health security.”¹⁶ Biden also chalks out ‘new country commitments’ in three particular domains - advancement of human rights in the US and abroad being one along with defence against authoritarianism and fighting corruption.¹⁷

Upon careful observation of the above paragraph, it can be understood that Biden’s repeated human rights rhetoric and usage of vocabulary suitable for an ardent human rights supporter is akin to President Obama’s, thus stirring a *Déjà vu* moment.

In 2008, on a Human Rights Day, the then President-elect Obama gave a speech which has since then been widely published and quoted. The speech was an ideal reflection of all the liberal values and the human rights advancement that Obama had promised he would represent once he becomes the US President. Obama said, “... (when America) stands up for human rights, by example at home and by effort abroad, we align ourselves with men and women around the world who struggle for the

right to speak their minds, to choose their leaders, and to be treated with dignity and respect.”¹⁸ President Obama continued by saying that America also strengthened its well-being and security “because the abuse of human rights can feed many of the global dangers that we confront” - from humanitarian crises, armed conflicts, corruption and the dissemination of ideologies that support violence and hatred.”¹⁹

Keeping aside the heightened liberal expectations on Obama/Biden and their own self-assertion towards commitment to human rights/humanistic values, this paper shall now proceed to do a fact-check on their foreign policy choices, to understand the reality surrounding the human rights legacy of the Obama-Biden administration in Guantánamo Camp, Libyan crisis, Syrian turmoil and use of drones and air strikes in conflict zones during their times.

Case Study 1

The Infamous Guantánamo Centre

All nation-states have prisons to deal with the law-breakers, then what makes Guantánamo controversial?

To the defenders of the continued existence of Guantánamo, the detention centre is an essential component of the overall strategy of America’s continuing fight against terrorism to protect America and the world from the ‘alleged’ terrorists - a realist perspective of the vitality of safeguarding the nation and its security concerns.²⁰ And, for the representatives of the liberal strand of international relations, Guantanamo detention is symbolic of what they regard as America’s arrogance and drifting (moral) righteousness during the Bush years.²¹ The fact of the matter is, even after almost two decades since the prison was first opened, Guantánamo and its ‘orange jumpsuit clad detainees’ continue to be a contentious subject of intense debate in the international arena. Supporters and critics of

Guantanamo hinge on the two theoretical perspectives of international relations - liberalism and realism - to offer credible arguments to their side of the story.

Since 2001, the US, North Atlantic Treaty Organization (NATO) and its allied forces, have arrested, captured, detained, or procured the surrender of thousands of individuals in their war on terror.²² Of these many were members of either Iraqi armed forces, Talibanis or armed forces of Afghanistan; for most part were the Al Qaeda members who were detained for their alleged terrorist activities.²³ According to the *Second Periodic Report of the USA to the Committee Against Torture*, majority of the captured individuals have been held in detention facilities in Iraq (including Abu Ghraib, Camp Cropper and Camp Bucca), Afghanistan (primarily Bagram and Kandahar) and temporary US military operating bases.²⁴ Following hostilities in Afghanistan, the Bush administration maintained that they required another safe detention center to detain these combatants, interrogate them to extract information and remove them from their field of action for the duration of the war.²⁵ Thus, the US naval base at Guantánamo Bay was chosen as the military prison to detain and interrogate the most dangerous amongst these fighters.²⁶ President Bush decided to use all appropriate and required forces against those individuals, nations, or organisations he determined as committed, authorised, planned, or helped the terrorists plan an attack on his country on September 11, 2001.²⁷

By now it's no secret that during the 'Global War on Terror', the US government led by the Bush-Cheney administration had eroded the absolute prohibition of torture more than any preceding U.S. administration.²⁸ The detainees including those at Guantánamo had been held without adequate trial or protection mandated by the international humanitarian law like the Geneva Convention or the laws pertaining to the US Constitution; according to the critiques, "their lives and rights were forfeited to the United States' contempt for its human rights obligations".²⁹

Interrogation of the captives by America's Central Intelligence Agency (CIA) included the most torturous methods like stress position, sleep deprivation, waterboarding and so on. The most contentious and inhumane of all, the 'waterboarding' was a technique in which a detainee is tied to a table kept inclined and his feet above his head, a cellophane or cloth covering his mouth, and water poured down or over his throat -- till he begins to experience the effects of drowning.³⁰ The captives were also put through stress positions, such as being exposed to extremes of cold and heat, deprived of sleep for a stretched period, and being forced to stand still for many hours continuously -- often all this in combination.³¹

The history behind the adoption or learning of such harrowing techniques by the CIA is revealing. The CIA apparently learnt these techniques from the US Army's Survival, Evasion, Resistance and Escape (or SERE) course that prepares US armed (special) forces for methods of torture resorted to by enemy forces -- methods designed after studying the Nazi Germany, the Soviet Union and the Viet Cong.³² According to Malcolm Nance, a former instructor at the SERE, the techniques are drafted to showcase how an evil and totalitarian adversary would use torture at the slightest impulse.³³ For a defender of liberal values, America, deploying such techniques, even if to protect national security, could be an undesirable infringement.

In 2008, as a Presidential candidate, Senator Obama made 'change' as a principal and recurring theme of his election campaign - a change from the Bush administration's ill-famed counter-terrorism policies.³⁴ During the election campaign, Obama repeatedly called out the flawed human rights policy of President Bush like Bush's resort to a war culminating in innumerable civilian casualties, the way Bush administration used military tribunals instead of civilian courts to carry out prosecution of suspected terrorists, the decision to detain Taliban and Al Qaeda fighters at the infamous Guantánamo Bay, controversial interrogation techniques adopted in the Guantánamo detention camp, and the general indifference of President Bush to litigants of human rights.³⁵ As the then Presidential

contender to George W. Bush, Barack Obama left no stone unturned to point fingers at the incumbent Bush administrations' inhumane foreign policy choices.

What happened to Guantánamo and the change Obama aspired to post his ascension as the 44th President of the US? President Obama took charge of the office condemning the detention centre as a sad chapter in the history of the US³⁶ and pledged to shut down Guantánamo Bay detention camp within a year's time of his assuming office.³⁷ Obama also promised to put a stop to torture, extraordinary rendition, secret detention and similar abuses in such detention facilities run by America.³⁸ He also vouched to move the detainees to the US, a goal that the second term of the Bush administration also pursued, but after encountering tough bipartisan opposition from the US Congress, Obama had to backtrack from this move.³⁹

Nevertheless, there were few notable changes in the detention centres during Obama's term of office. On the second day of office, Obama signed an executive order prohibiting all enhanced interrogation methods, which constitute cruelty or torture, degrading or inhuman treatment.⁴⁰ Obama further strengthened it by signing into law the McCain-Feinstein Amendment to the National Defense Authorization Act which required all departments and agencies in the US to conduct their interrogations based strictly on the Army Field Manual that prohibits brutal treatments and torture techniques like waterboarding.⁴¹

However, it also has to be taken into account that Obama administration did fail in reforming the Appendix M of the Army Field Manual that contains various techniques of interrogation "that are inconsistent with the requirement of humane treatment under the laws of war and human rights law."⁴² Also, while torture was denounced as an interrogation technique, the decision to "look forward as opposed to looking backwards" left any possibility of holding accountable those behind the CIA's torture

techniques and/or prosecuting those responsible for overlooking such practices in the first place.⁴³ The Obama administration could not serve justice - both from a legal and a humanitarian perspective - to the victims of brutal interrogation techniques by bringing to laws to ban such techniques from taking place.

It is also pertinent to note that Guantánamo continued to function during the term of the Obama-Biden administration, though with reduced detainees.⁴⁴ While Obama readily blamed resistance from the conservatives as the reason behind his inability to shut down Guantánamo, many human rights advocates and administration officials dealing with the prison affairs believe that the resistance from Conservatives is just half the story.⁴⁵ According to them, the Obama-Biden administration often tripped in concept, tactics and strategy when dealing with Guantánamo detention camp.⁴⁶ The critics point out that with the exception of torture techniques, the Obama administration retained every other objectionable practice at the detention center.⁴⁷ Also, while President Obama's rhetoric was in favour of trying the detainees in federal courts, he minimised his Senate vote against them in 2006 and also supported the military commissions, addressing the military commissions as a suitable place for trying prisoners for violations of the laws of war.⁴⁸

In early 2009, while admitting the issue of 'indefinite detention' Obama stated, "there may be a number of people who cannot be prosecuted for past crimes, in some cases because evidence may be tainted, but who nonetheless pose a threat to the security of the United States."⁴⁹ Citing examples of those "people who've received extensive explosives training at al Qaeda training camps, or commanded Taliban troops in battle, or expressed their allegiance to Osama bin Laden, or otherwise made it clear that they want to kill Americans", Obama categorically stated that these men "in effect, remain at war with the United States."⁵⁰ The President came to such an assumption without adequate evidence or proof against these detainees.

According to Amnesty International UK, Guantánamo has seen 779 detainees ‘illegally detained’ since the first transfer that happened in 2002 to the facility.⁵¹ Amnesty reports that out of these 779 detainees only seven have been convicted so far, “including five as a result of pre-trial agreements under which they pleaded guilty in return for the possibility of release from the base. These men faced trial by ‘military commission’. The proceedings did not meet fair trial standards.”⁵² And, only one of the Guantánamo has been shifted to ‘the US mainland for trial in a civilian court’ so far.⁵³ It is rather unfortunate that the fundamental aspects of human rights such as ‘Right to Fair Trial’ and subsequent ‘presumption of innocence’ until proven guilty of charge are being denied to these individuals who have been held captive at Guantánamo since America’s War on Terror began. President Trump during his 2016 presidential campaign made his intentions of keeping Guantánamo open to ‘fill it with bad guys’ and he retained his stance by signing an executive order in 2018 to keep open the prison indefinitely.⁵⁴

Fast-forwarding to 2021, there are reports which suggest President Biden’s plan to close the Guantánamo detention centre before his term ends.⁵⁵ When quizzed about the possibility of closing down the Guantánamo prison, the present White House Secretary Jen Psaki told the reporters, “that certainly is our goal and our intention.”⁵⁶ Welcoming the current US administration’s decision to review the shutting down of Guantánamo, the UN human rights experts have also asked the Biden administration to address the “ongoing violations of human rights being committed against the 40 remaining detainees, including torture and other ill- treatment” in the facility.⁵⁷ They also pointed out that many of the remaining detainees (now elderly and vulnerable) have their mental and physical integrity “compromised by unending deprivation of freedom and related physical and psychological torture and other cruel, inhuman or degrading treatment or punishment” meted out during their long years of captivity in Guantánamo.⁵⁸ The UN experts also stressed that there should be adequate means to resettle the remaining detainees of Guantánamo

in tune with human rights law for they “have spent the bulk of their lives in a Kafkaesque situation where the rule of law was meaningless and the coercive and brutal power of the State ascendant.”⁵⁹

In a recent positive development, the Biden administration has decided to release three of the Guantánamo detainees “to countries that agree to impose security conditions on them”, and this includes the “oldest of the remaining wartime prisoners.”⁶⁰ As mentioned earlier, there are 40 detainees currently at the prison, and the decision to release three raises the number to a total of nine amongst the 40 allowed to be shifted/transferred to other countries.⁶¹ It is now unclear when and where these three men would go upon release considering the fact that the US State Department has to make necessary diplomatic and security arrangements with the nation-states to take them in.⁶² Also, it has to be noted that few of the other detainees who have been cleared for release before these individuals are still languishing behind in Guantánamo, awaiting another country to take them in.⁶³ Countries which agree to admit the ‘released’ detainees are in some cases asked by the authorities in the US to “continue to jail the detainees or put them on trial” whilst in most other cases are asked to put restrictions on their travel outside the country for at least two years.⁶⁴

Developments pertaining to Guantánamo by the Biden administration are encouraging though it has to be seen as to what extent President Biden would go or allowed to proceed in terms of humane policy changes for the individuals detained for almost two long decades without concrete charges or right to fair trial by the US. It also has to be keenly watched if President Biden could shut down the Guantánamo detention center once and for all, which his Democrat colleague Obama aspired for but unfortunately could not achieve during his days of Presidency. As reminded by the UN human rights experts, the detainees are now vulnerable and elderly, and hence, an alternative, humane arrangement has to be made for them at the earliest without compromising the security concerns of America and the world.

Case Study 2

President Obama not Averse to Wars, Drones and Airstrikes?

An article titled “Obama’s Legacy and Endless War” in *The Atlantic*, carried the following excerpts: “At the White House, they know that the neat legacy Obama’s team had yearned for now is unattainable. They know that the first sentence in the history books will be that he was the first African-American president. But they hoped the second sentence would be that he ended the two shooting wars that he inherited from President George W. Bush.”⁶⁵ As rightly analysed by Team Obama, the first part of the legacy aspiration for Obama has been already imprinted in the history, the second part became unattainable even by the standards set by his infamous predecessor, George W Bush.

During his second term of office (2013), President Obama stated that while America’s pursuit to tear down terrorist organisations must carry on, “this war, like all wars, must end. That’s what history advises. It’s what our democracy demands.”⁶⁶ As an irony in itself, it turned out that Obama became the first two-term president to be at war during his entire presidency.⁶⁷ Flashback to pre-presidency speeches of his, it looks though like Barack Obama was never completely opposed to the idea of wars to protect the security interests of America, but what mattered to him was the geopolitical region of the attack. Obama, in a 2002 speech, stated that while he was a staunch critic of Bush’s Iraq war, he “implicitly supported going into Afghanistan to hunt down Osama bin Laden; I was a strong supporter of the war in Afghanistan, he recalled later about that speech.”⁶⁸ And in a 2008 speech, Obama assured Americans that, “When I am president, we will wage the war that has to be won. ... There must be no safe haven for terrorists who threaten America”, while pledging to send more US combats to Afghanistan.⁶⁹

Also, under President Obama, the US launched military raids or airstrikes “in at least seven countries: Afghanistan, Iraq, Syria, Libya, Yemen, Somalia and Pakistan.”⁷⁰ It is indeed true that Obama reduced the number of US military forces in war zones from 150,000 to 14,000, and in a way put a stop to “the flow of American soldiers coming home in body bags.”⁷¹ But, it is also fact-based that Obama enormously widened the role of elite commando units and the use of new technology, including armed drones and cyber weapons.⁷² The number of airstrikes during the term of Obama was ten times more than under Bush, his predecessor. Upon embracing the US Drone Programme, Barack Obama Presidency oversaw 563 airstrikes, largely by drones, targeting Somalia, Yemen and Pakistan while the Bush administration had resorted to a total of 57 strikes.⁷³

The Obama-Biden administration has reiterated many times that these “drone strikes are so exceptionally surgical and precise” to target the ‘alleged’ terror suspects and that the drones do not put “innocent men, women and children in danger.”⁷⁴ But the facts and figures by media reports show otherwise. According to *The Bureau of Investigative Journalism*, the number of innocent civilians killed in the countries mentioned above due to drone-based airstrikes can come anywhere between “384 and 807”, rubbishing the earlier ‘targeted killing’ claims by the Obama-Biden administration; the White House projected numbers are “between 64 and 116”.⁷⁵ Adding weightage to the Bureau’s claims are the reports released by the New America Foundation. According to their reports, “the 123 reported drone attacks in northwest Pakistan from 2004 to March 29, 2010, have killed between 871 and 1,285 individuals, about a third of whom were civilians.”⁷⁶

Nobody is questioning the efficacy of the CIA’s drone program. The drone program has been widely accepted as “generally effective....an important element of U.S. efforts against Islamic terrorism” and a cornerstone of the Obama-Biden administration’s fight against counterterrorism.⁷⁷ The problem lies elsewhere. If President Obama claims that the policies of the Bush administration like Gitmo and waterboarding sabotaged America’s

security concerns, “were illegal, and were immoral”, the same criticisms can and have been levelled against Obama’s expanded drone program. But judged by his own standards, President Obama has, in implementing his vision to ‘restore adherence to rule of law’, made compensations strategically, legally, and morally.⁷⁸ Another crucial remark on Obama’s war strategies comes from Jon Alterman, the director of the Middle East Program at the Center for Strategic and International Studies (CSIS). According to Alterman, though the entire idea of war has transformed under Barack Obama as he “got the country out of ‘war,’ at least as we used to see it ... but we’re now wrapped up in all these different conflicts, at a low level and with no end in sight.”⁷⁹

Also perplexing is the posturing in the public responses to Bush and Obama’s policy choices in these war zones. As pointed out by Jane Mayer, an American journalist with *The New Yorker*, the public outrage when *The Wall Street Journal* divulged that “during the Bush Administration the CIA had considered setting up hit squads to capture or kill Al Qaeda operatives around the world” was widespread indeed.⁸⁰ Mayer also pointed that there was an extensive uproar when “*The Times* reported that the CIA had turned to a private contractor to help with this highly sensitive operation - the controversial firm Blackwater, now known as Xe Services.”⁸¹ But when the same CIA administered a Predator drone to target Baitullah Mehsud, the Taliban leader in Pakistan - killing eleven others including Mehsud, his wife, his father-in-law, his mother-in-law, a lieutenant, and seven bodyguards - there was zero controversies when it was reported that President Obama had authorised the attack.⁸²

“We got so upset about a targeted-killing program that didn’t happen.... But the drone program *exists*.... These are targeted international killings by the state”, said Hina Shamsi, a human rights lawyer to Jane Mayer, as she pinpointed the inconsistencies in the public responses.⁸³ When President Obama was determined to decimate the ‘potential terror suspects who posed threat to America’, some innocent civilians came at the receiving

end of America's determination to safeguard its citizens and geographical boundary.

Excerpts from Obama's new memoir, titled 'A Promised Land', is worth mentioning as it becomes a mirror to his realist attitude on war, drone strikes and the ensuing loss of human lives. While the former President admitted that "he took no joy in ordering drone strikes that claimed thousands of lives during his tenure", he stated that "he could not afford to look soft on terrorism."⁸⁴ The excerpts says that while his idea as the President of the US was to save the young men from Iraq, Yemen, Afghanistan and Pakistan who were "warped and stunted by desperation, ignorance, dreams of religious glory, the violence of their surroundings, or the schemes of older men.... the world they were a part of, and the machinery I commanded, more often had me killing them instead."⁸⁵

Case Study 3

The Failed Libya Intervention

The 2011 US-led NATO intervention in Libya has been hailed as 'A Model Humanitarian Intervention' by many experts and commentators - a successful demonstration of how the humanitarian principle known as the responsibility to protect can be implemented effectively in situations of dire humanitarian crisis.⁸⁶ A thorough evaluation of the 2011 military intervention by NATO forces, sadly gives a different story.

Before plunging into further details of the military intervention, it is important to have a perspective on three concepts that are critical to understanding the depth of Obama's Libya debacle. They are the concept of state sovereignty, humanitarian intervention and the Responsibility to Protect. The rules-based order of international society considers the state as the sole repository of sovereign authority and is premised on the belief that world order can be best maintained if states respect each other's

sovereignty by adhering to the norms of non-intervention in the internal affairs of other states.⁸⁷

The internationally accepted Responsibility to Protect (R2P) is a global commitment with an affirmation to protect humanity from war crimes, ethnic cleansing, genocide and atrocities against humanity.⁸⁸ It was endorsed by all members of the UN at the 2005 World Summit⁸⁹ and is premised on three pillars: responsibility of each state to protect its populations (pillar I); responsibility of the international community to assist states in protecting their populations (pillar II); and the responsibility of the international community to protect when a state is manifestly failing to protect its populations (pillar III).⁹⁰

President Obama stated that the immediate provocation that warranted a UN backed military intervention in Libya was Qaddafi's alleged crackdown and targeting of "peaceful, pro-democracy protesters."⁹¹ Obama alleged that Qaddafi not only endangered "the momentum of the nascent Arab Spring, which had recently swept away authoritarian regimes in Tunisia and Egypt, but he also was poised to commit a bloodbath in the Libyan city where the uprising had started."⁹² A 'concerned' Obama also remarked that had they waited even a day more Libyans could have suffered "a massacre that would have reverberated across the region and stained the conscience of the world."⁹³ Thus, the military intervention that started two days after the authorization by the UN ended seven months later when Qaddafi was shot dead and the rebel forces conquered Libya.⁹⁴

Muammar al-Qaddafi was no saint; he represented the textbook definition of dictatorship. That being said and upon doing further research, it comes to the understanding that many of the narratives propagated by the West with regards to the immediate provocation by Qaddafi that led to the NATO intervention are in fact flawed and misleading.

The fact check by International Organisations (IOs) found out that Qaddafi had actually avoided targeting civilians in Libya and his forces

had attacked only those who had resorted to arms and that too with a promise for “amnesty to those who abandoned their weapons.”⁹⁵ As far as the allegation by the Western media that it was Qaddafi and his forces who had initiated the violence by targeting the peaceful protestors - the reports by Amnesty International and the United Nations (UN) tell a different story. It has been documented by both the UN and Amnesty that in Tripoli, Al Bayda, Misurata and Benghazi, the four cities of Libya where the conflict initially originated, it was actually the protestors who initiated the violence and not Qaddafi.⁹⁶ There is also a British parliamentary report published in 2016 which conceded that the intelligence based on which the NATO intervention was initiated does not have enough credibility.⁹⁷

The aftermath of the US led NATO intervention in Libya resulted in far more egregious crime on humanity than what was alleged on Qaddafi. By the time NATO intervention had begun in Libya, the forces of Qaddafi were already regaining control of Libya and the rebels in the region had started withdrawing towards Egypt.⁹⁸ The conflict in Libya, thus, was about to end, barely six weeks after it started, at a toll of about 1,000 dead, including soldiers, rebels, and civilians caught in the crossfire.⁹⁹ The US led intervention instead stretched the conflict to another seven months, death toll amounted to at least 7,000 and with the death of their ruler-in-charge, the rebels became empowered to return to Libya and wreak further havoc by resuming the attacks.¹⁰⁰

Qaddafi was a known geopolitical troublemaker and his support to various terrorist and insurgent groups gradually led to him alienating most Middle East and African governments, while also losing the influence in the region.¹⁰¹ What Qaddafi got right in Libya instead was his cautious balancing of the interests of the complex tribal society in Libya.¹⁰² This is exactly where President Obama failed as the leader of the NATO military intervention in Libya. American President’s failure to anticipate the complexity of Libyan society as well as how to rebuild societies that didn’t have any civic traditions, post the overthrow of the ruler in charge,

has left the country in a deeply unstable and chaotic condition.¹⁰³ The post-Muammar Qaddafi Libya has remained a battlefield - literally and figuratively. The infighting is deepening both on the terrain and in politics, between a myriad of rival militias and political factions operating with impunity.¹⁰⁴

Steven Feldstein, a senior fellow at Carnegie, argues that the failed attempts to rebuild society of Libya post 2011 military intervention and the recent policies of the countries in Europe “to outsource responsibility for the migration crisis to Libya have created a perfect storm of exploitation, predation, and abuse.”¹⁰⁵ The fighting has also significantly reduced the once abundant oil production in Libya, crippling its economy and foreign currency reserves.¹⁰⁶

The Libya debacle by the Western powers leads to many questions. The foremost being - What could be the plausible reasons behind President Obama’s overzealous attempt to intervene in the domestic affairs of Libya under the pretext of human rights violations? If the ‘concern’ for people in Libya is the reason then a natural query arises as to why the same ‘concern’ from Obama and NATO was absent in the distressing humanitarian crisis meted out to the Kurdish community in Turkey or in the case of onslaught of Syrian civilians by the ruling regime (as this paper would discuss in the next case study)?

A probable answer with regards to the dubious Western intentions in Libya lies in the prediction by Qaddafi himself. In August 2011, Muammar Qaddafi delivered a speech to his supporters urging them to defend Libya from the foreign invasion (by then the US, NATO and rebels of Libya had started to attack Tripoli).¹⁰⁷ The speech of Colonel Qaddafi which was telecasted via a ‘pro-regime television station’ said, “There is a conspiracy to control Libyan oil and to control Libyan land, to colonise Libya once again. This is impossible, impossible. We will fight until the last man and last woman to defend Libya from east to west, north to south.”¹⁰⁸ Did

Qaddafi's prophecy come true after the many years of his death and fall of his regime? With the US backtracking and regional powers getting a grip of the region the answer is mixed. "As the battle moves to Sirte, gateway to the country's oil crescent, a potential showdown over control of Libya's oil wealth is looming" - reported Bethan McKernan, the Middle East correspondent of *The Guardian* in 2020.¹⁰⁹

Another popular theory behind the hasty intervention is the desire by the Obama administration to eliminate Qaddafi's regime in Libya.¹¹⁰ Though denied repeatedly by the Obama administration that a regime change was never their intention or part of the military action plan, there are very few takers for Obama's apparent disinterest in toppling the Qaddafi regime. "Given that decapitation strikes against Qaddafi were employed early and often, there almost certainly was a decision by the civilian heads of government of the NATO coalition to 'take him out' from the very beginning of the intervention", stated Micah Zenko, an American political scientist.¹¹¹ The Western apathy to Qaddafi and his regime dates back to the 1960's. The 1969 revolution that led to the "birth of a new state" under Qaddafi resulted in "the loss of lucrative Libyan oil concessions for Western companies."¹¹² Along with this was the constant 'allegation' towards Qaddafi by the Western powers that he was constantly plotting against West and their interests by funding the anti-West agencies - the result being "both Britain and the United States quickly began to formulate scenarios to bring Qaddafi's apparently anti-imperialist regime to an end."¹¹³

Did the immediate state of affairs in the Qaddafi ruled Libya warrant a military intervention? Were there situations or reports of ethnic cleansing, genocide, war crimes or other atrocities being committed on Libyan nationals by Qaddafi, that made the UN Security Council invoke R2P and authorize military action against the state? It has to be mentioned that the UNSC cancelled its authorization after a seven-month-old NATO military operation in Libya in spite of a "request from Libya's

interim government for the Security Council to wait until the National Transitional Council made a decision on whether it wants NATO to help it secure its borders.”¹¹⁴ Post-intervention, President Obama, his NATO allies and the UN have left Libya crippled and damaged by endangering Libya’s sovereignty and offering no concrete measures for rebuilding and rehabilitation of the war-torn nation.

In 2014, President Obama said that he and his partners from Europe underrated the need for a full force in Libya during intervention - war cost the US just \$1.1 billion.¹¹⁵ Obama said, he thought “then it’s the day after Qaddafi is gone, when everybody is feeling good and everybody is holding up posters saying, ‘Thank you, America.’”¹¹⁶ President Obama also admitted in 2016 that the ‘worst mistake’ of his life was “probably failing to plan for the day after, what I think was the right thing to do, in intervening in Libya.”¹¹⁷

The fact of the matter is neither Obama’s acceptance of his ‘worst mistake’ nor his failed calculations stand a chance in front of the intense suffering that is being meted out to the human lives in the region as the result of the 2011 NATO intervention. The interior minister of the Government of National Accord (GNA) in Libya, Fathi Bashagha, lamented, “Every day we are burying young people who should be helping us build Libya.”¹¹⁸ Western self-interests has led Libya and its future generation to anarchy and disintegration - and considering this, ‘Thank you, America’ might be the last thing Libyans would want to say at this point of time, and probably in the ensuing years till the country can achieve the peace and stability post-military intervention.

Case Study 4

‘Passive’ Handling of Syrian Crisis By Obama

Following a popular demonstration (inspired by the Arab Spring) during March 15, 2011, calling for democratic reforms, violence erupted in Syria. The protestors in Syria demanded the resignation of Bashar al-Assad, the President of Syria and a subsequent end to his Ba’ath Party’s rule.¹¹⁹ To suppress the ongoing protests, the ruling regime of Assad deployed the armed forces, which eventually led to the uprising quickly escalating into a full-blown civil war in Syria.¹²⁰ With the participation and influence of external actors, the domestic protest against President Assad soon transformed into a full-blown war between the Syrian government—(backed by Iran and Russia)—and the rebel anti-government groups—(backed by the United States, Turkey, Saudi Arabia, and others in the region).¹²¹

Atrocities committed on the civilians by Assad’s Syrian military forces were brutal and horrific. A 2011 report by Human Rights Watch (HRW), titled “We’ve Never Seen Such Horror : Crimes against Humanity by Syrian Security Forces” states that since the beginning of protests against the Assad establishment, the Syrian forces have killed as many as hundreds of protesters and randomly arrested thousands of individuals, subjecting many of them to cruel torture in detention.¹²² The infamous ‘Archipelago of torture’, as anointed by HRW, is a complex and expansive network of detention and torture maintained by security forces of Syria and the Syrian intelligence agents, which became synonymous with unparalleled cruelty of modern times.¹²³

Research by the HRW also revealed that the scale and nature of abuses by the ruling regime were systematic and carried out as a state policy that strongly proposed that these tortures are crimes against humanity.¹²⁴ The widespread use of internationally banned unlawful weapons like chemical

weapons by the Assad regime has been widely reported. State actors are not the only parties unleashing brutality upon the hapless Syrian civilians. The atrocities by the 'non-state armed groups' like ISIS, Jaysh al-Islam, Faylaq al-Rahmane, Hay'at Tahrir al-Sham (HTS) and so on were/are equally appalling and distressing. According to the UN - it has been estimated that since the start of the Syrian war more than 400,000 people have been killed in the country; as of January 2019, more than 5.6 million people have fled Syria; over 6 million have been internally displaced; numerous refugees have fled to Lebanon and Jordan, straining an already limited resource and weak infrastructure, an estimation of 3.4 million Syrian civilians have escaped to Turkey, and many attempting to seek refuge in European countries.¹²⁵

Ten years since the democratic protests first erupted, Syria has catapulted into a more complex civil war. Jihadis advancing a Sunni theocracy have eclipsed forces from opposition fighting for a pluralistic and democratic Syria, and regional powers have backed numerous local forces to promote their geopolitical interests on the Syrian battlefield.¹²⁶ Efforts to reach a resolution through the diplomatic channels have been largely unsuccessful so far, though the Moscow led Astana Peace Process gives a glimmer of hope to the ongoing Syrian crisis. The earlier UN-backed (and Washington led) Geneva peace talks led by UN Special Envoy Staffan de Mistura for furthering a political transition have not been successful, as Syrian officials of the regime and opposition struggle to find jointly acceptable terms for conflict resolution.¹²⁷

With this background, this paper shall now analyse the reaction of President Obama to the Syrian crisis and the subsequent deteriorating human rights situation that engulfed the country. The support from Obama's America and NATO allies were expected in containing Syria's Civil War, particularly considering their overzealous attempts to 'protect' the Libyan civilians from an (alleged) 'impending massacre' by Muammar al-Qaddafi. It has to be noted that the Syrian turmoil and the Libyan

crisis erupted around a similar timeline when Barack Obama was the US President. Therefore, the intent is to try and understand the kind of foreign policy choices the Obama-Biden administration formulated with regards to the ongoing humanitarian distress during the Syrian Civil War and also Washington's attitude to President Assad, the man accused of having caused the most number of casualties in Syria.

Kenneth Roth has commented, “...a careful review of Obama’s major human rights decisions shows a mixed record. In fact, he has often treated human rights as a secondary interest — nice to support when the cost was not too high, but nothing like a top priority he championed”.¹²⁸ To highlight this point, one of the examples pointed out by Roth is Obama’s ineffective foreign policy decisions in handling the widespread civilian onslaught by the Assad regime in the Syrian civil war.¹²⁹

The Obama-Biden administration, with their primary focus on the Islamic State threats in Syria, ignored the ongoing atrocities against civilians by the Syrian regime headed by President Bashar al-Assad while his military forces turned out to be responsible for the largest part of civilian casualties in Syria as compared to the Islamic State (ISIL/ISIS/Daesh).¹³⁰ Many Syrian civilians were upset that President Obama decided to cut in to stop the cruelty of the Islamic State but abstained from using America’s robust military force to stop the brutality of the ruling Assad regime.¹³¹ Few US allies believe that it is President Assad who is the root cause of the problem in Syria, and “it is the terror of the Syrian leader that allowed room for the terror of the Islamic State”.¹³² Since the brutal Syrian civil war officially began in 2011, President Assad, backed by Russia, Iran, and Turkey, were able to keep away the Obama led US and the UN from war-torn Syria.¹³³ The years of insistence by Obama that Syria was not of much geostrategic significance to the US may have aided the ineffectiveness of the US action/inaction in Syria.¹³⁴

August 31, 2013, became a defining moment of the Obama-Biden administration’s commitment to human rights - a day that offered the

world a glimpse into Washington's future policy choice in the turmoil ridden nation-state of Syria.¹³⁵ The day started with much anticipation as the American President was going to announce the US plan of action for Syria. A year earlier, President Obama pledged that any use of chemical weapons by the Assad regime would be considered crossing the 'red line' and would subsequently summon a direct military intervention in Syria.¹³⁶ Obama now came face to face with the reporters because exactly ten days prior to August 31, the military forces of Assad had launched a Sarin nerve gas attack in eastern Ghouta, Damascus, killing more than a thousand people, including hundreds of children.¹³⁷

The eastern Ghouta attack by the Assad regime was later confirmed by the United Nations as the worst chemical weapons attack on individuals in 25 years.¹³⁸ When the reporters awaited in anticipation to know the details of the impending counterattack by the US, as promised earlier, Obama took a dramatic U-turn and announced that US military attack on Assad regime would be put on hold - until he seeks approval of the Congress (though legally Obama required no such consent from the Congress).¹³⁹ The dramatic U-turn by the US President became a moment that would change the Syrian civil war into a monumental failure of our age, commented Simon Tisdall, an assistant editor of the Guardian.¹⁴⁰

In the debate that followed, it became clear that while opposition from America's public in getting involved in yet another war in the Middle East was one of the reasons for Obama's surprise turnaround, the primary push though was Russia's proposal for Syria to remove Assad regime's stockpile of chemical weapons, to prevent the repetition of such untoward incidents.¹⁴¹ Russia being one of the key allies of the Assad regime, Obama welcomed the proposal terming it as a potentially significant breakthrough in the ongoing Syrian crisis¹⁴². While the dramatic shift in Obama's policy signalled his willingness to outsource the war to Russia, it also meant that America, post-Iraq war, was withdrawing from its role as the 'global policeman'.¹⁴³

The 2016 ‘Terms for a Cessation of Hostilities in Syria’ jointly announced and sealed by President Obama and President Putin also raised considerable suspicions amongst the policy experts. According to the terms of the agreement, the government of Syria and the armed opposition of the country was asked to agree to a cessation of hostilities, nevertheless, the peace did not apply to two of the deadly extremist groups, the Nusra Front and the Islamic State, raising significant questions about the longevity of such cease-fires (like those attempted before).¹⁴⁴ Experts sceptical of this ‘partial truce’ by the Obama administration, like Andrew J. Tabler, a Syrian expert in Washington Institute for Near East Policy, commented against the deal.¹⁴⁵ According to Tabler, “*Washington’s stated policy is not to end the Syrian war. . . . They just want to settle it down so it boils a little more slowly. It’s yet another attempt to contain a conflict that has been uncontrollable*”.¹⁴⁶

With regards to policy choices in Syria, experts also point out the Obama-Biden administration’s “deep cognitive bias against risk” -- i.e. the experts believe that the fear that America’s actions in Syria would lead to negative results weighed far more than the negative (visible) and actual inactions in Syria.¹⁴⁷ They come to such a conclusion because even when the Syrian conflict spiralled out of control and the price of inaction ascended, the Obama administration’s risk calculus remained unchanged.¹⁴⁸ Despite the dangerous spiralling down of Syrian situation around them, the officials of Washington and President Obama himself frequently justified their policy that an engagement in Syria would naturally lead to ‘mission creep’, drawing America into an Afghan-style quagmire - a perspective strengthened by administration’s concerns about the difficulty of managing the scenarios that often follow with what begin as limited interventions.¹⁴⁹ President Obama’s failed legacy in interventions might also have led to his ‘military restraint’ approach in Syria. “*Iraq and Afghanistan, but also the experience of Libya, where the removal of Moammar Gaddafi and the subsequent collapse of the Libyan state happened under Obama’s watch, stand as object lessons for the administration in the limits of military power and the disastrous consequences that U.S. interventions can unleash*”, remarks Steven

Heydemann, a political scientist.¹⁵⁰

The Obama-Biden administration was also alleged to have watered down the Caesar Syria Civilian Protection Act, a bipartisan bill that imposed sanctions against the Assad regime and its allies like Russia and Iran for their crimes in Syria's civil war.¹⁵¹ In an attempt to defend the administration, Eliot Engel, the ranking Democrat in the House Foreign Affairs Committee (and the chief author of the bill), said proceeding with the bill could have negatively affected "the delicate cessation of hostilities" that John Kerry, Secretary of State had negotiated with Russian state.¹⁵² A Syrian activist, Mouaz Moustafa, said Obama's decision to delay the bill is equivalent to the delay of justice for Syrian victims subjected to the atrocities of the Assad regime and for possible prevention of such horror in the future.¹⁵³

Obama's reliance on realism, a school of thought in International Relations that offers powerful explanatory evidence of *Realpolitik*, emphasising concepts like national interests, national security, self-help, etc., is also hard to miss in the case of the Syrian crisis.¹⁵⁴ Obama said that it is not the job of the American President to solve every Middle East problem and that they must be modest in their belief that America can rectify every evil.¹⁵⁵ To this dismayed Michael Gerson, a former White House Director of Speechwriting, commented that they are not dealing here with every evil or problem, but a unique and discrete set of scenarios - the biggest humanitarian failure of the Obama Presidency is also its biggest strategic failure, Gerson stated.¹⁵⁶

It can be said that the timidity and passiveness by the West in Syria potentially undermined the UN Charter, the international laws and the humanitarian agencies.¹⁵⁷ According to Robert Ford, the former US Ambassador to Syria (2010-2014), one of the consequences of Washington's failure to meaningfully implement the red line was that it furthered the recruitment of extremists - a warning that was specifically

issued by the State Department to the Obama-Biden administration but was ignored by Washington.¹⁵⁸ If plunging into the Syrian war was taxing for the US economy and the military forces of America post-Iraq, could Obama have involved alternatively to mitigate the humanitarian crisis in Syria or change the trajectory of the civil war? According to Andrew Bowen, a global fellow at Wilson Center, Obama had plenty of chances to train robustly and arm the moderate opposition fighters.¹⁵⁹ President Obama could have resorted to tough military action to crush the Air Force capabilities of the Assad regime especially when Obama had the ‘no-fly zone’ options on numerous occasions, both in the north and the south, which he did not take.¹⁶⁰

In one of the last press conferences held at the White House as the President of the US, Obama was asked whether he felt morally responsible for the bloodbath in Aleppo. To this, Obama admitted that he felt responsible for the kids killed, the millions of Syrian people displaced, and all the horrible issues happening across the world because he is in the position as the President of the United States.¹⁶¹ Obama continued to say that even though he and his office spent many days trying to end the Syrian civil war, he also had to take into account the long-term security concerns and interests of America, referring to a decade-long war in Iraq and the ‘trillions of dollars’ that the US had to bear eventually.¹⁶² In the same press conference, Obama added rather forcefully that the responsibility of the ongoing atrocity in Syria lies with President Assad, his allies, Iran and Russia - *“this blood and these atrocities are on their hands”*, Obama commented.¹⁶³

By the end of Obama’s term, the bloodbath and carnage in Syria had spiralled out of control. There is little doubt that the fate of Syria shall continue to haunt Obama’s legacy. The Syrian humanitarian crisis shall remain a testimony of the Obama-Biden administration’s passive and catastrophic policy choice in the Middle East nation.

Did Trump get the facts right in Syria? Has the transition from Obama to Trump brought any significant changes in the US policy towards Syria? There are no straight answers. Outrage erupted over Trump's decision to abandon the Syrian Democratic Forces (SDF), a militia group of around 70,000 fighters consisting mainly of Kurds, some Syrian Arabs and members of minority communities - a group which the Assad regime sees as an impediment to his reclamation of Syria.¹⁶⁴ Though SDF was a crucial ally of the US in tearing down the ISIS caliphate in Syrian parts, President Trump was more than eager to exit 'the Syrian quagmire' and stop the long-term US costs that came from staying in Syria to protect the Kurds.¹⁶⁵ Trump's strange reasoning lies in the claim that the fight against ISIS is over, which is far from true. As pointed out by Lindsey Graham, Republican Senator of South Carolina, and otherwise Trump supporter, this decision is "a disaster in the making" that could lead to the potential return of the Islamic State in the region.¹⁶⁶

Nonetheless, it has to be mentioned here that the originally named Caesar Syria Civilian Protection Act of 2019, which is now made a part of the National Defense Authorization Act of 2020, was signed into law by President Trump.¹⁶⁷ The Act says that the US should take forceful economic means to compel the Syrian government to stop its brutal attacks on the people of Syria and support the transition of the Syrian government to one that regards the rule of law. The Act remains the harshest and the mandatory sanctions against the Assad regime (to date) -- an action President Obama was reluctant to undertake.¹⁶⁸

Antony Blinken, the then policy advisor to Biden during the election campaign (and the current Secretary of State to the US) expressed his regret for destruction in Syria during President Obama's days, in the course of which he served as a senior official in White House.¹⁶⁹ Blinken said, "*We failed not for want of trying, but we failed. We failed to prevent a horrific loss of life,.... "It's something that I will take with me for the rest of my days"*.¹⁷⁰ Within months of the Biden-Harris administration taking

charge, the US carried out airstrikes in eastern Syria on what the Pentagon claims as facilities belonging to militia backed by Iran - attack killed and injured many, including a civilian.¹⁷¹ The action drew criticism from even the Democrats for the apparent failure of the Biden administration to take required Congressional authorisation for such a military attack.¹⁷² President Biden defended his first military action as the US President by saying the action was consistent with America's right to self-defence.¹⁷³ In a letter addressed to President pro tempore of the Senate Patrick Leahy and House Speaker Nancy Pelosi, he wrote that military action was needed to defend and protect America's personnel and partners against current and future attacks.¹⁷⁴ 'America First' for Biden as well?

The Never-Ending Debate of National Security vs. Human Rights

Bush, Obama or Biden was/are but the frontmen of an elected group that ran/runs the state of affairs in America. They have to work according to a collective state conscience (i.e. prioritise the national security and the national interests of the US) even if that might go against their individual ideological preferences. This paper is aware that the election promises nor the past narratives (of state/leaders/political parties) do not, or rather cannot, supersede the dynamics of national interests. This is true for any nation-state - big or small, global power or a third world nation, a democracy or an authoritarian state. Every nation-state and its elected representatives have the right to self-defence, give precedence to their self-interests, tackle security-dilemmas, prioritise survival, and protect its citizens, especially when there is no hierarchical political rule in the international arena, and the states exist in anarchy- golden principles of realist theory of international relations.¹⁷⁵

Compounding to the traditional threat where nation-states cannot be certain about the 'intentions' of other countries (Mearsheimer's offensive

realism), are problems from non-state actor driven crimes like terrorism, which has become a major threat plaguing the 21st-century modern world.¹⁷⁶ America's War on Terror was a counter-terrorism strategy that had to be devised when the country and its innocent civilians were brutally attacked on September 11, 2001, by the Islamist terrorist organisation Al-Qaeda. Now, widely known as the 9/11 attacks resulted in an estimation of 2996 deaths and 6000 injured civilians residing in the US.¹⁷⁷

One could argue (with merits) that the circumstances and compulsions of President Obama (or his predecessors/successors) to continue the counter-terrorism strategies initiated by President Bush are unavoidable because the threats posed by terrorism to America and the world are far from over. And hence, Guantánamo or drones/air strikes, wars etc. are an extension of inevitable strategies required to eliminate violent non-state actors and the crimes committed by them. Nonetheless, the question this paper would like to raise is while it is agreeable that no concession should be made available to those extremists who indulge in violent activities against innocent civilians, what might be the reason preventing the state-actors like President Obama from interrogating the suspects with legally approved and credible arm-twisting techniques.

It indeed is unforgettable that a 9/11 attack on the American civilians prompted the global power to start the War on Terror. The distress is that - is it not a similar mistake committed by the US upon killing innocent civilians of other nation-states (rogue or not) in the name of War on Terror, for example, via expanded air-strikes and failed targeted killings. Not to mention the detention and incarceration of individuals without evidence for close to two decades at the Guantánamo prison. The principles of global human rights like right to life and liberty, freedom from torture etc. are devised to protect people across the globe - it applies to Americans, Libyans, Syrians, Somalians and all humans on earth alike. With the advent of sophisticated weapons and modern surveillance techniques, the leaders of a Superpower nation ought to be more careful in its counterterrorism

strategies and avoid civilians to the maximum capability.

The rationale of non-intervening in the internal affairs of a sovereign state is paramount in maintaining sane and peaceful world order. Suppose Western states decide to militarily intervene at the behest of a few requests from propagandists, protestors or enemy states in the domestic affairs of, say, Kashmir issue, which is purely a domestic matter of India. In that case, it becomes deeply problematic to the traditionally respected international world order - bilateral/multilateral relationships of countries supporting/opposing India in this matter gets twisted and plausibly result in war, disruption of peace or affecting the diplomatic ties in the region of Asia i.e. in a hypothetical scenario where India chooses to retaliate. Hence, it is best to allow sovereign states to deal with their internal matters.

War/military-intervention should never be the preliminary recourse, instead non-military options like sanctions, diplomatic pressures, arbitration etc. should be explored at its maximum best in scenarios where the international community feel the need to intervene to help the human lives in distress. And if at all there is an unavoidable necessity of military intervention, the global leaders need to be vigilant with using principles like R2P and should have credible evidence to back up their military intervention (which in any case should be the last resort). As the case study suggests, in Libya, the Western interests in the 2011 NATO intervention come across as dubious. So much so that, when the R2P may or may not have been deployed in aid of Syrian civilians when the ruling regime was committing mass atrocities on them, the doctrine lost considerable faith amongst the international community. As stated by David Miliband, former foreign secretary, UK, *“Good politics starts with empathy, proceeds with analysis, then sets out values and establishes the vision, before getting to the nitty-gritty of policy solutions.”*¹⁷⁸ He proceeds to say that given the seriousness and complexities surrounding the decision to proceed with war, it is the need of the hour to provide structures for informed decision-making that consists of disciplined and rigorous debates, and also considering various

non-military solutions.¹⁷⁹

Can it be considered that whilst one American President's (Clinton) failure to stop the genocide in Rwanda (not to forget his intervention in Kosovo) became one of the reasons to the formulation of a global humanitarian doctrine like R2P, the attempt by another American President in Libya lead to the erosion of faith in the doctrine?

This is not to suggest that the disaffected/affected civilians of Libya, Syria or individuals of other-nation-states may or may not turn against the Western powers in future to seek revenge for Western actions/inactions in their country, explained so far. But if there is even the slightest possibility of such an unintended outcome, the dominant powers should consciously and prudently stay away from creating terrorists through their mindless foreign policy decision making. The national security of individual states is best protected when global security is safeguarded and the sovereignty of states are respected. Hence, until Libyans can reassemble from the rubbles their lost land, economy, shattered lives and most importantly, right to selfhood and identity (which can be best safeguarded when you have a stable - sovereign state of your own), it would be in the best interest of Western powers to aid the Libyans to get back on their foot and help them achieve a solid democratic transition. And, so is the case with Syrians.

Obama's Legacy: Crumbling Liberal Expectation or Still a 'Liberal Hero'?

Could President Obama live up to the expectations placed on him by the liberal ecosystem? The human rights legacy of Obama is weak and controversial, but he is still admired and celebrated in many parts of the world as a liberal hero. Obama was deemed as a welcome change post-Bush era by those in the left-aligned liberal ecosystem, even when his policy choices as the President of the US resulted in some of the worst possible outcomes to humanity. As commented by David Greenberg, a professor of

media studies and history at Rutgers, “Barack Obama’s impending departure from the White House has put many Americans in an elegiac mood. Despite an average approval rating of only 48 per cent — the lowest, surprisingly, of our last five presidents — he has always been beloved, if not revered, by the scribbling classes. Just as many prematurely deemed Bush the worst president ever, so many are now ready to enshrine Obama as one of the all-time greats.”¹⁸⁰

Also, there were many liberals who viewed Barack Obama as their ‘crumbling liberal hero’. These were the liberals who were disappointed with Obama’s failed promises pertaining to Guantánamo and most importantly the large-scale widening of the covert drone programme to target the suspected terrorist in Yemen, Pakistan and other states under his watch.¹⁸¹ An analogy comes from a Turkey based academic, Hakan Altınay, that Barack Obama talked like the President of ‘American Civil Liberties Union’ but his actions were synonymous with Dick Cheney.¹⁸²

President Obama might have gotten right with the optics which is paramount in politics. The optics of being portrayed as - the liberal for a new era: young, urban, urbane, cool, cosmopolitan and erudite.¹⁸³ The fact of the matter is that optics alone would not serve the humanitarian purpose, when one is a global leader and importantly the President of America. The human rights commitment by President Obama was not by any standards better than his Republican predecessor and the case studies included in this paper showcase what Kenneth Roth had reminded the world that Obama often considered issues of human rights as a secondary interest.¹⁸⁴

Liberalism and its espoused principles like the unalienable rights of individuals is not just another concept for America, it is the moral and political philosophy that has been guiding the country since its inception.¹⁸⁵ And, when a ‘liberal crusader’ like Barack Obama was elected as the President of the US the expectations, needless to say, soared high only to be disappointed later. Whatever constraints President Obama had as the leader of America (mostly justifiably so), the world and the US hoped for

a better human rights legacy from him. The question is was he a liberal as portrayed or a 'reluctant realist'?

Concluding Observations

As mentioned earlier, this paper intends to caution against the hurried liberal frenzy and welcome for President Biden, who was the Vice President in Team Obama, and who is yet to prove himself as the President of the United States. The four case studies relating to Obama-Biden legacy on human rights should therefore underline a few facts.

First and foremost, the case studies throw light to the reality that contrary to the liberal expectation, the foreign policy decision making of the Obama-Biden administration was primarily influenced by *Realpolitik* and political realism - i.e., to advance national interests and national security concerns of the US. It becomes clear that irrespective of whether it is Bush, Obama, or Trump, past presidents of America have taken foreign policy decisions keeping in mind what they felt would be in the best interests of America's security and national interests. It can be said that in all likelihood President Biden may as well follow the same path. The recent airstrikes in Syria by President Biden's military forces citing America's right to self-defence can be taken as a cue of him gravitating towards the same.

Secondly, the case studies suggest that the consideration for human rights was not Obama's chief priority while formulating certain foreign policy choices for the US during his term of office. No amount of humanitarian distress could alter or pause some of the foreign policy decisions of the Obama-Biden administration. To protect America's security interests if President Obama had to digress from all his past human rights commitments, he did just that.

With regards to Guantánamo, reluctance of the Obama-Biden administration to bring to justice those behind the CIA torture techniques

is a pointer. It cannot be forgotten that in spite of promises, Obama himself could not shut down the infamous detention centre. There were inmates detained without the protection from national or international laws during the entirety of his presidency as well. In spite of the tainted evidence, President Obama continued to lock up the 'alleged' terror suspects fearing they might pose a threat to America's security.

The weight of the 'human rights advocate' image did not weigh down Obama from disrupting the sovereignty of Libya and endangering the lives of an entire generation of that country. If the theories are to be believed, the Western antipathy towards Qaddafi and the oil rich sources of Libya were the primary motives behind 2011 US-led NATO intervention in Libya. If so, then hiding ulterior motives and Western agenda under the garb of R2P makes then intent behind Obama-Biden and Western military action in Libya questionable. Equally disturbing is the fact that the tragic intervention in Libya was under the very controversial liberal principle of the Right to Protect, a doctrine endorsed by the UN. Also alarming is the reality that the US-led NATO intervention which jeopardized the sovereignty of a nation-state was authorised by a principal organ of the UN.

Moving to Syria, President Obama was more inclined to get the nuclear deal signed by Iran than getting involved in the deteriorating plights of the hapless Syrian nationals. If getting the nuclear deal inked to boost America's and Obama's own legacy meant being mute to the ongoing atrocities of the Assad regime, Obama had no qualms about it. The allegations that the White House under the Obama-Biden administration attempted to water down 'the Caesar Syria Civilian Protection Act', a bill that was crucial to imposing sanctions against all those complicit in Syrian war crimes, including Russia and Iran, was not something expected from a human rights champion.

When faced with questions on the ongoing crisis in Libya and Syria, the pattern is strikingly similar - Obama would admit his mistake and

expressed his inability to bring humanitarian advancement to the regions. The irony of it is hard to ignore. Syria and in particular Libya have been catapulted into fragmentation and destruction because of either President Obama's indirect aid to those complicit in the crisis through his 'passive' foreign policy choices or because of Obama's direct policy actions prioritising US geopolitical interests in the Middle East.

President Obama and Vice President Joe Biden were a part of two US-led wars and Obama became the first two-term US President to do so.¹⁸⁶ A war is a war, it doesn't matter if it is fought by President Bush or President Obama, it doesn't matter whether the war zone is Iraq or Afghanistan; plenty of human lives are lost, destroyed and torn apart in the due course of a war. The Obama-Biden administration's logic on surgical precision of drone based air strikes falls flat in the face of the reports published by various organisations. After analysing the above foreign policy choices, it becomes clear that the Democrat President Obama has no solid base to hold a moral high ground against his Republican predecessor, George W. Bush. Hence, the earlier mentioned claim by Joe Biden that the influence and credibility of America has declined since he and Obama left office needs some serious reconsideration at least, in the arena of their foreign policy decisions mentioned in this paper.¹⁸⁷ Also, the four case studies represent not just any casual human rights violations but instead reflect the most pressing humanitarian concerns of our times. This is where the Obama-Biden administration has disappointed the world.

These being the reality of world politics, the international community should be prudent enough to put a stop to the ongoing hurried excitement over President Biden. It is certainly encouraging that President Biden has vowed to advance human rights across the globe. Nonetheless, what the liberal cheerleaders expect from President Biden is one thing and what the current US President might be able to deliver might be another, similar to what happened with President Obama.

There are already mounting concerns over Biden-Harris administrations' handling of the surging migrant crisis at the US-Mexico border. The Homeland Security Secretary of Team Biden, Alejandro Mayorkas, stated that "*Our message has been straightforward — the border is closed, ...*" *We are expelling families. We are expelling single adults. And we've made a decision that we will not expel young, vulnerable children*".¹⁸⁸ Handling of unescorted minors at the border has particularly hurled the Biden administration into scathing criticisms amidst the rising war of words between the supporters of human rights and those of the national security concerns.¹⁸⁹ After the release of a series of photos portraying the shocking conditions of migrant children being held in the region of South Texas, there has been an intense fury at the silence by some section of the media and the politicians from the Democrat party - curiously, "over of an issue that had caused an uproar on their part during President Donald Trump's presidency".¹⁹⁰ Congressman Henry Cuellar who leaked those photos stated that as many as 400 or more unescorted migrant children are being held up in 'pods' designed to accommodate an estimate of 260 people.¹⁹¹

Looks like the political continuity in foreign policy choices is something even the 46th President of the US cannot seemingly escape from. Whether President Biden would continue to follow the foreign policy choices of Trump or whether he would bring about significant changes in these areas is something that the international community has to wait and watch. As more evidence emerges on the deteriorating and worrying conditions of the migrant children at the US-Mexico border, it becomes necessary to reassess the campaign promises of President Biden, including the liberal postures in his much publicized (mentioned earlier) *Foreign Affairs* article, and his overall 'commitment' to human rights issues. So far the choices of President Biden seem to be heading towards prioritising the national security issues of America over liberalism and human rights consideration.

President Biden has a long way to go in terms of formulation of foreign policy choices that may or may not benefit the rest of the world. This paper

would like to conclude with the hope that Biden would have learnt from the Obama era mistakes and hence follow a non-interventionist policy to avoid another ‘humanitarian’ war. The US political class needs to be most careful about propagation of misinformed comments, criticisms, and rating of the human rights records against other established democracies, especially the largest and most complex – India, which has well established institutions and checks and balances to protect people’s rights and uphold the Constitution. It would be more useful if instead, the US could focus on helping fragile democracies across the world strengthen their institutions and economies. America should engage the developing world constructively to promote democracy and development, keeping the lessons of America’s own struggle against separatism, racism and human rights violations in mind. It has reasons to do so keeping China’s rise in mind.

At the end of his Presidential term, Biden may emerge a ‘liberal crusader’ or possibly become another ‘crumbling liberal hero’. Until then, the nation-states and international community should be prudent to channelise the liberal frenzy towards assessing Biden practice, pragmatism and political realism.

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