

The Foreign Policy Legacy of Barack Obama

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ABSTRACT

Barack Obama finishes his second term with a mixed but positive foreign policy legacy. America's global standing is much improved from the waning days of the George W. Bush administration eight years ago. Obama's most notable achievements were the international agreement slowing Iran's progress toward nuclear weapons capability and diplomatic normalisation with Cuba. On the other side of the ledger were his failure to extricate America from military overextension in the greater Mideast and from the global policing mindset that produced that overextension. Also marring his record was his incoherent response to Syria's deadly civil war and Libya's collapse into anarchy following the 2011 international intervention.

KEYWORDS

Obama; foreign policy; transformation; policing mindset; Iran; Cuba

Barack Obama campaigned for President in 2008 heralding a fundamental shift in the direction of American foreign policy. He promised to challenge, and change, the reflexive mindsets and outdated dogmas that had shaped the policies of recent administrations, from attempts to police the globe to ill-conceived attempts at 'nation-building' in societies America has never bothered to, or cared to, understand.

Obama wanted to restore strategic solvency to allow more effective American interventions in the arenas that he believed counted most. More broadly, Obama sought to turn US attention from almost three decades of intense involvement in the military conflicts of the Middle East to refocus on the more economically dynamic Asia-Pacific region, which was playing an increasingly decisive role in US trade and investment. That refocus also implied a shift away from the high priority America had placed on European economic and security developments during the long Cold War decades.

Along with this new realism, Obama also offered the promise of renewed idealism in the form of turning away from 'un-American' practices like torture and returning to policies more in conformity with American values and the US constitution. But Obama's version of constitutionalism contained one highly consequential omission.

While Obama talked about a return to the rule of law and the constitution, he did not seek the presidency to diminish its powers, even the relatively recent accretions his post-World War II predecessors had amassed, first to fight the Cold War and then to wage a worldwide military campaign against radical Islamist terrorists and their allies. Obama had

been a constitutional law professor, and many of these new powers had stretched traditional understandings of the Constitution almost beyond recognition.

But Obama had sought the powers of the modern presidency to use them, not diminish them. He imagined he could transform the content of American foreign policy without transforming its operating structures. From the perspective of 2016, it now seems that the unanticipated consequences of that understandable but flawed assumption have limited his foreign policy achievements and diminished his overall legacy.

The promise

The changes candidate Obama promised lay not so much in specific actions, especially when it came to immediate issues of war and peace. By the time Barack Obama took office in January 2009, the schedule for the US military withdrawal from Iraq had already been set by the Status of Forces Agreement (SOFA) signed by President George W. Bush the month before. This required full withdrawal of American military forces by December 2011.¹ Obama's tripling of the US force levels in Afghanistan was a big change, though one that should not have come as that much of a surprise. On the campaign trail, Obama had repeatedly referred to this conflict (in contrast to Iraq), as central to America's global struggle against terrorism and pledged to resource the fighting in Afghanistan more adequately than his Republican predecessor had done.² The net effect of the simultaneous Iraq draw-down and Afghan build-up was to leave combined US force levels in these two legacy wars nearer the unsustainably high levels he had inherited for longer than Obama and most Americans expected.

The boldness of Obama's promise of change lay rather in new ways of thinking about foreign policy. During a Democratic primary debate in January 2008, he declared, "I don't want to just end the war, but I want to end the mindset that got us into war in the first place."³ Some 15 months later, Obama, now president, proclaimed in Prague "America's commitment to seek the peace and security of a world without nuclear weapons".⁴

Obama promised a more solvent approach to national security, better matching Washington's chronically overambitious policy goals to its stubbornly finite military and fiscal means. More importantly, Obama signalled that he would try to make more rational judgements about where core US security interests were truly involved and where they were not, and, based on these judgements, would more carefully decide where the US needed to intervene militarily and where it did not.

In these and other ways, Obama promised the first real rethinking of the global role the United States had assigned itself during the Cold War. Seventeen years after the break-up of the Soviet Union and at a time when America's military and fiscal overextension seemed self-evident, such rethinking seemed overdue.

In keeping with this promised rethinking, Obama also promised to shift attention and resources away from what appeared to him stalemated contests for peripheral American

¹<http://www.state.gov/documents/organization/122074.pdf>

²"The First Presidential Debate", *The New York Times*, 23 May 2012, <http://elections.nytimes.com/2008/president/debates/transcripts/first-presidential-debate.html>

³"Transcript of Thursday's Democratic presidential debate", *CNN*, 31 January 2008, <http://edition.cnn.com/2008/POLITICS/01/31/dem.debate.transcript/>

⁴"Remarks By President Barack Obama In Prague As Delivered", The White House, Office of the Press Secretary, 5 April 2009, <https://www.whitehouse.gov/the-press-office/remarks-president-barack-obama-prague-delivered>

interests in the Middle East toward fortifying and revitalizing America's presence in what he considered the far more important economic and geopolitical battleground of the Asia-Pacific. By doing so, he hoped to give China second thoughts about its own expansionist designs in that region, while avoiding wasteful and potentially highly destructive military conflicts between Washington and Beijing.

Beyond this, Obama promised to give new priority to negotiating global nuclear arms control agreements. Limiting nuclear weapons had been a personal cause of Obama's since his student days. Candidate Obama also committed himself to leading the international community to combat climate change more robustly. Meaningful action on climate change had been one of the main issues differentiating Democrats from Republicans in the 2008 campaign and for many years before that.

Falling short

Now, as President Obama completes the final year of his second term, he has perhaps inevitably, yet still disappointingly, fallen far short of achieving any such wholesale transformation.

That is not his fault alone. The strong, two-house majorities Obama enjoyed in Congress during his first two years, slipped away, first in the House (2010) and then the Senate (2014). US intelligence agencies misjudged the Arab Spring and, later, the staying power and global ambitions of the Islamic State of Iraq and Syria (ISIS). Nor did anyone anticipate Bashir Assad's deadly five-year struggle to hold on to power in Damascus. New nationalist leaders came to power in China, India and Japan, determined to revise the post-Cold War balance of international power. Vladimir Putin proved more interested in reasserting Russian power than in resetting relations with the United States.

But Obama himself can be fairly blamed for some of the shortfall from his early promise of foreign policy transformation. Losing Congress was not some exogenous event, but a political failure for which the president, the highest elected Democratic Party official, must share blame. While Obama took office with a strong personal mandate, it is less clear whether he began with a political majority for transformational foreign policy change. Unfortunately, his otherwise impressive set of skills proved unsuited to creating one.

And who appointed and kept on those intelligence officials who kept getting the Middle East (and Afghanistan) wrong? Obama's innate caution, which served him and the cause of foreign policy solvency well in some key international decisions, served him poorly when it came to domestic political leadership. So did his commitment to institutional continuity, including his refusal to pursue professional accountability for the legal end runs of the George W. Bush administration and re-examine the new surveillance powers assumed by the NSA and other intelligence agencies. By refusing to look back, he refused to learn and digest lessons and deter any recurrence. With a good chance that his immediate and future successors will prove less constitutionally scrupulous on these issues, that could turn out to be a catastrophic misjudgement.

Despite Obama's oft-repeated desire to pivot US attention and resources away from the Middle East toward the Asia-Pacific, American troops are again fighting in Iraq, Afghanistan, and now Syria, with Washington also conducting limited military operations in Libya, Yemen and perhaps elsewhere in the Middle East North Africa region. US naval forces are regularly challenging Chinese territorial claims in the South China Sea, while the Obama administration quietly encourages the anti-China military posturing of those new

nationalist leaders in Japan and India. With Washington unwilling or unable to shed its old ambitions of regional hegemony in every region, there can be no return to solvency in America's national security policy and no overdue rebalancing of federal budget priorities.

Despite military spending of roughly USD 600 billion a year, not counting the Energy Department's nuclear weapons spending and the separate supplemental budgets that fund ongoing wars, the US armed forces are still chronically under-resourced for the global strategies they are expected to execute – essentially to be able to intervene with decisive force anywhere and everywhere at any time. That will always be, as it always has been, mission impossible. Without scaling down that mission to protecting America's truly vital interests, national security spending will continue to devour resources needed for economic and social revival and continue to undermine the ultimate basis of America's strength.

Passing on to his successor the debilitating burdens of American strategic and budgetary insolvency may be the most disappointing feature of Obama's foreign policy legacy. But it is far from the only area where he has fallen far short of his declared goals. After modest but real nuclear arms reductions negotiated with Russia in 2010, further progress has stalled, leaving Obama likely to leave office with smaller reductions in the nuclear warhead stockpile than any of his recent predecessors and a staggering new commitment to spend an estimated USD 1 trillion over the next 30 years needlessly “modernizing” the U.S. nuclear arsenal”.⁵ Meanwhile, tons of unsecured nuclear materials around the world remain vulnerable to theft by terrorists or state proliferators. And Obama's ability to lead the world toward more robust climate change targets has been thwarted by his inability to overcome fossil fuel dependence and corporate resistance at home, a fight in which he has seemed barely visible over most of the past eight years. As a result, internationally negotiated targets are conspicuously and alarmingly failing to keep pace with global warming, rising sea levels and melting ice caps.

Important achievements

But these defeats, disappointments and episodes of weak leadership are only part of the story. The Obama's foreign policy legacy also includes some impressive successes.

Perhaps Obama's single greatest foreign policy achievement was not in the traditional foreign policy arena at all. In his first months in office, Obama helped stave off a looming financial Armageddon, which threatened to implode America's power and authority internationally, disrupt world trade and supply chains and produce more mass unemployment, for far longer than the United States actually endured. Although initial steps had already been taken by his predecessor to rescue too-big-to-fail banks and the auto industry had already been largely bailed out by the time Obama took office, credit markets were still largely frozen and unemployment rapidly climbing at the start of Obama's first term. Only Obama's steady-handed leadership and aggressive stimulus spending restored confidence and stopped the free-fall. It is far from clear that Obama's Republican rival, John McCain could have provided that in time. With hindsight, we can see that more aggressive fiscal stimulus and more direct federal relief to distressed mortgage holders and consumers would have been even more helpful, though it was not clear then, and is still not clear today whether even the Democratic majority congresses of 2009 would have approved such stronger and

⁵“U.S. Nuclear Modernization Programs, Fact Sheets & Briefs”, *Arms Control Association*, August 2016, <https://www.arms-control.org/factsheets/USNuclearModernization>

wider-reaching steps. But as a result of the financial rescue steps Obama did undertake, American foreign policy is far more solvent, and therefore more globally influential, than it would otherwise have been.

In areas more traditionally associated with foreign policy, Obama, working with European allies (and Russia) helped build a successful diplomatic drive, backed by multilateral sanctions, which persuaded Iran to freeze its enrichment of bomb grade uranium. That required a departure from the symbolic but ineffective unilateral maximalism of his predecessors on the Iran nuclear issue. The compromise deal Obama agreed to offers no regime-change, no long-term guarantees and no cost-free concessions from Iran. What it does offer is much-improved short- and medium-term prospects for halting, or at least slowing, Tehran's progress toward producing nuclear weapons. Obama focused his efforts on achieving just this kind of deal from the day he took office, spent substantial political capital overcoming congressional resistance to it and deserves considerable credit for getting it done.

And despite failing to completely extricate the United States from the Iraq and Afghanistan military interventions that were so severely draining America's credibility, budget and appetite for international involvement in 2008, Obama did manage to reduce drastically the number of American boots on the ground and budget dollars spent. US troop numbers in Iraq peaked at around 166,000 during George W. Bush's 'surge' in late 2007. Now there are about 5,000 there to fight ISIS, whose rise was a result of the Sunni political/military vacuum left behind by Bush's benighted invasion and occupation policies, not Obama's carrying out of the previously agreed withdrawal timetable he inherited. The peak in Afghanistan was around 100,000 US troops, reached at the height of Obama's own flawed surge-and-withdraw strategy in 2010. Now there are only about 10,000.

Cost reductions are harder to measure given Washington's growing use of private contractors for tasks traditionally done by the uniformed military. Those reduced numbers are unlikely to achieve the ambitious security goals Obama has declared for both countries. But at least fewer American lives and resources are being squandered. US credibility and reputational costs are another matter. Unfortunately, when a country goes around proclaiming for a generation or more that its military can solve any global problem, any downscaling to match real vital interests and finite resources better will likely set off a diplomatic and political backlash. Going sober isn't easy.

Another positive legacy will be the significant steps Obama took in 2015-16 to extricate the United States from a half-century of failed Cuba policies. At a time when the mortality of the Castro brothers (and the collapse of Venezuelan oil revenues) portended a likely economic and diplomatic realignment just 90 miles from American shores, America was in danger of cutting itself off from influencing these changes and profiting from them. Unless Congress lifts the continuing embargo, that danger will persist. But by using his executive authority to restore diplomatic relations, and by visiting the island in March 2016, Obama added new flexibility to US policy.

As with all the above gains, it is still an open question whether Obama will leave behind the political mindset needed to preserve and build on his achievements.

A wider world beckons, but the Middle East keeps calling America back

In the following survey of Obama's legacy region-by-region, the Middle East gets disproportionate attention, not because it is inherently more important than other regions, but

because, despite Obama's professed desire to pivot US attention and resources elsewhere, especially toward the Asia-Pacific region, for most of his eight years in office US foreign policy has been caught up in managing one Middle East crisis after another – Iran, Libya, Syria, ISIS, etc. Even such momentous events elsewhere as Russia's annexation of Crimea and military adventurism in eastern Ukraine and Britain's vote to exit the European Union proved unable to compete for long with Washington's Middle East preoccupations.

Mixed record in the Middle East

Barack Obama's legacy must be assessed in relation to the disasters he inherited, not just the promises of change he largely failed to fulfill. I leave it to future historians to judge whether George W. Bush's misconceived invasion and bungled occupation of Iraq constituted the greatest strategic blunder in American history – there are surely other candidates for that sorry distinction. But that was certainly the way millions of Americans and other millions around the world viewed it in January 2009. American prestige and international credibility was at a post-World War II low. And the American public's tolerance for further engagement in distant and complex conflicts was at a post-Vietnam War low. Iraq and Afghanistan, where much American blood had already been shed, were perhaps cases apart. Many Americans still hoped that some kind of positive results could still be achieved, or at least the humiliation and likely damage to America's international credibility of withdrawal without victory avoided. Still, majority sentiment in the United States favoured ending both conflicts at the earliest possible date.

Obama, even while still a candidate, saw matters differently. For him, Iraq had been a disastrously mistaken war of choice. But Afghanistan, he had long argued, was more a war of necessity, the real central front of America's battle against Al Qaeda terrorism. Some, especially dovish Democrats, discounted this as a mere campaign ploy. For a Democrat to advocate withdrawal from Iraq, they reasoned, risked the usual Republican charges of softness on national security – but not if it was coupled with calls for stronger military efforts in Afghanistan.

Obama's subsequent actions as president show that his beliefs about Afghanistan went far beyond mere campaign optics. He knew that Americans were losing patience with the effort, but he believed the outcome mattered. Before his first year in office was over, he had issued orders roughly tripling the number of American troops in Afghanistan to 100,000. While Obama had long argued that the "right war" in Afghanistan had been under-resourced to fight the "wrong war" in Iraq, the size of that first year troop increase apparently resulted from a Pentagon dynamic that slipped beyond the inexperienced new president's control. Sensing the growing public disenchantment, Obama pushed back against Pentagon pressure, making sure his Afghanistan troop surge was accompanied by presidential orders for a subsequent drawdown. Those orders were carried out. But by late 2015, faced with a resurgent Taliban and an Afghan government Washington judged too weak to take over security responsibilities, Obama again yielded to the interventionist mindset and announced that residual US forces would remain in Afghanistan past the end of his term. Acknowledged or not, those forces are engaged in combat, not just training duties.

With around 5,000 US troops now also returned to Iraq, Obama appears to have accepted, or at least bowed to, the kind of arguments he resisted in the first few years of his term, namely the contention that residual US fighting forces can turn the tide of battle even

when Washington's putative allies cannot win the loyalty of their own troops nor establish legitimacy with large chunks of their own population. That is the very mindset that has led Washington into a series of futile, indiscriminate and unnecessarily prolonged military interventions in the past. And it uncomfortably resembles the mindset Obama talked about ending during that January 2008 campaign debate.

Of course, Obama's Middle East policy was not and could not be simply a matter of fulfilling or not fulfilling his campaign promises. Almost from the start, Obama had to navigate his way through new and unexpected developments that profoundly challenged existing US policies and strategic concepts. Among the most significant of these were Iran's 'green revolution', followed a year later by the 'Arab spring' and, in particular, three of its chief manifestations – popular revolts against Hosni Mubarak in Egypt, Muammar Qadhafi in Libya and Bashar Assad in Syria – and the subsequent rise of ISIS in territory lost to government control in Iraq and Syria. All five of these unanticipated developments challenged Obama's realist plans for a return to strategic solvency through partial disengagement from inherited Middle East confrontations and crises and ill-fated misadventures in attempted regime change. Obama's handling of all five, different in each case, complicated his plans for regional disengagement and cost him political support for his vision of a larger rebalancing of American foreign policy strategy by focusing on vital interests elsewhere.⁶

Nuclear diplomacy with Iran

Obama's strategy for a nuclear deal with Iran built on the efforts of his predecessors to form a broad international coalition willing to use the pressure of tough economic sanctions to induce Tehran's ruling mullahs to slow their uranium enrichment programs, thereby delaying their achievement of nuclear weapons capability. Washington had long understood that without a good faith US effort to explore non-military options, it could not hope to sustain international support or strong sanctions – and perhaps later military action should diplomacy fail. But unlike its immediate predecessors, the Obama administration believed diplomacy might actually succeed, and that a compromise deal peacefully achieved with broad international support would be the best possible outcome for the United States.

This new approach, conceived before the Iranian presidential elections of June 2009, did not depend on more moderate Iranian leaders being elected. Obama's realist team planned on dealing with the hardline forces then in power. The apparent electoral success of relative moderates in that 2009 election came as an unexpected surprise to Washington, and the widespread violent repression subsequently used by Tehran to keep those moderates from taking power posed an unwelcome complication for Obama's planned strategy. Obama's Iran specialists worried that too much open US support for the embattled moderates would make it that much harder to draw Iran's hardline leaders to the nuclear negotiating table.

That proved a damaging miscalculation. Realism gains support at home and succeeds abroad through tough-minded calibrations of incentives and disincentives, not unsolicited gestures of deference to repression. Obama offered tepid support to the embattled democrats, only to see the hardline regime rebuff American diplomatic overtures anyway. And whatever long-term credibility Obama's aloofness toward the 'Green Revolution' may have won him with the Iranian regime, it left Washington badly out of step with one of the first

⁶So too, of course, have Washington's increasingly difficult relations with Israel, Turkey and Pakistan, discussion of which I omit here for reasons of space.

of the grassroots democracy movements that would soon sweep the region. It also gave ammunition to future US critics of the eventual nuclear deal Washington and its partners did reach with Iran in 2015, making it more plausible for them to charge that he failed to understand the dangerous and duplicitous nature of the Iranian regime. Serious negotiations on the nuclear deal only began in 2012 after multinational sanctions began to take their toll on the Iranian economy. They were successfully concluded only after another Iranian presidential election had been held (in 2013) and brought the more diplomatically inclined Hassan Rouhani to office.

Since real decision-making power in Iran lies with its hardline clerical leadership, not its elected presidents, Obama's realist negotiating strategy made some theoretical sense. But the real world of American politics does not run on abstract international relations theory alone, and the costs of Obama's soft realist strategy were significant. Changing the direction of American foreign policy requires levelling with and bringing along the American people, and the Obama administration has never embraced this dimension of foreign policy. For a president who came to office almost universally hailed for his rhetorical talents, this has been a surprising, and damaging, omission.

Realism abandoned in Libya

Still, the Iranian nuclear deal was a substantive success. That cannot be said about the NATO-supported 2011 revolt against the Libyan dictator, Muammar Qadhafi, in which the United States was a major military participant. Obama allowed the US to be drawn into this intervention perhaps against his better judgement and against the advice of his top military leaders (some of the same military leaders Obama allies say pushed him against his better judgement to increase the size of the 2010 military surge in Afghanistan). Along the way, Obama ignored the oft-ignored requirements of the Constitution and the War Powers Act to seek and obtain proper congressional authorisation for this significant use of military force, which toppled a regime and cost over USD 1 billion, arguing that it somehow did not cross the legal threshold of "hostilities". Interestingly, some two years later, when Obama sought to walk back his ill-considered "red line" threat to intervene in Syria, he rediscovered at least the political desirability of seeking congressional authorisation.

Walking back from that "red line" undoubtedly diluted international respect for subsequent Obama threats and warnings. But the degree that it did so should not be overstated. Every country still knows that if it challenges America's true vital interests, it invites a devastating military response. And as America learned the hard way in Vietnam, waging war for 'credibility' in the absence of vital interests and achievable gains can cost a great power much more than always carrying out even its most imprudent threat.

The net result of Obama's 2011 Libyan intervention was to swap a thuggish opportunist who had been bullied into tactical cooperation with the West for an anarchically imploded state in which ISIS has established a significant presence. Taking down Qadhafi also erased the positive precedent set by the Bush administration eight years earlier, when, following the 2003 invasion of Iraq, a frightened Qadhafi agreed to dismantle his covert weapons of mass destruction programs in exchange for improved relations with the US and UK. At the time, Washington urged other leaders with WMD programs to follow in Qadhafi's footsteps. Qadhafi's motives were opportunistic and his compliance far from perfect. But that earlier episode seemed to establish a rare precedent for dismantling an already-existing weapons

of mass destruction complex without the costs and dangers of invasion and occupation. Who would now be tempted to follow the same route chosen by Qadhafi in 2003? Libya also proved a fiasco in terms of returning American foreign policy- and war-making to a more lawful basis after the high-handed presidential conduct of George W. Bush.

In an April 2016 interview with Fox News, Obama defended his decision to intervene in Libya but characterised “failing to plan for the day after” Qadhafi’s fall as probably the ‘worst mistake’ of his presidency.⁷ Perhaps a more serious mistake was his decision to intervene in the first place at a time when the US had too much on its plate globally and in the region, no direct national security interest and a very limited ability to affect ultimate political outcomes. In those circumstances, the military capacity to tilt the battlefield and decapitate a regime is not worth much. Of course it is easier to see all this in hindsight. I argued differently at *The New York Times* editorial board meetings at the time, urging US military protection of the rebellion. No excuses. I was wrong.

The Libyan disaster began promisingly enough, with a broad-based uprising by regime opponents inspired by the Arab Spring. When Qadhafi struck back hard with military loyalists and foreign mercenaries threatening to slaughter the civilian population of rebel-held cities, the Arab League, the UN Security Council and Western European military powers like France and the UK called for humanitarian intervention. But despite NATO air power’s initial military success, things quickly turned ugly, in ways that should have been predictable given the US’s recent experience in Iraq. Decapitating a dictatorship is the easy part. Restoring the wounded body politic to functionality as a state is far more difficult. Yet this was precisely the phase neglected by Western leaders, Obama included, who wanted only a low cost military victory. And planning “for the day after” was certainly not encouraged by the fact that Obama was still intent on scaling down American involvement in the Middle East for the reasons noted above.

If the experience of the George W. Bush administration in Iraq had shown the folly of decapitation and prolonged occupation, Obama’s experience in Libya showed the dangers of decapitation and early exit.

Neither of these lessons kept hawks inside and outside the Obama administration from advocating repetition of one or the other mistake in Syria after the revolt against Bashar Assad broke out there that same year. But perhaps those lessons stiffened Obama’s own reluctance for repeating those past mistakes in Syria.

Asymmetrical warfare with ISIS

Yet Obama’s handling of the ISIS problem now threatens to draw him into the Syrian vortex and draw the US more deeply back into Iraq. ISIS grew out of the ruins of Al Qaeda in Mesopotamia (AQM, also known as Al Qaeda in Iraq), which, in turn, had cut its teeth fighting US occupation forces in Iraq. “Bring ‘em on,” George W. Bush memorably said at the time.⁸ Repudiated by the worldwide Al Qaeda high command as too indiscriminately violent, AQM found an initial base of support among the Sunni population of western Iraq, displaced, disempowered and embittered by the Shiite dominated governments Washington helped install in Baghdad. Temporarily tamped down by the US-sponsored

⁷“Exclusive: President Barack Obama on 'Fox News Sunday'”, *FoxNews.com*, 10 April 2016, <http://www.foxnews.com/transcript/2016/04/10/exclusive-president-barack-obama-on-fox-news-sunday/>

⁸Laughlin, “Bush warns militants in Iraq”, <http://edition.cnn.com/2003/ALLPOLITICS/07/02/sprj.nitop.bush/>

'Sunni Awakening' of 2006-07, AQM revived after the US left and Baghdad excluded the Sunni Awakening leaders from power. AQM changed its name to the Islamic State, and then spread over the border into Syria, moving into the territorial vacuum created there by the stalemated rebellion against Bashar Assad.⁹

Though Obama can be faulted for failure to press Baghdad harder over its provocations against Sunni Iraqis, all evidence suggests that he would not have gotten very far if he had tried. And while a quicker military and/or diplomatic solution to the Syrian civil war would have given ISIS less room to grow, it is not obvious how the US might have brought such a quicker resolution about (except perhaps, by not insisting on Bashar Assad's departure).

As reluctant as Obama has been to involve US forces directly in fighting ISIS, the spectacular attacks organised or inspired by the group on Westerners in ISIS-controlled territory and in Western cities make that difficult politically for any US president. Obama probably understands at some level that this is not a problem with any easy or obvious military solutions and that major terrorist attacks in Europe and maybe the US will continue whether organised by Al Qaeda, ISIS or homegrown jihadists. Yet unless he can radically change the dominant political narrative in ways he has not yet tried to do, he will probably continue to feel politically pressed to respond militarily to ISIS attacks. Those pressures are likely to continue even though it is becoming increasingly clear that in many senses the West's military-response policies feed the military-response narrative in domestic politics even when they fail. Furthermore, such Western military responses help rather than hurt jihadist recruitment and are just the kind of response jihadis seek to provoke by their terrorist atrocities. This seems a classic case of asymmetric warfare, where groups capable only of spectacular outbursts of murder and mayhem can capture worldwide attention and shape the policies of a major power.

Obama found no effective answer to this. Neither did Bush, nor any other Western or non-Western leader, nor any of the major 2016 contenders for the US presidency – nor have any European leaders since ISIS began staging deadly attacks on that continent, particularly in France.

While, as Obama has recognised from the beginning, the greater Middle East is probably not the most important region in terms of US vital interests, it has consumed most of US foreign policy attention under his presidency, as it did under that of his predecessor and may well do under his successor's. But to appreciate Obama's foreign policy legacy fully, we need to consider other strategically and economically important areas as well.

Pacific pivot?

In Obama's oft-expressed view, the most important of these to America's future prosperity and security is the Asia-Pacific region. It is home to three of the world's seven largest economies (China, Japan, India), the source of 38 percent of US imports, and holder of some USD 5.5 trillion of US Treasury securities.¹⁰

The dominant factor in this region's changing geopolitics is the interaction of a China rapidly rising in economic and military strength (and ambitions) with other regional

⁹Froomkin, "Second Thoughts About 'Bring 'em On'", <http://www.washingtonpost.com/wp-dyn/articles/A9092-2005Jan14.html>

¹⁰Bureau of the Census, US Treasury/Federal Reserve.

powers – chiefly the US, Japan and India – reluctant to accommodate that rise at the expense of their own former (or future) positions. Obama's stated policy is to accommodate China's rise, stressing economic interdependence and a desire for Chinese cooperation on regional and global issues, while disavowing any US intentions of a new containment, cold war or strategic rivalry. But in practice, Obama has been systematically aligning American military power behind those regional leaders most determined to rein in China's rise, in particular Japan's Prime Minister, Shinzo Abe, and India's Prime Minister, Narendra Modi. The same US containment strategy can be seen, on a smaller scale, in Obama's efforts to strengthen US military ties with the Philippines and Vietnam.

Much of this has played out in the context of China's own assertive attempts to push its security perimeter further outward into the East China and South China Seas. Like it or not, this is how rising superpowers tend to behave, and how the US itself behaved with its Monroe Doctrine and Roosevelt Corollary in the Caribbean basin and with Washington's repeated meddling in Latin American politics from Mexico, Cuba and Panama to Venezuela and Chile.

Obama's Asia-Pacific policies could leave behind a dangerous legacy, one that leaves US relations with China hostage to the decisions made by nationalist leaders in Tokyo and New Delhi on the basis of quite different national interests and strategic perspectives from Washington's. Obama's successor would be well advised to try and claw back greater US control over Washington's relations with Beijing, probably the single most important US bilateral relationship on the planet.

Europe, NATO and Putin

Obama inherited an option-limiting legacy in the form of two rounds of NATO expansion under Clinton and George W. Bush, with a third added shortly after he assumed office. NATO membership extended Article Five security guarantees to Central and Eastern European countries (including the three former Soviet Baltic republics) that had never before been treated as part of America's national security perimeter or vital interests.

That did not seem all that consequential under Clinton, when hopes still survived of a non-adversarial relationship between the United States and Russia. But things started to change when those relations turned more adversarial under Vladimir Putin and George W. Bush. The contested areas of that period mainly included separatist regions of Georgia and Russian-speaking areas of Ukraine – two countries that were not, despite the efforts of George W. Bush, formally invited to join the alliance.¹¹ But NATO member states like Estonia, Poland, Latvia and Lithuania, with their histories of past Russian aggression and domination, understandably worried about possible future Russian threats to their own security.

Then Obama had to navigate the popular overthrow of a pro-Russia government in Ukraine, followed by Russia's annexation of Crimea and its arming of anti-government rebels in eastern Ukraine. Obama's response so far has been to impose US economic sanctions (later joined by the European Union, Canada, Japan and others), dispatch US military

¹¹In 2008, NATO's then Secretary-General said eventual NATO membership for both countries was a matter of when rather than if.

trainers to work with Ukraine's armed forces, provide increased military aid for defensive weapons and agree to a NATO deployment of 4,000 troops to Poland and the Baltic republics.

The underlying question, still being debated inside and outside the Obama administration, is how to evaluate the threat (if any) Russia's new regional aggressiveness poses to US security. NATO's eastward expansion adds a degree of immediacy to that question, since Article Five of the NATO Treaty commits Washington to defend all member states in the event of attack. All the same, the geopolitics of Eastern Europe has changed profoundly since the end of the Cold War. Back then, containing the Russians in Central Europe was, or was treated as, a vital US interest. It is no longer so clear that that is the case today in Eastern Europe and former Soviet republics like Ukraine, Georgia and the Baltic republics. Nor are US and NATO forces currently configured for fighting on that terrain, at least without taking resources away from other current military missions. How much domestic political support would a war in these former Soviet republics command in the United States? What role would Germany and the EU be prepared or willing to play in such conflicts? Finally, what choices remain open to the US and which are already determined by the realities of NATO expansion? Events have not yet forced the Obama administration, or for that matter, most other NATO member states, to come up with hard answers to these hard questions.

Latin America and Africa

If Obama had accomplished nothing else in Latin America other than normalise diplomatic relations with Cuba, that alone would have given him a substantial positive legacy in the hemisphere. Washington's almost pathological fifty-year-plus obsession with the Castro regime and the self-defeating US policies of political and economic isolation did nothing to dislodge the Castros, while diminishing Washington's influence in a changing Cuba and poisoning US relations with most of the rest of Latin America, arousing bad memories of unhappy past *Yanqui* interference in their own affairs. The ageing or passing of an embittered Cuban exile population in the US, the transfer of the political reins from Fidel to Raul Castro in Cuba along with the increasing inability of Venezuela, weakened by oil price declines, to continue subsidising Cuba's anaemic economy together created an opening which Obama boldly seized. While it is true that Obama has few other hemispheric accomplishments to his credit, the US is now well positioned to reap the good will benefits of Cuba normalisation in other Latin countries. Obama has also sensibly adopted a less belligerent tone than his predecessor toward elected left-wing populist governments elsewhere in the hemisphere (for example, Venezuela), even as the electoral trend has begun to swing against many of these left populists at home (for example, Venezuela, Bolivia, Argentina).

The first African-American US president has seemed, if anything, less interested in African affairs than either of his two immediate predecessors. While this somewhat confounds early expectations and predictions, it should not be all that surprising. Africa has long punched below its weight in the globalised economy, and the Cold War competition with Russia for influence on the continent is over (although Chinese foreign policy now takes an active interest in Africa). On the other hand, Africa has become a significant theatre of operations for non-state armed jihadists, from Libya in the north to Somalia in the east to Nigeria in the west, and the US military presence in Africa has steadily grown. The Pentagon's Africa Command (US Africom), which became a fully independent combatant command the month before Obama's election, now conducts airstrikes, intelligence

activities, training partnerships and humanitarian operations across the continent, mostly connected with anti-terrorism or drug interdiction campaigns.¹² Under Obama, as under his predecessors, Washington has shown an unfortunate tendency to align itself in the name of ‘stability’ with authoritarian strongmen like Museveni in Uganda, Kabila in Rwanda and Mulatu in Ethiopia, glossing over their repression of democratic challengers.

Nukes, climate and trade

Moving toward a world without nuclear weapons is a cause Barack Obama has embraced throughout his adult life. And well it should be. Nothing could be more instantly destructive of life on earth than nuclear warfare, whether it comes about deliberately, through miscalculation or by accident. Nine countries now possess a total of more than 15,000 nuclear weapons, with North Korea the latest to join the club (in 2006). And that number is likely to grow, with each new nuclear power spurring regional rivals to contemplate countering with bombs of their own. The Iranian nuclear deal is a landmark success in the global effort to restrain nuclear proliferation, though the nervous reactions of Saudi Arabia and others suggest it may serve as only a limited check on new regional arms races.¹³

Nevertheless, the overwhelming majority of the world’s nuclear weapons (93 percent) and missiles that can deliver them to distant targets belong not to the newest nuclear weapons states but to the oldest, the United States and Russia. And it is at home that Obama’s nuclear weapons record has been most disappointing. After negotiating with Moscow a 30 percent reduction in deployed nuclear weapons in 2010, Obama has gone on to reduce America’s nuclear weapons stockpile by only 13 percent, the least of any post-Cold War president. And the cost of getting that negotiated agreement ratified by the Senate proved unsettlingly high. As a quid pro quo, Obama sought funding for a thirty-year nuclear weapons “modernization” program whose likely cost has been estimated at USD 1 trillion. Instead of delivering on his Prague commitment to an America that would “seek the peace and security of a world without nuclear weapons”, Obama’s nuclear legacy will likely be a world of increased nuclear weapons competition driven by America’s negative and profligate example.¹⁴

Catastrophic climate change takes second place only to nuclear war in its potential for destroying life on this planet as we know it. Unfortunately that disaster is now closer to becoming reality than it was at the beginning of Obama’s term. For the most part, that is not his fault. Republican climate deniers and corporate lobbyists have made the US Congress a Bermuda Triangle for effective climate legislation or treaties. Global problems like this require global solutions (although the US is the world’s second largest carbon emitter, after China) and other nations have been dragging their feet as well. Where Obama is free to act, by executive orders and through regulatory agencies, he has tried to compensate. The exception to this has been his politically understandable but environmentally destructive encouragement of domestic fossil fuel exploration. It is hard for any president to resist the short-term pressures for cheaper gas and heating fuel and reduced dependence on foreign petroleum, unless that is, he can successfully call on broad public support for putting future

¹²<http://www.africom.mil/about-the-command>

¹³<http://www.ploughshares.org/world-nuclear-stockpile-report>

¹⁴Bump, “U.S. disarmament is slowest since 1980”, <https://www.washingtonpost.com/news/the-fix/wp/2016/05/27/obama-calls-for-end-to-nuclear-weapons-but-u-s-disarmament-is-slowest-since-1980/>; Broad and Sanger, “U.S. Renewal in Nuclear Arms”, <http://www.nytimes.com/2014/09/22/us/us-ramping-up-major-renewal-in-nuclear-arms.html>

generations first. That is not yet possible. But taking office after eight years of climate deniers dominating the debate, Obama has at least begun to change the conversation. Whether that will continue under his successor is an open, but critically important, question.

Obama is likely to leave office with neither of his key trade treaty goals, the Trans Pacific Partnership (TPP) and the Transatlantic Trade and Investment Partnership (TTIP), approved by Congress. And that is probably a good thing for the United States. Although these two partnerships are often referred to as free trade agreements, that is less than half the story. Formal tariff barriers between the developed industrial countries in both partnerships are already low, apart from agriculture. That is especially true for the United States, so lowering the tariffs applied to American imports by the less industrialised countries also included in TPP would be a net gain for US trade. The problem lies elsewhere, in the investor-state dispute settlement mechanisms. These allow foreign investors to sue whenever they believe new environmental or labour laws and regulations written after they invest will adversely affect their profit prospects. Private international arbitration panels then adjudicate their case. In theory at least, all partnership countries are supposed to conform to the not very demanding requirements of international treaties governing labour and environmental standards. But investors can contest this and sue anyway, claiming that countries are going beyond these treaty requirements. Provisions like these actually encourage outsourcing by reducing the political risks involved. They also make it harder for the US to enact stronger labour and environmental protections without putting itself at a competitive disadvantage.

Public debate on these agreements rarely takes place at this sophisticated level. Trade agreements have become unpopular among voters of both political parties because they have become associated (and not wrongly) in the public mind with deindustrialisation, job losses and increasing domestic income inequality. Negotiating trade deals with investor protections has been a centrepiece of US foreign economic policy for decades. That has been great for US corporations seeking protection for their investments and insurance against political risks abroad. It has been less obviously good for a US workforce whose jobs are being offshored and whose wages and benefits are being brought down to more globally competitive levels.

These costs are plainly not the fault of trade deals alone. Automation, tax policies, lower transportation costs and an increasingly global economy are also important factors. But TPP, TTIP and future trade deals are not likely to prosper politically until US negotiators do a better job of mitigating such undesirable side effects.

Continuing the emergency state

In his first inaugural address in January 2009, Barack Obama ringingly declared that “we reject as false the choice between our safety and our ideals”, a point he had during the campaign frequently criticised the Bush administration for failing to understand. But during Obama’s eight years in office, his administration has regularly put security programs undertaken in the wake of the 9/11 attacks ahead of the constitutionally protected liberties of American citizens.¹⁵

Picking up where the Bush administration left off, the Obama administration has further narrowed Fourth Amendment privacy protections through mass surveillance of email and

¹⁵“President Barack Obama’s Inaugural Address”, The White House, 21 January 2009, <https://www.whitehouse.gov/blog/2009/01/21/president-barack-obamas-inaugural-address>

phone data of ordinary Americans not individually suspected of any crime. It has narrowed First Amendment rights and weakened governmental accountability through one of the most aggressive campaigns against whistleblowers and leakers in American history, throwing the book against the alleged Wikileaks source Chelsea Manning and NSA whistleblower Thomas Drake. And it pursued a worldwide campaign to prevent other nations from granting asylum or even temporary sanctuary to NSA leaker Edward Snowden. Obama's former Attorney General, Eric Holder, has now acknowledged that Snowden "performed a public service" when his disclosures sparked a useful and necessary debate about surveillance programs. But that has not slowed the Obama administration's campaign to prosecute and jail Snowden. And the administration has surely violated the due process requirements of the Fifth Amendment through presidentially ordered drone assassinations of American citizens not tried or convicted by any US court and not present in any declared or designated war zone.¹⁶

On another level, Obama has ignored constitutional requirements and the War Powers Resolution by waging presidential wars in Libya, and now Syria, without formal congressional approval. This has been facilitated by the maintenance of a giant and expensive permanent 'peacetime' military establishment, not Obama's creation but unprecedented in American history before the Cold War. This is, of course, part of the permanent military-industrial complex Dwight Eisenhower presciently warned about in 1961. Without it, presidents would have to go to Congress to mobilise and arm for war, the essential check on presidential war-making powers the Constitution's drafters had in mind. And, Obama, like all of his recent predecessors, has kept information essential to debating public policies unnecessarily secret from the voting public and even from Congress.

This 'emergency state' mentality, as I have called it elsewhere, is not Obama's legacy alone. It has taken root and expanded over the past seven decades and more. Listening to Obama's campaign speeches in 2007 and 2008, many Americans thought he meant to at least begin rolling back that often-destructive mindset. The fiasco of the Iraq invasion had brought a moment for reflection on how far astray from American ideals things had gone.¹⁷ But that moment passed, and Obama made a conscious decision not to look back and judge what had gone wrong.

Conclusion

In most of the policy areas discussed above, Obama's achievements, shortfalls and still uncertain outcomes relate to incremental inflections of US foreign policy. I do not mean that disparagingly. That is how most American presidential legacies are, or should be judged, at least at the point when those presidents are about to leave office. And, judged in these terms, Obama's overall record and legacy is distinctly positive (especially when compared to that of his immediate predecessor).

Yet Obama once hoped to be something more. He spoke in terms of a transformational presidency. And the strong national desire at the time he took office for a clear break with the wars of the recent past seemed to offer an opportunity for transformation. But to be truly transformational in terms of American foreign policy requires more than just memorable

¹⁶Cassidy, "Eric Holder's Twisted Logic", <http://www.newyorker.com/news/john-cassidy/eric-holders-twisted-logic-on-edward-snowden>

¹⁷Unger, *The Emergency State*.

one-off achievements, like the Iran nuclear deal or diplomatic normalisation with Cuba. It requires transforming key aspects of the institutional structures and mindsets that grew out of the Cold War and transformed the United States into a kind of permanent warfare state that has trouble recognising the difference between true vital interests and merely annoying defiance of American policy preferences. These have conferred on the modern presidency dangerously unchecked powers that the framers of the US Constitution never meant for it to exercise.¹⁸

Obama never identified or targeted the emergency state as a root of America's strategic insolvency or a threat to its constitutional balance. Though Obama's temperament is cool and deliberative, his commitment to the supremacy of the rule of law genuine and his preference for bipartisanship real, he remains a believer in modern forms of presidential power, especially in foreign affairs. Losing his initial Democratic House and Senate majorities seemed to push him even further in the direction of overstretching presidential powers.

The paradox in all this is that the chronic strategic over-ambition and under-constrained presidentialism of the emergency state tends to produce politically isolated presidents and less adequately resourced foreign policies with reduced chances of success. So long as this emergency state mentality continues to enthrall Washington at the expense of America's older democratic traditions, the foreign policy legacies of all American presidents are likely to be painfully constrained and ultimately disappointing.

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¹⁸Zakaria, "Obama pursued transformation", https://www.washingtonpost.com/opinions/a-transformational-president/2016/04/07/d722a7a4-fce9-11e5-80e4-c381214de1a3_story.html?utm_term=.6872ffcf20a8