

“America is back” isn’t enough: Keeping unilateralism from droning on

By Robert McCoy

So far, President Biden’s assertions that “America is back” are proving honest. Undoing some of Trump’s unilateralist decisions, Biden has rejoined the Paris Climate agreement and United Nations Human Rights Council and halted the U.S.’s withdrawal from the World Health Organization. The *Associated Press* reported that Biden filling “his State Department with...veterans of the Obama administration” indicates a “desire to return to a more traditional foreign policy.”¹ Many are relieved by this return to normalcy; Dr. Sana Vakil of Chatham House has said, “I’m quite optimistic about the gang getting back together again.”²

But even the pre-Trump era of foreign policy Biden seems to be reviving was far from a halcyon period of multilateralism and adulation from the international community. In fact, a 2013 WIN/Gallup International poll conducted in 65 countries revealed the U.S. to be the international community’s “overwhelming choice...for the country that represents the greatest threat to peace in the world today.”³ A 2012 Pew Research Center poll of 20 countries found that, “[a]cross much of the globe, people continue to believe the U.S. acts unilaterally in world affairs.”⁴

¹ Lee, Matthew. “Biden Fills out State Department Team with Obama Veterans.” AP NEWS. Associated Press, January 16, 2021. <https://apnews.com/article/joe-biden-donald-trump-biden-cabinet-antony-blinken-foreign-policy-e7026ce218735c9faec9c7349aefb51e>.

² Daragahi, Borzou. “Familiar Faces in Biden Foreign Policy Team Prompt Relief and Concern.” The Independent. Independent Digital News and Media, January 15, 2021. <https://www.independent.co.uk/news/world/biden-foreign-policy-obama-trump-b1787748.html>.

³ “WIN/Gallup International’s Annual Global End of Year Survey Shows a Brighter Outlook for 2014,” December 30, 2013. Worldwide Independent Network Of Market Research/Gallup International. <https://web.archive.org/web/20170516104629/http://www.wingia.com/web/files/services/33/file/33.pdf?1464661002>

⁴ “Chapter 1. Views of the U.S. and American Foreign Policy.” Pew Research Center’s Global Attitudes Project. Pew Research Center, July 24, 2020. <https://www.pewresearch.org/global/2012/06/13/chapter-1-views-of-the-u-s-and-american-foreign-policy-4/>.

Such findings cast doubt upon Biden’s desire to reaffirm America’s pre-2016 position as a leader that does “not simply protect its own interests, but tries to advance the aspirations of all.”⁵ A resurrection of the Obama-era foreign policy that Biden harkens back to, which too often oversaw unilateral violations of international law and human rights, will not be enough. To ensure American accountability going forward, and to lend credence to our professed concern with advancing the aspirations of the international community, the U.S. must fulfill its multilateral obligations more than it ever has.

To understand the insufficiency of declarations that “America is back,” and the need for an even fiercer commitment to multilateralism, we can look to the Obama administration’s preference for assassinating “individual terrorists rather than attempting to take them alive,” which *The Atlantic* described as a “little-noticed aspect” of the administration’s counterterror policy.⁶ This “little-noticed aspect,” manifesting largely in a global drone campaign, was a severely unilateralist policy coming from a president who touted multilateralism, as it “regulates hubris.”⁷

Obama’s drone program consisted of around 540 drone strikes in Yemen, Somalia and Pakistan, and was unpopular internationally.⁸ The aforementioned Pew Research survey found that, “[i]n the vast majority of nations polled, there [was] considerable opposition to the U.S.

⁵ Biden, Joe. “Joe Biden: Reclaiming America's Values.” *The New York Times*. The New York Times, September 14, 2017. <https://www.nytimes.com/2017/09/14/opinion/joe-biden-more-perfect-union.html>.

⁶ Dreazen, Yochi, Aamer Madhani, and Marc Ambinder. “The Goal Was Never to Capture Bin Laden.” *The Atlantic*. Atlantic Media Company, July 10, 2015. <https://www.theatlantic.com/politics/archive/2011/05/the-goal-was-never-to-capture-bin-laden/238330/>.

⁷ Pace, Julie. “Trump Signals Shift from Obama's Focus on Multilateralism.” *AP NEWS*. Associated Press, December 28, 2016. <https://apnews.com/article/8d8bf6847db8415b83ebd7ec704f065a>.

⁸ Zenko, Micah. “Obama's Final Drone Strike Data.” *Council on Foreign Relations*. Council on Foreign Relations, January 20, 2017. <https://www.cfr.org/blog/obamas-final-drone-strike-data>.

drone campaign against extremist leaders and organizations.”⁹ Beyond international opinion, Obama’s drone campaign ran roughshod over international law; the Geneva Conventions prohibit “[t]he...carrying out of executions without previous judgement pronounced by a regularly constituted court, affording all judicial guarantees...”¹⁰ The multilateral International Covenant on Civil and Political Rights (ICCPR) also guarantees due process,¹¹ which is blatantly denied in such extrajudicial killings.

And despite the administration’s characterization of the drone strikes as “surgical and precise,”¹² terrorists were not the only victims. Political scientist Micah Zenko estimates that Obama’s drone strikes killed roughly 324 civilians.¹³ Another estimate by the London-based Bureau of Investigative Journalism (TBIJ) puts the number of civilian deaths from drone strikes between 384 and 807.¹⁴ The real count is unclear, since the Obama administration deflated civilian death figures through a “disputed method for counting civilian casualties,” which, as *The New York Times* reported, considered “all military-age males in a strike zone” combatants barring any “explicit intelligence posthumously proving them innocent.”¹⁵ This method runs counter to

⁹ “Chapter 1. Views of the U.S. and American Foreign Policy.” Pew Research Center’s Global Attitudes Project. Pew Research Center, July 24, 2020. <https://www.pewresearch.org/global/2012/06/13/chapter-1-views-of-the-u-s-and-american-foreign-policy-4/>.

¹⁰ “Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field.” Accessed April 5, 2021. <https://www.un.org/ruleoflaw/files/Geneva%20Convention%20I.pdf>.

¹¹ “International Covenant on Civil and Political Rights.” OHCHR. Accessed April 5, 2021. <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>.

¹² Friedersdorf, Conor. “Giving the Deep State More Leeway to Kill With Drones.” *The Atlantic*. Atlantic Media Company, September 22, 2017. <https://www.theatlantic.com/politics/archive/2017/09/giving-the-deep-state-more-leeway-to-kill-with-drones/540777/>.

¹³ Zenko, Micah. “Obama’s Final Drone Strike Data.”

¹⁴ Friedersdorf, Conor. “Giving the Deep State More Leeway to Kill With Drones.”

¹⁵ Becker, Jo, and Scott Shane. “Secret ‘Kill List’ Proves a Test of Obama’s Principles and Will.” *The New York Times*. *The New York Times*, May 29, 2012. <https://www.nytimes.com/2012/05/29/world/obamas-leadership-in-war-on-al-qaeda.html>.

the presumption of innocence, a principle guaranteed by the ICCPR,¹⁶ and flies in the face of the principle of distinction, a cornerstone of *jus in bello* that affirms countries' obligation to distinguish between combatants and civilians. Excessive civilian deaths stem from the U.S.'s blatant failure to uphold its obligations to the international community.

The Obama administration's questionable standards of distinguishing enemy combatants from civilians also allowed for more unilateral and flagrantly terroristic transgressions of international law. The "double tap" is a terrorist tactic described by the U.S. Department of Homeland Security as "a favorite tactic of Hamas," in which an initial strike is followed by a second strike targeting first responders, in order "to inflict more casualties and spread panic."¹⁷ The practice is a war crime under Common Article Three of the Geneva Convention,¹⁸ which protects *hors de combat*; yet, TBIJ reports that, between 2008 and 2012, at least 50 civilians attempting to help victims of American drone strikes were killed in a follow-up strike.¹⁹ Double tapping was brutally effective, casting what *The Independent* described as "a shadow of fear" over rescuers, who warily waited "hours before daring to visit the scene of an attack."²⁰ Such brutality is a product of the lack of accountability that multilateralism is meant to ensure.

¹⁶ "International Covenant on Civil and Political Rights."

¹⁷ Greenwald, Glenn. "US Drone Strikes Target Rescuers in Pakistan – and the West Stays Silent." *The Guardian*. Guardian News and Media, August 20, 2012.

[https://www.theguardian.com/commentisfree/2012/aug/20/us-drones-strikes-target-rescuers-](https://www.theguardian.com/commentisfree/2012/aug/20/us-drones-strikes-target-rescuers-pakistan)

[pakistan](https://www.theguardian.com/commentisfree/2012/aug/20/us-drones-strikes-target-rescuers-pakistan).¹⁸ "Geneva Convention for the Amelioration of the Condition of ..."

¹⁹ Woods, Chris. "Bureau Investigation Finds Fresh Evidence of CIA Drone Strikes on Rescuers." *The Bureau of Investigative Journalism*. The Bureau of Investigative Journalism, February 6, 2017.

<https://www.thebureauinvestigates.com/stories/2013-08-01/bureau-investigation-finds-fresh-evidence-of-cia-drone-strikes-on-rescuers>.

²⁰ Taylor, Jerome. "Outrage at CIA's Deadly 'Double Tap' Drone Attacks." *The Independent*. Independent Digital News and Media, September 26, 2012.

<https://www.independent.co.uk/news/world/americas/outrage-cia-s-deadly-double-tap-drone-attacks-8174771.html>.

In our own self-interest, we must also consider the potential blowback of unilateralism. Obama's extrajudicial assassination campaign, killing civilians and employing terroristic methods like the double tap, had radicalizing effects for Faisal Shahzad, who attempted to bomb Times Square in 2010. When asked how he could justify an attack that could kill innocent children, Shahzad replied, "When the drones hit, they don't see children, they don't see anybody. They kill everybody...I am part of the answer...I'm avenging the attack."²¹

So, to regulate our hubris, maintain a regard for humanity, and avoid providing ammunition to our adversaries, it is essential that the U.S. discards not only its brutal drone strategy, but also the unilateralist doctrine that undergirds it. President Obama's actions and assertion that America "reserves the right to act unilaterally" indicate that the American unilateralist doctrine rears its head even in administrations that profess multilateralism.²² While Biden has rightly undone Trump's more unilateralist policies, the U.S. must demonstrate a greater deference to international law than it ever has. If we want pronouncements that "America is back" to have their desired effect, we must embrace multilateralism, keeping in mind the atrocities that have occurred when the U.S. acts untempered by its multilateral obligations.

²¹ Hari, Johann. "Obama's Robot Wars Endanger Us All." The Independent. Independent Digital News and Media, October 23, 2011. <https://www.independent.co.uk/voices/commentators/johann-hari/johann-hari-obama-s-robot-wars-endanger-us-all-2106931.html>.

²² Epatko, Larisa. "Obama Vows to Assist Those Who Stand up to 'Violent Extremism'." PBS. Public Broadcasting Service, January 21, 2015. <https://www.pbs.org/newshour/world/u-s-cuba-relations-xx-dominate-world-news-sotu-speech>.