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Obama Lets the U.N. Tie His Hands on Syria

So why didn't the president feel obliged to seek Security Council authority for drone strikes against al Qaeda?

By DOUGLAS J. FEITH

To retain power in the face of a popular revolt, Syrian dictator Bashar al-Assad has killed nearly 15,000 civilians. From a humanitarian point of view, this is a crisis. From a national-interest point of view, it is an opportunity to undermine enemies of the United States in both Damascus and Tehran. But President Obama has treated the bloody turmoil, first and foremost, as an opportunity to strengthen the idea that America should subject itself to the United Nations Security Council.

In the 16 months since the revolt began, the Obama administration has neither promoted humanitarian "safe zones" on Syria's Turkish border, nor provided arms to the rebels. It has not helped establish a no-fly zone, nor has it supported NATO military strikes against Assad's forces.

At first, Mr. Obama vainly called for Assad to behave humanely. Eventually, he vainly exhorted Assad to relinquish power.

All the while, Mr. Obama has looked to the U.N. for answers. The latest: Secretary of State Hillary Clinton worked with the five permanent Security Council members and U.N. envoy Kofi Annan on a June 30 accord calling for Syrians to devise a political transition for their own country—and strangely suggesting that Assad's regime may cooperate in the effort.

The accord's vacuity is a sign of the support Assad enjoys from Russia and China, each of which has a veto on the Security Council. Obama administration officials complain about that support, but Russian President Vladimir Putin shrugs them off.

Why is Russia able to shield Assad, harm the Syrian people, and frustrate U.S. diplomacy? Because Mr. Obama has made the Security Council the focus of U.S. policy on Syria. This was not inevitable, nor was it necessary.

Asked why they have not done more against the Syrian despot, Obama administration officials talk resignedly about the need for multinational approval. "We need to have a clear legal basis for any action we take," Defense Secretary Leon Panetta testified to the Senate in March. "Our goal would be to seek international permission." U.S. Ambassador to NATO Ivo Daalder told a British audience in May that NATO lacked "clear regional support" and "a sound legal basis" to act in Syria. The legal justification, he noted, would "most likely" have to be a Security Council resolution.

This legalism is both bad law and bad policy. The Security Council is not a judicial forum. The U.N. Charter gives the Security Council the power to make "decisions" (special resolutions that U.N. countries are committed "to accept and carry out"), but it is precisely such mandatory resolutions that are subject to veto by any of the five permanent Security Council members. The council can be a source of useful diplomatic support and of legislative-type authority, but the charter does not say that council approval is a prerequisite in all cases for a country's military or other action abroad. Especially murky is how the charter should govern humanitarian interventions.

History shows that the Security Council is no touchstone of international legality. President John Kennedy "quarantined" Cuba during the 1962 missile crisis without any permission from the Security Council. Likewise without such permission, President Bill Clinton helped lead NATO's bombing campaign to defend Serbian Muslims in Serbia's Kosovo region from oppression by their own government. Mr. Obama has not sought Security Council authority for his drone-strike campaign against al Qaeda in Pakistan, Yemen and elsewhere.

When officials of the United States or any other country believe they have compelling humanitarian or national-security interests to do something, they do it. When an American president thinks U.S. interests require action, he may reasonably seek political support from the U.N. But it is absurd to make a fetish of Security Council permission, especially if the problem in need of remedy is caused by a close friend of Russia or China and involves the kind of violent, anti-democratic action that Russian and Chinese officials themselves often perpetrate.

Syria's misery is a window into Mr. Obama's strategic mind. However much he regrets the bloodletting there, he considers Syria less important than bolstering the Security Council as a means of constraining American power.

The same was true last year when Moammar Gadhafi was attacking Libyan cities and coming close to the complete annihilation of the rebels. Mr. Obama would not intervene until the Arab League and the Security Council called for action.

By refusing to act on Syria, the president is missing an opportunity to advance U.S. security interests in the Middle East, while benefiting Iran, the principal sponsor of the Assad regime. And by suggesting that America lacks international legal authority to act, he is undermining U.S. sovereignty. Presidents have traditionally striven to bolster America's sovereignty and freedom of action, but Mr. Obama evidently sides with the global legalists who see national sovereignty as a problem to be overcome, not a principle to be cherished.

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