

IMMUNITY EMPIRE

The Daily Beast has a story about how, having withdrawn in 2011 from Iraq because it could not get immunity approved for US troops approved by Iraq's parliament, the US will now be satisfied with an immunity deal signed only by Iraq's Foreign Minister.

Yet this time around, Obama is willing to accept an agreement from Iraq's foreign ministry on U.S. forces in Iraq without a vote of Iraq's parliament. "We believe we need a separate set of assurances from the Iraqis," one senior U.S. defense official told The Daily Beast. This official said this would likely be an agreement or exchange of diplomatic notes from the Iraq's foreign ministry. "We basically need a piece of paper from them," another U.S. official involved in the negotiations told The Daily Beast. The official didn't explain why the parliamentary vote, so crucial three years ago, was no longer needed.

That the US is in a rush to forgo parliamentary approval is all the stranger given how many people are calling for Nuri al-Maliki to be replaced.

The Maliki government, candidly, has got to go if you want any reconciliation," said U.S. Senator Dianne Feinstein, Democratic chairwoman of the Senate Intelligence Committee.

Republican Senator John McCain, speaking in the Senate, called for the use of American air power, but also urged Obama to "make it make very clear to Maliki that his time is up."

The Obama administration has not openly sought Maliki's departure, but has shown signs of frustration with him.

“This current government in Iraq has never fulfilled the commitments it made to bring a unity government together with the Sunnis, the Kurds and the Shia,” Defense Secretary Chuck Hagel told the congressional hearing.

White House spokesman Jay Carney said Maliki had not done enough “to govern inclusively and that has contributed to the situation and the crisis that we have today in Iraq.”

He stopped short of calling for Maliki – in power for eight years and the effective winner of a parliamentary election two months ago – to resign. Asked if Maliki should step down, Carney told reporters: “That’s not, obviously, for us to decide.”

Even beyond the irony that we’re willing to accept immunity from a government we tacitly want to replace, take a few steps back and consider the plight of the late American Empire, in which we refuse to project our power unless we get immunity from those we’d like to project our power over first.

I get why the US won’t stay in Afghanistan and Iraq without legal protection. You can cite either their dysfunctional legal systems or you can cite all the crimes our troops committed during occupation, giving the state reason to demand jurisdiction. I’m not endorsing exposing our service members to Nuri al-Maliki’s concept of justice.

But it is an interesting approach to hard power, requiring immunity before exercising that power.