

Obama's Russian gambit getting flak from all sides

Gregory Aftandilian

Washington

Despite mounting criticism from both Republicans and Democrats – and even high-ranking officials in his own administration – US President Barack Obama and US Secretary of State John Kerry are trying to coordinate anti-Islamic State and anti-Jabhat Fateh al-Sham (the former Jabhat al-Nusra) operations with Russia.

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Obama and Kerry seem to believe that, because the Russians are already engaged militarily in Syria and are among the few actors who have influence on Syrian President Bashar Assad, it is best to seek their cooperation than leave them to their own devices and continue hitting a broad range of anti-Assad rebels.

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The US proposal, which has been leaked in part, involves the following:

Russia would use its influence to compel Assad to ground the Syrian Air Force and focus Russia's air strikes more exclusively on Jabhat Fateh al-Sham – which changed its name from Jabhat al-Nusra and claims to no longer be affiliated with al-Qaeda though it still endorses a similar ideology. The United States would share intelligence with Russia on Jabhat Fateh al-Sham positions, and US military aircraft would join in the strikes.

The sharing of intelligence would involve identifying and targeting Jabhat Fateh al-Sham military posi-

tions as well as its leadership, training camps, logistical depots, supply lines and headquarters.

According to a CNN report, the White House says the plan offers the best chance to “limit the fighting in Syria that is driving thousands of Syrians, mixed with some trained Islamic State fighters, into exile in Europe and preventing humanitarian aid from reaching tens of thousands more, as well as preserving a political track”.

Despite US officials having had several meetings with their Russian counterparts, including a trip by Kerry to Moscow, the proposed deal has yet to be finalised. Even if it is, there are serious doubts that the Russians will abide by it.

Over the past few weeks, Russia has aided Syrian government forces in laying siege to the city of Aleppo, exacerbating the humanitarian crisis in that area. The Syrian regime continues to use its air force to attack rebel targets – in violation of a previously agreed-to ceasefire – and continues to use barrel bombs, which have caused numerous civilian casualties.

These actions have been aided by Russian air strikes. The Russians, like the Assad regime, do not make distinctions between Jabhat Fateh al-Sham and more moderate rebel groups. Moscow seems to agree with Damascus that all rebels are “terrorists”.

The US proposal to cooperate with Moscow has elicited predictable criticism from certain Republicans on Capitol Hill, such as US Senator John McCain, R-Arizona. But what has been surprising is that criticism has also come from Democrats and administration officials.

One unnamed administration official said that Kerry seemed to be ignoring Russia's aim, which is to keep Assad in power, as well as Russian President Vladimir Putin's track record of violating agreements.

More publicly, the Pentagon spokesman in July said that US Defense Secretary Ashton Carter “has been sceptical of Russia's activities



US Secretary of State John Kerry (L) and Russian Foreign Minister Sergei Lavrov arrive at a news conference in Moscow, last July.

in Syria” and “we have reasons for that”.

And Director of National Intelligence James Clapper told David Ignatius of the Washington Post that he had doubts whether Russia would deliver on any promises it makes on Syria.

The Washington Post editorial page, which usually supports the Obama presidency, wrote that the administration “appears to have been blindsided by Mr. Putin, just as it was when Russia dispatched its forces in Syria in September” 2015. The editorial implied that US warnings to Russia about its military activities in Syria ring hollow.

At an August 4th news conference at the Pentagon, after receiving a briefing on Syria and Iraq,

Obama expressed frustration with the Russians, stating that their “direct involvement” in Syrian government military actions raises “serious questions of their commitment of moving Syria from the brink”.

Obama reiterated that while the United States wants to work with Russia against ISIS and al-Qaeda in Syria, so far Russia has “failed to take the necessary steps”.

Normally, such a statement by Obama would receive more criticism from his opponents as being “naive”. Luckily for him, attention was focused on Donald Trump's eye-popping statement that the Russians were not in Ukraine – even though they occupied and annexed Crimea in 2014 and continue to stir up trouble in eastern

Ukraine.

Trump's ignorance of foreign affairs and his earlier praise of Putin have worked to Obama's benefit on Syria. Trump cannot seriously criticise Obama for seeking Putin's cooperation when he has said he would have a good relationship with the Russian leader.

Nevertheless, the fact that so many inside the administration have criticised the proposal to cooperate with Russia on Syria may indicate that Obama will have to recalibrate the policy soon.

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Obama and Assad: The ‘golden exit’ from the Syrian calamity

Viewpoint



Chibli Mallat

There are photographs on the internet of US President Barack Obama looking happy with his daughters next to pictures of child victims of the Syrian tragedy. The viewer is crudely asked to believe the US president as having responsibility for the misery that has befallen Syria under his watch.

Also recurrent in social media is a picture of Syrian President Bashar Assad smiling at a little girl, probably his daughter, next to a frame showing another little Syrian girl disfigured and maimed.

In the case of the US president, international law has not reached a maturity that allows punishment for crimes of omission. This is hard enough to establish in domestic law and is far-fetched on the international scene.

The so-called good Samaritan responsibility, what the French criminal code describes as the crime of *non-assistance à per-*

sonne en danger, remains alien to common law. Still, it is legitimate to ask how the grey hair that Obama complained was caused by his “meetings on Syria” squares morally with the famous Atlantic interview where he expressed his “pride” over “(my) Syria policy”.

Does this grey hair not entail some criminal responsibility for the tens of thousands of dead Syrian civilians he turned his back on by rejecting any form of protection, let alone a safe haven for them in Syria despite the insistent advocacy by top aides since 2011?

The question may be legitimate in the sphere of morals. In the present state of international criminal law, responsibility by omission remains elusive.

The case of Assad, in contrast, is hardly one of omission. Documentation of the crimes perpetrated under his rule is massive.

Since 2011, there appear time and again long investigative articles on the scale of the crimes perpetrated by his forces and their allies in Syria, in addition to detailed reports issued by think-tanks and human rights organisations, even protests and requests for accountability by various agencies and officials at the United Nations.

While dampened by the horrors of the Islamic State (ISIS) and other Islamic and oppositional

groups, the reason we hear less about the criminal consequences inherent to these crimes lies chiefly in the silence of the diplomats, especially Staffan de Mistura, the UN envoy on Syria.

Diplomats are busy pushing unworkable ceasefires and roundtable meetings featuring Assad in the middle. They wrongly think that the chances of success require muting any sort of criminal responsibility for a man they need at the negotiating table.

The schizophrenia is not new. Whether in Yemen, where former president Ali Abdullah Saleh ensured that an immunity clause for him was expressly built into the November 2011 accord, or in other instances the world over, the golden exit for dictators is carefully preserved by diplomats.

The argument goes like this: If we want an end to the civil war, we need to preserve the dictator's future against prosecution; otherwise he will never agree to exit, let alone come to the round table.

There have been exceptions. In the Dayton agreement, the late Richard Holbrooke refused to include a golden exit for Slobodan Milosevic and history proved him right.

In contrast, the mistake of the UN special envoy to Yemen, my friend Jamal Benomar, was to allow the immunity clause to remain active. Saleh spoiled all

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his efforts to bring together Yemen on a democratic path.

Instead of Saleh being arrested and tried, he was allowed to ally with the Houthis (whose leaders he had assassinated over the years) to take over Sana'a in the summer of 2014 by force, triggering the Saudi military intervention and the bottomless miseries since.

Golden exits and immunity pacts are a bad idea. Their deformation of basic morals in the course of history far outweighs their benefits.

How to read the tea leaves on the respective responsibility of the US and Syrian presidents? Five, ten, 20 years from now? Unless Obama reverses course dramatically, and even if he does it at this late stage, the stigma of Syria will outweigh his foreign legacy forever but it is unlikely to entail criminal consequences.

As for Assad, his criminal responsibility under international law has been established beyond doubt. The question is whether it will wound his family. Saddam Hussein and Muammar Qaddafi do not provide good precedents.

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