

## The US wants us to bomb Syria for political reasons

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The United States has formally requested that Australia expand its aerial bombing campaign against Islamic State, currently confined to Iraq, into Syria.

There are three distinct dimensions to consider in a decision to bomb Syria: the legal issues, the practical issues and, most importantly, the moral issues. Ultimately, this is a decision about killing people, and should not be taken lightly.

Our aerial campaign to damage and kill IS fighting forces in Iraq has a good basis in international law. We are there at the official invitation of the Iraqi government, on the basis of self-defence against a transnational fighting force. Article 51 of the United Nations Charter, to which Australia is a founding signatory, allows for the use of force for the purpose of self-defence and collective self-defence. While UN Security Council resolutions to date have not directly commissioned member states to come to the military aid of Iraq, they have certainly been supportive of efforts to curtail the activities of IS.

In Syria, however, the internationally recognised government under Bashar al-Assad has not invited Western military assistance against IS for fear of mission creep that could lead to the weakening of the position of their regime. The situation in Syria is highly complex, but the regime's conclusion on this issue is simple: if IS is dislodged from northern and eastern Syria, will Assad's forces be the ones filling the void, or will it be Western-backed forces? The Security Council is deadlocked on the issue of military intervention in Syria, with the West being broadly pro-intervention, and Russia and China being anti-intervention.

The legal argument being run by the Foreign Minister Julie Bishop is that intervention into Syria against IS would amount to an extension of the war against IS in Iraq such that Australia would be acting in "the collective self-defence of Iraq and the Iraqi people". However, this conveniently ignores the issue of Syrian sovereignty.

If Syria were to start bombing terrorists in Australia without invitation, you can imagine we would not tolerate arguments from them about acting in self-defence, collective or otherwise. We would, rightly, consider it an act of military aggression and thus illegal under international law. So there is currently no international legal mandate for military intervention in Syria, including any proposed Australian bombing or killing of people in Syria.

Practically, the air forces Australia is able or willing to commit are very few. Australia's involvement is not going to turn the tide of battle against IS, either in Syria or Iraq. According to Rodger Shanahan, from the Lowy Institute, we have six aircraft based in the United Arab Emirates, which are running sorties against IS in Iraq. As he says of our limited commitment, "why would we dilute it?"

Australia's involvement in bombing Syria would not be a military benefit, but a political benefit. If it was truly about the number of planes, Australia could just as easily increase the number of planes it has committed to bombing IS in Iraq in order to free up more US planes to bomb Syria. Australia will be a strong and dependable ally of the US regardless of whether or not it bombs Syria. The only major direct and practical benefit to Australia's involvement in the war in Syria that I can identify is that it would arguably boost the diplomatic efforts of those in favour of military intervention in Syria. That is, Australia's involvement would help to convince other countries to also lend their own military or diplomatic support for such efforts. However, it is debateable how substantial this benefit would be, as other countries with a keen interest in Syria already have well-solidified positions on the international use of force in the country.

With the legal arguments favouring anti-intervention, and the practical arguments being weak and inconclusive, the remaining domain for consideration is the moral debate. I believe there is a strong moral case that IS does, unfortunately, need to be fought with deadly force, but with all the caveats that are detailed in the Responsibility to Protect. There are grave concerns about how effective deadly force will be in defeating the ideas that hold IS together, but this does not obviate the need to protect civilians on the ground from the types of mass atrocities IS has established a reputation for committing. So, what is the difference between fighting IS in Iraq and fighting it in Syria?

Prime Minister Tony Abbott has already publicly canvassed his own views on the issue: "While there is a little difference

between the legalities of air strikes on either side of the border, there is no difference in the morality ... Whether it is operating in Iraq or in Syria, it is an absolutely evil movement. And, in the end, when they don't respect the border, the question is why should we?"

Putting aside the fact that "IS is doing it" is a very bad argument for copying them, there is a difference. After World War II, the Allies worked hard under the leadership of the US to create a rules-based international order – an international community of states that seeks to resolve disputes through the rule of law and human rights, rather than the right of might. Every time the West refuses to abide by the rules-based international system that it fashioned, it undermines the integrity of the whole system. As its greatest champions, the damage it does to the system is even greater than when a country such as Russia annexes part of Ukraine.

And the international rules-based system is worth protecting – balance of power calculations alone have not prevented global war. For all its flaws, the UN system has done its part in avoiding another catastrophic world war. Now, this is a liberal internationalist position, which fundamentally hinges upon whether you believe war or diplomacy is the more powerful force for global peace and stability. We might decry Russia's support for Assad's murderous regime, but the deadlock in the Security Council is putting the brakes on global escalation and the possibility, accidental or intended, of military confrontation between the great powers.

This, of course, must be balanced against a moral responsibility to protect the citizens of Syria from suffering and mass atrocities. However, it is less than clear whether, if applied, the Responsibility to Protect doctrine would activate to the extent that would sanction military intervention in what is already a militarily intense and fragmented conflict. This is another element that distinguishes the situation in Syria from Iraq.

The other key moral question is to what extent the aims of Australia in Syria would be to defeat IS in order to prevent suffering and mass atrocities, and to what extent other aims – such as support for ever-dwindling "moderates" (if indeed any true moderates still exist under arms in Syria), or opposition to Assad's regime, or regional balance of power considerations – are motivating factors. This is, as yet, unclear.

Any Australian intervention in Syria would clearly be illegal under international law. The practical benefits of bombing Syria are limited, if any. The moral debate, if not unequivocally against Australian military intervention into Syria, is certainly not supportive. However, the conclusion we should make is clear: Australia should not bomb Syria.

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*This story was found at: <http://www.theage.com.au/comment/the-us-wants-us-to-bomb-syria-for-political-reasons-20150824-gj60do.html>*