

## CHAPTER IV

### THE OBAMA-PUTIN MEETING CANCELLATION

This chapter will explain about the policy made by the U.S. government under Obama administration to cancel the meeting with Putin in Moscow which was influenced by the disappointment of U.S. government towards the decision made by Russia to grant Snowden's asylum request. This chapter will also explain the disappointment of the U.S. government on the lack of progress of its reset policy on U.S.-Russia relations due to the disagreements on arms control in Iran, conflicts over Syrian civil war chemical weapons use, and the disappointment of the U.S. for the expulsion of USAID from Russia and the violence against LGBT rights in Russia as another reason behind the decision of the U.S. in cancelling the one-on-one meeting.

#### A. Snowden Effect on U.S.-Russia Relations

As a response towards Russian government decision to grant Snowden's asylum request, in the same year, the U.S. government cancelled a one-on-one meeting between U.S. President Barrack Obama and Russian President Vladimir Putin that supposed to discuss the future attendance of U.S. government on the G20 Summit in St. Petersburg, Russia on September 2013. In an interview on "The Tonight Show with Jay Leno", Obama stated that the U.S. is disappointed with Russia's decision to grant Snowden's asylum (Obama, 2013),

*"It is important for me not to prejudge something, hopefully at some point he (Snowden) will go to trial and he will have a lawyer in due process and we can make the decisions. There been times where they slipped back in the Cold War thinking and the Cold War mentality. And what I consistently say to them what I said to President Putin is that is the past."*

According to his statement, Obama showed his disappointment towards the decision made by the Russian government by saying that the decision was based on “Cold War thinking and mentality”. According to Obama, Snowden should be facing trial for what he committed. Edward Snowden is a former employee of the National Security Agency (NSA) whom charged with espionage by the U.S. due to his action in leaking NSA surveillance programs information. He was charged with death punishments or imprisonment for not more than 30 years or maximum fine of \$10,000 according to the 1917 Espionage Act. (Finn & Horwitz, 2013) Snowden then fled to Hong Kong along with a journalist, Glenn Greenwald, Laura Poitras, and a WikiLeaks activist Sarah Harrison to expose the secret information of NSA surveillance programs, and had transit in Moscow. Unfortunately, he had to stop his travel in Moscow since his passport was being revoked by the U.S. government. While he was in Moscow, Snowden filed asylum requests to several embassies that located in Russia. There were at least 21 countries known to response towards Snowden asylum request, namely Austria, Bolivia, Brazil, China, Cuba, Ecuador, Finland, France, Iceland, India, Ireland, Italy, the Netherlands, Nicaragua, Norway, Poland, Russia, Spain, Switzerland, and Venezuela.

According to The Guardian (2013), most countries rejected Snowden application since it was not filed in the country’s soil. Those countries were Austria, Ecuador, Finland, Germany, Ireland, Italy, the Netherlands, Norway, Poland, Spain, and Switzerland. Other countries such as Bolivia, China, and France did not receive the application of Snowden’s asylum request. While Brazil, Cuba, Iceland, and India rejected the request by not giving any response, Bolivia, Nicaragua, and Venezuela were offering to grant Snowden’s asylum if asked.

On the other hands, in Russia, Snowden applied his asylum request to Russia’s Federal Migration Service and Russian Foreign Affairs. However, Snowden withdrawn his

request after President Putin gave his statement that in order to grant Snowden's request, Snowden has to stop harming the U.S. In the mean time, the U.S. Secretary of State John Kerry reached out to Russian Minister of Foreign Affairs Sergei Lavrov to negotiate on Snowden's extradition from Russian soil. However, since there was no agreement on asylum between the U.S. and Russia before, Russia has no obligation nor authority to arrest or to extradite Snowden to the U.S.

There were two main factors that become the considerations of Russia's decision in granting Snowden's asylum. First, with the secret information of NSA surveillance programs in Snowden's hands, Russia could fulfill its interest in improving and strengthening its intelligence capacity. Second, since there is no obligation for Russia to arrest or to extradite Snowden to the U.S., Russia should consider to grant Snowden's asylum request. It is stated in the Universal Declaration of Human Rights 1948 that Snowden has the right to seek and enjoy asylum in other countries (UDHR, 1948):

*Article 14 paragraph (1):*

*"Everyone has the right to seek and enjoy in other countries asylum from persecution."*

and a state should not prejudge any reason of a person in granting an asylum request unless the person is committing crime against peace and humanity as stated in the UN Declaration on Territorial Asylum 1967 (UN, 1967):

*"The General Assembly,*

*Recognizing that the grant of asylum by a State to persons entitled to invoke article 14 of the Universal Declaration of Human Rights is a peaceful humanitarian act and that, as such, it cannot be regarded as unfriendly by any other State,*

*Recommends that, without prejudice to existing instruments dealing with asylum and the status of refugees and stateless persons, States should base themselves in their practices relating to territorial asylum on the following principles:*

### *Article 1*

*1. Asylum granted by a State, in the exercise of its sovereignty, to persons entitle to invoke article 14 of the Universal Declaration of Human Rights, including persons struggling against colonialism, shall be respected by all other States.*

*2. The right to seek and to enjoy asylum may not be invoked by any person with respect to whom there are serious reasons for considering that he has committed a crime against peace, a war crime or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes.”*

Thus, after many debates and consideration in the Russian government, in August, Snowden was granted a one-year asylum by the Federal Migration Service of Russia. Snowden was given not only the right to live but also to get a job in Russia since the Russian government agreed to process Snowden’s paperworks. (NBC News, 2013) However, the decision was found disappointing by the U.S. and according to an official statement from the White House, the decision of Russia to grant Snowden’s asylum became the reason for the White House to cancel the one-on-one meeting between Obama and Putin that supposed to be held on September. (Pifer, 2013)

### **B. Lack of Progress in U.S.-Russia Reset Relations**

The decision to cancel the one-on-one meeting was of course disappointing for the both parties, especially for the U.S. administration under Obama who expected to maintain better partnership with Russia within its “reset” foreign policy. As what have been reported by the National Public Radio (2013), the U.S. government decision on cancelling the meeting came after a review which saying that “there is not enough recent progress in the bilateral agenda with Russia to hold a U.S.-Russia Summit in early September.” There are

disappointments from the U.S. government towards the lack of progress in U.S.-Russia relations which shown from the disagreements and conflicts happened between both states.

According to a statement from the White House, the U.S. government is disappointed by the lack of progress of the development of U.S. and Russia bilateral agenda in the last 12 months.

*“Given our lack of progress on issues such as missile defense and arms control, trade and commercial relations, global security issues, and human rights and civil society in the last twelve months, we have informed the Russian Government that we believe it would be more constructive to postpone the summit until we have more results from our shared agenda.”*

(NBC News, 2013)

However, the review made by the White House was not only based on the progress of the relations between U.S. and Russia for the last 12 months, but also from the beginning of U.S. “reset” policy until Snowden effect. According to the official statement from the White House, there are lack of progress issues that influenced the decision of U.S. government to cancel the meeting, such as arms control, which is the disagreement between U.S. and Russia in the case of Iran nuclear proliferation and Syrian chemical weapon. There is human rights and civil society issue, which in this case is the expulsion of USAID and the LGBT rights issue in Russia. Also, global security issues– in this case is the leaking of NSA classified information by Snowden that became the consideration of the U.S. government in cancelling the one-on-one meeting.

According to the White House, the one-on-one meeting was cancelled because there is lack of progress in the U.S.-Russia relations. One of the aspects that become U.S. considerations in the review of the progress of U.S.-Russia relations was the disagreement between U.S. and Russia government on missile defense and arms control in Iran’s

nuclear proliferation and Syrian chemical weapon. Before giving its support for the sanction given to Iran by UN Security Council, Russia was known to be resistance towards the sanction. In Russian perspective, the alleged nuclear program of Iran was not a serious threat, since Russia has been giving supplies and assistance for the program.

After long talks among UN Security Council state members, the U.S. effort to break Russia's resistance finally resulting a breakthrough. Russia finally viewed Iran's nuclear as a massive threat for their country after there was a report on the range of Iranian missiles that would threaten Russian territory. Thus, Russia finally joined the U.S., France, China, U.K., and Germany in signing the Iran Threat Reduction and Syria Human Rights Act in 2012. Russia argued that the use of military force against Iran in this issue was unnecessary. Russia then initiated to have a talk with Iran regarding the sanctions. This idea was getting positive responses from the 5 countries, including the U.S. In October 2013, located in Geneva, the first round of the discussion between Iran and P5+1<sup>12</sup> about the proliferation was held. It was followed by two additional rounds until the discussion on the negotiation on Iran's nuclear program proliferation and investigation by the International Atomic Energy Agency (IAEA), in November 2013, an agreement on a Joint Plan of Action was made.

This issue was becoming one of the considerations of the U.S. government in making its review on U.S.-Russia relations especially in the era of Obama. Russia seemed to be more interested in the analysis of U.S. power in this issue than to break its resistance on giving sanctions on Iran. It has shown that the effort of the U.S. in managing a new dimension of its relation with Russia within a new mindset that is not so "Cold War" seemed to be not effective. The disappointment of U.S. government was added since the diplomatic talks proposed by

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<sup>12</sup> The five permanent members of UNSC (U.S., U.K., Russia, China, France) plus Germany.

Russia did not give any significant result even until 2014. The U.S. and its allies declared that the talk would be extended for at least seven months. (nytimes, 2014)

The U.S. was not only reviewing its relations with Russia on Iran's nuclear proliferation, but also in Syrian civil war. Ever since its uprising in 2011, th Syrian civil war has gotten tremendous responses from the international world, including the U.S. and Russia. While Obama and other European leaders called Syrian President Bashar Al-Assad to step down and issued a sanction on his regime, Russia backed Syrian government in the civil war on fighting against the opposition groups. As the war continued, Syria was alleged in the possession of chemical weapons. This allegation was getting serious responses from other countries, especially the U.S. since President Obama took any human rights issues seriously. In a statement, Obama warned Syria about the use of the chemical weapons (POLITICO, 2017):

*“We have been very clear to the Assad regime, but also to other players on the ground, that a red line for us is we start seeing a whole bunch of chemical weapons moving around or being utilized. That would change my calculus.”*

However, it took a long time and effort for the U.S. and other countries to convince Russia to change its stance on the disarmament deal of Syrian chemical weapon. On September 2013, after the tragedy of Damascus chemical attack in August, U.S. Secretary of State John Kerry conducted a talk with Russian Foreign Affairs Minister Sergei Lavrov in Geneva regarding Syria's chemical weapons disarmament. After three days of talks, both parties agreed to rid Syria of its chemical weapons within the same framework. (BBC, 2014)

The deal was involving the Organization for the Prohibition of Chemical Weapons (OPCW) to approve the procedures of the disarmament of Syrian chemical weapons. The U.S. stated that all chemical weapons material and equipment must be eliminated completely. If Syria does not

comply the procedures, the U.S. along with France and the U.K. would conduct military actions against Syria. It referred to the UN Charter Chapter VII: *Action with Respect to Threat to the Peace, Breaches of the Peace, and Acts of Aggression* (UN, 2018):

***“Article 39***

*The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.*

***Article 40***

*In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.*

***Article 41***

*The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.*



**Article 42**

*Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.*

**Article 43**

*All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.*

*Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.*

*The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.*

**Article 44**

*When the Security Council has decided to use force it shall, before calling upon a Member not represented on it to provide armed forces in*

*fulfilment of the obligations assumed under Article 43, invite that Member, if the Member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of that Member's armed forces.*

**Article 45**

*In order to enable the United Nations to take urgent military measures, Members shall hold immediately available national air-force contingents for combined international enforcement action. The strength and degree of readiness of these contingents and plans for their combined action shall be determined within the limits laid down in the special agreement or agreements referred to in Article 43, by the Security Council with the assistance of the Military Staff Committee.*

**Article 46**

*Plans for the application of armed force shall be made by the Security Council with the assistance of the Military Staff Committee.*

**Article 47**

*There shall be established a Military Staff Committee to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament. The Military Staff Committee shall consist of the Chiefs of Staff of the permanent members of the Security Council or their representatives. Any Member of the United Nations not permanently represented on the Committee shall be invited by the Committee to be associated with it when the efficient*

*discharge of the Committee's responsibilities requires the participation of that Member in its work.*

*The Military Staff Committee shall be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. Questions relating to the command of such forces shall be worked out subsequently.*

*The Military Staff Committee, with the authorization of the Security Council and after consultation with appropriate regional agencies, may establish regional sub-committees.*

#### **Article 48**

*The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.*

*Such decisions shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they are members.*

#### **Article 49**

*The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council.*

#### **Article 50**

*If preventive or enforcement measures against any state are taken by the Security Council, any other state, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the*

*Security Council with regard to a solution of those problems.*

**Article 51**

*Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.”*

Based on the Chapter VII of UN Charter above, the use of military force is allowed if Syria does not comply the agreement and give threats to the international peace. However, the resolution to use military forces was opposed by Russia. The inconsistency of Russia in the decision-making of the disarmament of Syria's chemical weapons has given the U.S. another reason to be disappointed with the progress of U.S.-Russia relations. The U.S. once again seemed to be failed to maintain the relation within the negotiation with Russia.

Another deterioration in U.S.-Russia can be seen from the United States Agency for International Development (USAID) expulsion from Russia in 2012. The decision was increased the tension between the White House and the Kremlin. USAID has been operated in Russia for almost two decades since the collapse of Soviet Union with the expenditures of more than \$2,6 billion for the programs on combating disease, protecting environment, strengthening civil society, and modernizing the economy. The expulsion of USAID which, according to Russia, has been considered as a threat for the political

environment in Russia, is an example of the influence of the U.S. in maintaining its relation with Russia especially in the aspect of the promotion of democracy, human rights, and civil society. Although the USAID has been expelled from Russia, the U.S. would still maintaining its relations within other efforts. It was stated by the U.S. State Department spokeswoman, Victoria Nuland (RFERL, 2012),

*“While our USAID physical presence in Russia is going to end, we remain committed to supporting democracy, human rights, and the development of a more robust civil society in Russia.*

*We will continue to work with those Russians in civil society who want to work with us. We do that in many parts of the world where we don’t have (USAID) missions and we are looking now at precisely how we’ll work this through, but we are committed to stay on the side of those who want to see a more democratic, more just Russia.”*

The deterioration in U.S.-Russia relations in human rights and civil society development is not only happened in the case of USAID expulsion. The anti-gay law which introduced by President Putin was also being as a consideration for the U.S. government in reviewing the progress of U.S.-Russia reset relations. The law bans any promotion of homosexual norms in order to protect the Russian children and prevent the exposure of any norm which contradicted with the traditional norms of the Russian families. However, this issue has gotten serious responses from other parties, including the U.S., especially Russia would be the host of 2014 Winter Olympics. (The Guardian, 2014)

Based on the explanation above, the U.S.-Russia relations in Obama era did not fit the expectations from U.S. “reset” policy. The fact that there are more deteriorations than developments or progress has become the considerations for the U.S. in cancelling the one-on-one meeting between U.S. President Obama and Russian President Putin. The U.S.

government tend to be disappointed by the decision made by the Russian government, such as opposing the resolution of the use of military forces regarding the Iran's nuclear program and Syrian chemical weapons, expelling USAID from Russian soil even though it has been helping Russia for the last two decades, the gay propaganda law in Russia, and the decision to grant Snowden's a one-year temporary asylum.