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Who should uphold international law, and why do Syrians support the regime?

Deficiencies of the arguments for a U.S. war on Syria and the perils of military intervention in Syria without UNSC authorization

by *Ahmed E. Souaiaia**

Answering a reporter's question if bombing Syria is needed in order to preserve his credibility since he was the one who set a red line, President Obama replied: "First of all, I didn't set a red line. The world set a red line. The world set a red line when governments representing 98 percent of the world's population said the use of chemical weapons are abhorrent and passed a treaty forbidding their use even when countries are engaged in war. Congress set a red line when it ratified that treaty..."

It is true that international law and treaties have prohibited the use of certain weapons nearly a century ago. But UN Charter, the backbone of international law, also had established the proper response to any breach of these treaties. Outside the doctrine of self-defense from an imminent threat, [no nation should attack another UN member state without authorization of the UN Security Council \(UNSC\)](#). If nations were to act unilaterally, would U.S. leaders ratify a treaty that would allow, say the Soviet Union or China, to bomb the U.S. for actually using illegal weapons in Vietnam and other places?

The credibility of the President and that of the United States government will be further eroded if the President stubbornly rushes to war without UNSC resolution or making the case for self-defense. Attacking Syria under any other pretext will add to the image of the U.S. as being a bully who acts above the law and for suspect reasons. The UNSC could not act without evidence and part of that evidence was being collected by UN Inspectors who were in Damascus when the chemical attacks took place. Curiously, however, President Obama wanted to attack Syria (some expected an attack on Thursday) when UN Inspectors had just arrived to the scene.

Administration officials will point out that they sought UNSC approval but China and Russia were not supportive. The Chinese and the Russian leaders have argued that military action can be taken only when credible evidence of use of chemical weapons is presented. Russia's president went further declaring that his country would support military action against any party in Syria should evidence be presented to the UNSC. That position seems more credible and logical than that of someone wanting to act first and ask questions later.

The Administration justified its desire to unilaterally attack Syria by arguing that (1) Russia and China are preventing the UNSC from acting, (2) the U.S. has enough evidence to prove that Assad and only Assad could and have used chemical weapons, (3) the killing of civilians near Damascus is too obscene to ignore, (4) only the regime has the capability to deploy chemical weapons, and (5) military action is the only way to force Assad to come to the negotiating table.

These are utterly weak arguments and grossly inaccurate statements.

First, Russia and China said that they did not see any credible evidence that identify the perpetrators and that they have [evidence of their own that the Syrian opposition groups possessed chemical weapons](#) and have used them in the past. In fact, allegations of use of chemical

weapons in at least three other places were the reason for sending the UN Inspectors to Syria in the first place.

Second, there is always room for additional evidence to convince responsible members of the UNSC to authorize an extraordinary act, such as attacking a sovereign nation. Moreover, if the UNSC veto system is what is preventing the UNSC to act responsibly, the U.S. should join other nations that are calling for reform. But to complain, now, about the use and abuse of the veto when the U.S. has used and abused it more than the other four nations combined is indeed hypocritical and that is what erodes the President's credibility and that of the nation's.

Third, the slaughter of Syrians became obscene when the peaceful uprising was militarized and when Qatar and Saudi Arabia provided dangerous weapons to fighters with sectarian agenda, not today. Administration officials are quick to cite that 100,000 Syrians were killed. But what they will not cite is that 56,000 of 100,000 were killed by the rebels. In fact, [41,000 of the victims are Alawites](#)—Assad's sect. This disproportional killing of minorities is what sustains the regime: many Syrians belonging to Alawite, Druze, Shi'i, and Christian minorities think that Assad is the only man standing between them and a Taliban-like regime. On Wednesday September 4, [al-Qaeda affiliates took over a Christian town, Maaloula](#), forcing frightened residents to flee; a mass slaughter is expected unless government forces retake the town soon. Recently, [al-Nusra fighters have attacked Kurdish towns](#), forcing many residents to seek shelter in Northern Iraq. The Syrian regime could have collapsed during the first three months if the world community provided a credible alternative that will protect minorities from al-Qaeda affiliates and their sponsors.

Fourth, it is not an established fact that only the regime has the capability to deploy chemical weapons. That conclusion is not based on hard evidence; it is based on deductive and inductive reasoning. Be that as it may, it is reasonable to believe otherwise. Briefing leaders from the Friends of Syria group, the leader of the Free Syrian Army stated that he commands more than 80,000 disciplined troops who were members of Syrian armed forces and defected. With that being the case, is it inconceivable that some of the officers who defected know where some of the chemical weapons are and how to deploy them? Given the level of cooperation between the rebels, is it inconceivable that such information and knowledge was passed to extremist groups? Given the determination of Qatar and Saudi Arabia to overthrow the regime at any cost, is it inconceivable that such regimes provided [crude chemicals](#) that could be weaponized to rebels? [Rebels have overrun many military installations in the past](#), is it inconceivable that they found some chemical weapons at those sites? Indeed, the brutality of the regime as described by its opponents is matched only by the cruelty of some rebel groups as described by the videos and statements they themselves have released. To romanticize the rebels and deaminize the government is destructive political bias or willful ignorance.

Fifth, the idea that the Syrian regime needs to be convinced by an act of war to attend political talks is factually untrue. It is the so-called [National Coalition of Syrian Revolution and Opposition Forces that refused to attend the proposed talks known as Geneva-2](#), not the regime. The U.S. administration is in fact incapable of convincing the opposition groups to attend Geneva-2 because Saudi Arabia, Qatar, and Turkey are opposed to a political settlement.

Lastly, the Administration (see Kerry's statements to Congress) is twisting the fact to support its case for war when it quantified the rebels by stating that "moderates" are stronger than

“extremists.” One does not need classified intelligence these days to know that that is not true. Still, the CIA, foreign intelligence communities, and NGOs have all concluded that [al-Qaeda-like rebels are stronger and better equipped than fighters of the Free Syrian Army](#), the so-called moderate opposition.

For any nation, the only way to start a war against another country without UNSC authorization is in self-defense. The President needs to make the case that the Syrian government is an imminent threat to United States’ national security. He needs to make that case to the American public and Congress. The credibility of the UNSC is in acting within the framework set for it by its member states. Starting a war unilaterally will weaken the only international regime that strives to maintain world peace and security. The President ought to think about the long term effects of his rush to war. After all, public opposition ([under 29% support the attack](#) provided that there are evidence that Assad used CW against civilians) to his desire to act in Syria was due, in part, to another U.S. president’s rush to start another illegal war in Iraq. He ought to stop the cycle not perpetuate it.

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