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# SYRIA DEEPLY

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# The Next Big Challenges on Syria

Washington – Last night, President Obama gave an impassioned and reasoned plea to a skeptical American public about why it is so critical for the United States to respond to Bashar al-Assad's deploying of chemical weapons against his own people.

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**HE SPOKE ABOUT** the massacre of August 21 as “sickening” and the danger to U.S. troops if the global ban on chemical weapons can be breached with impunity.

Yet today, as reality sets in, it is apparent that the current course of action – exploring whether Syria will give up its chemical weapons arsenal – faces major obstacles. In addition, there has been no viable plan provided as to how even if this was fully achieved, Syria’s civil war can be brought to a close.

These are the most important things to keep in mind going forward.

First, despite Syria agreeing in theory to join the Chemical Weapons Convention and identify and surrender its chemical weapons for destruction, Russia immediately objected to the concept of imposing any binding legal obligations on the Syrians to follow that course, let alone having to suffer any consequences if it failed to do so. The only way, however, for there to be

any enforceable duty on the Syrians to surrender their chemical weapons would be a Chapter VII resolution of the U.N. Security Council. Previously Russia and China have blocked numerous attempts to adopt such resolutions and even press statements from the Security Council. There is little doubt the dozen-year experience of Security Council-imposed sanctions imposed on Iraq after the first Gulf War linked to Saddam Hussein's surrender of his weapons of mass destruction now looms large. Russia is worried that any enforcement provision could be used down the line to justify a future military intervention if Syria fails to follow through on its commitments. But absent a Chapter VII resolution, Syria will have no legal duty to surrender their chemical weapons and no consequences if it fails to meet this obligation.

Second, even if the Security Council can agree to adopt a binding resolution requiring Syria to identify, surrender and allow the destruction of their chemical weapons, it will literally take years to achieve this goal. And that

assumes the Syrians will be cooperative and actually declare all their chemical weapons, which seems to be an unjustifiable leap of faith for a regime that only even acknowledged it had chemical weapons just days ago. It is believed Syria has the third-largest cache of chemical weapons in the world, including hundreds of tons of the deadly nerve gas sarin, mustard gas and other toxins. If the current proposal were to proceed, weapons inspectors would need to travel all over Syria to secure permanently dozens of sites, while avoiding getting caught in the cross fire of a very active civil war. Beyond these major challenges, Assad could easily use the presence of U.N. inspectors and secured chemical weapons sites as safe havens by placing his critical infrastructure nearby, making them immune from rebel attacks.

Finally, even if a plan to surrender chemical weapons were to proceed, there has been no serious plan put forward to address the international community's responsibility to protect civilians from the mass-atrocity crimes

under way in Syria, let alone to end the civil war there. While the focus on Assad's use of chemical weapons is understandable, it is important to recall that their use has resulted in less than 2 percent of the deaths of more than 100,000 civilians. The removal of chemical weapons from Assad's arsenal will be of little comfort to civilians who will continue to be massacred daily by conventional weapons. As one illustration, on August 30 a Syrian jet dropped a bomb on a school playground, killing 10 and wounding dozens of others. Many were badly burned and covered in a white substance, leading the BBC to suggest that the bomb likely included a substance like napalm or thermite. And Syria has persisted in using cluster bombs, which spray dozens or even hundreds of bomblets across an area the size of a football field. Cluster submunitions often don't explode on impact, leaving duds that then act like landmines.

In an interview with Syria Deeply's Lara Setrakian yesterday, U.S. Secretary of State John Kerry emphasized the United

States would expand its support for moderate elements in the Syrian opposition, including with lethal weaponry. He also indicated it would press the Russians to get Syria to return to the stalled Geneva II talks. But by having tied the threat of the use of force exclusively to chemical weapons, the United States has removed all leverage it might have had to resolve the broader crisis through diplomacy. As a result, the proxy war being fought in Syria will rage on, and civilians will continue to die and flee the country.

### *About the Author*

#### **Jared Genser**

Jared Genser is an international human-rights lawyer and co-editor of the forthcoming book, *The U.N. Security Council in the Age of Human Rights* (Cambridge University Press).