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## CSS STRATEGIC BACKGROUND PAPER – 04 / 2013

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### **SYRIA: WEIGHING THE ISSUES**

Prime Minister Key is treading cautiously on the question of whether New Zealand should support a military strike on Syria. He has spoken to United Nations Secretary-General Ban Ki-moon and New Zealand diplomats have been briefed by United States officials. The Prime Minister has said he is under no illusions about the seriousness of the situation in Syria and has described the use of chemical weapons as abhorrent.

In reaching a decision on whether to support a military strike the Government will no doubt want to weigh the following issues.

#### **LEGALITY:**

There appears to be no prospect of securing the United Nations Security Council's authorisation for a military strike on Syria, which would have provided the desired legality. According to former State Department lawyers from both Democrat and Republican administrations, such action would therefore be illegal. That is unless the United States could argue that it is acting in self-defence in accordance with the U.N Charter. The mooted attack would not meet that standard either. The question then is whether the alleged use of chemical weapons on its own people is so appalling that it transcends the principle of legality given that it is Russian and Chinese intransigence on intervention that prevents that principle being given effect. In other words is there a higher principle – that of fundamental human rights - at stake here?

#### **THE BURDEN OF PROOF:**

It certainly appears that the regime used chemical weapons against its own citizens. President Obama is in no doubt that the Assad regime was responsible. According to United States intelligence officials quoted in the Associated Press however, this is not “a slam dunk”, a timely reminder of then-CIA Director George Tenet's claim in 2002, that intelligence that Iraq had nuclear weapons was “a slam dunk”. The intelligence failure in respect of Iraq has perhaps unfairly generated scepticism about the accuracy of intelligence on Syria. In the United Kingdom polls indicated only 25% of those who responded supported even a limited strike on Syria. This very low level of support has been acknowledged by the British Prime Minister as a significant factor in the House of Commons rejecting an already watered-down

proposal intended to pave the way for intervention. The vote saw a large number of MP's from his own party vote against the measure.

#### **THE OBJECTIVE OF ANY INTERVENTION:**

President Obama's decision to rule out placing American troops on the ground indicates that the objective would not be to bring about regime change. It follows that such limited over-the-horizon intervention would not be primarily about giving effect to the principle of Responsibility to Protect which is intended to protect civilian populations from atrocities. The aim of a limited intervention such as that proposed can therefore be assumed to be to punish those who have violated the widely-held norm enshrined in the Chemical Weapons Convention that prohibits the use of such weapons.

#### **THE EFFECTIVENESS OF A MILITARY STRIKE:**

The effectiveness of a limited military strike would need to be factored into the calculus of whether to support such an intervention. The reliability of intelligence is one but not the only factor. According to the Associated Press, a report by the Office of the Director for National Intelligence acknowledges that the United States intelligence community no longer has the certainty it did earlier this year as to where Syria's chemical weapons are stored. It can also be assumed that the regime will likely have begun moving their stocks of such weapons and their delivery systems given the generous amount of notice they have been given of a possible military strike by the United States. A regime apparently prepared to resort to chemical warfare against its own people, would presumably have no compunction in redeploying such weapons and the means of using them into civilian areas, leading to large-scale casualties if they were then hit by cruise missiles. Assad would be able to claim that these casualties were caused by the United States, not by the regime. There is a significant risk of collateral damage.

Chemical weapons also present a difficult target from the air even if their position has been determined accurately. Should such weapons be hit, there is the risk of releasing poisonous vapour into the air or poison in liquid form onto the ground as the missile warheads would not be able to incinerate such weaponry. There would be consequences both in terms of lives lost and for the environment. The Obama Administration appears confident that it could avoid adding to the already appalling toll of civilians killed, but even if a strike focussed on other military hardware and installations such interventions are rarely risk-free. Moreover, Syria has significant military capabilities and a dispersed infrastructure that would require a significant and sustained series of strikes to achieve a major degradation of its military force.

#### **INTERNATIONAL RELATIONSHIPS:**

The United States has asked whether New Zealand would be prepared to lend moral support to military intervention should that take place. Australia, which currently has a seat on the Security Council and has been forward-leaning on this issue, would also undoubtedly welcome New Zealand's backing for a limited military campaign. There would be a clear benefit to both sets of relations.

But the Government would also be mindful of its campaign for a seat on the Security Council. UN Secretary-General Ban Ki-moon has urged the international community to push for a negotiated political settlement rather than a punitive military operation. The views of the Arab League which, while appalled at the use of chemical weapons is opposed to military action, would presumably also be a factor in the Government's thinking.

**POSSIBLE OUTCOMES:**

These are hard to gauge, but there seems little likelihood of punitive action forcing Assad to the negotiating table. For Assad regime survival is at stake. Is there a danger that he will respond by resorting to even greater human rights abuses? And would punitive action embolden opposition groups to renew their efforts to topple the regime possibly resulting in more large-scale civilian casualties?

The risk of reprisals would also need to be considered. In 1983 the Reagan Administration ordered a USN cruiser to open fire on a Muslim militia group in Lebanon. The order was designed to send a warning. Just over a month later a massive truck bomb courtesy of the predecessors of what is now Hezbollah, demolished the US Marine barracks. This resulted in the United States military suffering its largest loss of life from a single event since World War II. If there are no United States targets available this time might jihadist groups choose to strike at softer targets re-igniting international terrorism?

**DOMESTIC SUPPORT:**

There is no question of New Zealand participation given the nature of the proposed intervention. Prime Minister Key, however, has said that parliament would have an opportunity to debate the issue of providing moral support to the United States, but Cabinet would have the final say. In coming to a decision Cabinet could be expected to take into account the House of Commons vote and to assess the mood of a war-weary United States Congress. Given the still strong sentimental links to the United Kingdom, the British vote may make it all the more difficult to convince the New Zealand public that moral support should be given to an intervention whose outcome is far from clear, that is unlikely to halt the fighting inside Syria, and that could potentially have wide-ranging consequences beyond the confines of Syrian territory.

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