

# Altering Assad's Course

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Brief Analysis

## As the Trump administration decides whether to pursue a limited military response, it should use existing international legal mechanisms to pressure Damascus and Moscow right away.

On April 4, the Assad regime used chemical weapons against civilians in Syria's Idlib province, creating an early and potent test for the Trump administration's foreign policy. While Washington has prioritized defeating the Islamic State in eastern Syria, the regime's ceasefire violations and use of CW in the western part of the country show that President Bashar al-Assad is continuing his effort to reclaim every inch of Syrian territory, despite lacking the forces to do so. As long as this dynamic persists, the use of CW and other strategic weapons will likely continue, impeding efforts to reach a negotiated settlement that keeps the country intact. This in turn will worsen the humanitarian crisis and allow U.S.-designated terrorist groups to expand their safe havens.

The administration has already begun formulating its public response to the attack, with Secretary of State Rex Tillerson indicating a potential policy shift during an April 6 press conference: "Assad's role in the future is uncertain clearly, and with the acts that he has taken it would seem that there would be no role for him to govern the Syrian people." If the president decides to back this rhetoric up with robust action, he can draw on several existing international mechanisms.

## INTERNATIONAL LEGAL OUTLOOK

As the Fact Finding Mission established by the Organisation for the Prohibition of Chemical Weapons (OPCW) gathers evidence on the substance used in this week's attack and those responsible, Washington and its partners should demand that the Assad regime comply with the mission's mandate, particularly the so-called Joint Investigative Mechanism. To date, this mechanism has helped the OPCW determine that the Assad regime used

chlorine gas on at least three separate occasions. These are clear violations of the Chemical Weapons Convention (CWC), which Syria joined as part of the much-touted 2013 CW deal brokered by Russia and the United States. If the suspected use of sarin gas on April 4 is likewise verified, it will prove what the OPCW has long suspected -- that Syria has not disclosed all of its CW stockpile as required under the 2013 deal, an equally serious matter with deep consequences for international nonproliferation efforts.

More broadly, these developments show that Assad is escalating his ruthless bid to stay in power. By indiscriminately gassing opposition-held areas and obstructing a political resolution, he is ensuring that the country remains in a permanent state of partition, hemorrhaging people and filling up with terrorist organizations on all sides. And by not following through on his commitments under the CWC, he threatens to supercharge the conflict -- the longer he uses such weapons, the more likely they are to fall into terrorist hands, not to mention the fact that such outrages boost radicalization and recruitment efforts. In short, the situation continues to pose a clear threat to regional and international security.

The United States should therefore turn the tables on Assad, using his CWC violations as leverage to gain compliance on three other issues:

- A sustainable ceasefire that would allow genuine political talks to take place
- A political transition as outlined in the 2012 Geneva Communique and UN Security Council Resolution 2254
- The creation of safe zones in Syria to protect civilians.

Compliance with the OPCW and the Geneva Communique are both enshrined in the same Security Council document: Resolution 2118, which is enforceable by measures such as sanctions and use of force following the passage of a subsequent Chapter VII resolution. Resolution 2235, which created the Joint Investigative Mechanism, is a Chapter VII resolution. Among other benefits, pushing for enforcement of these resolutions would compel Russia to reveal whether it is unable or simply unwilling to goad the Assad regime into stopping its CW use and negotiating a political transition. This approach would also prepare Americans for a possible military showdown with Assad over his CWC violations. Moreover, the resolutions could serve as a means of gaining Russian acquiescence on the necessity of safe zones in Syria.

## Coming clean and negotiating in good faith

**F**ocusing on the effort to rid Syria of CW would help Washington determine exactly where it stands with both Damascus and Moscow. The best way to prevent Assad from escalating the crisis and dominating the transition is to pressure him into complying with the CWC, particularly the provisions regarding use and disclosure. This would also take away a strategic weapon that the regime has repeatedly used and keep it from falling into terrorist hands. The sequencing of this strategy could unfold as follows:

**Create diplomatic pressure around Resolutions 2118 and 2235.** This effort should focus on two issues: destroying CW and facilitating the transitional governing body outlined by the Geneva Communique. The CW problem is the only Syrian issue on which there is clear Security Council agreement regarding the steps Assad must take. Similarly, the transition process outlined in the Geneva Communique has broad international acceptance. Emphasizing these two issues by focusing on compliance with Resolution 2118 would keep the regime on agenda and steer it away from justifying its onslaught against civilians as a war on "terrorism." At the same time, the U.S. government should continue pushing for adoption of UN draft resolutions that would hold regime figures accountable for any involvement in CW attacks. Such resolutions should have clear consequences in the event of noncompliance.

**Build public pressure on Damascus and Moscow based on Assad's CWC noncompliance.** By highlighting the regime's use of CW and repeated ceasefire violations, Washington can determine once and for all whether Russia will convince Assad to meet his commitments on CW and political transition. Such an approach would also prod

Moscow on the humanitarian and political front, giving it an excuse to truly pressure Assad.

**Increase political support for a viable Syrian settlement and efforts to combat terrorism.** Diplomatic and public pressure could help restore opposition support for the United States following its nadir under the Obama administration. Washington could in turn use this goodwill to obtain rebel guarantees concerning a ceasefire and political talks. This could also serve as a good first step toward creating political support for safe zones in order to protect civilians and **[push out terrorist groups \(http://www.washingtoninstitute.org/policy-analysis/view/america-must-send-a-strong-message-to-syria-that-using-chemical-weapons-in\)](http://www.washingtoninstitute.org/policy-analysis/view/america-must-send-a-strong-message-to-syria-that-using-chemical-weapons-in)**.

**Warn Russia to stay clear of Syrian bases.** In order to manage the risk of escalation and Russian retaliation for collateral damage from possible U.S. military strikes, Washington should warn Moscow to keep its forces away from all Syrian bases involved in the planning of CW attacks or the mixing/deployment of CW agents.

## THE SWORD OF DAMOCLES: LIMITED DIRECT MILITARY FORCE

**A**ssad's record since 2013 shows that he does not change course substantially unless he is confronted with the credible threat of U.S. military force. His response to Israeli military strikes is instructive in this regard. In the past, the regime did little when Israeli jets entered Syrian airspace and bombed convoys attempting to transfer strategic weapons to Hezbollah. More recently, however, it has used anti-aircraft systems to fire on Israeli planes as they conduct such missions, seemingly self-assured by its growing military support from Russia and Iran. It is imperative to get Assad off that dangerous course. This is not just a matter of American credibility: by prolonging and escalating the war, the regime is perpetuating direct threats to the United States and its allies in Europe and the Middle East.

The domestic political timing increases the urgency: President Trump will face growing scrutiny over his handling of the crisis, constraining his ability to take assertive steps on other pressing international issues (e.g., the North Korea situation). As the administration decides whether to pursue the relatively low-cost option of a limited military response (e.g., cruise missile strikes), it can take effective international action against the Assad regime's behavior right away, mainly by pressing for implementation of Resolutions 2118 and 2235 and demanding the creation of safe zones.

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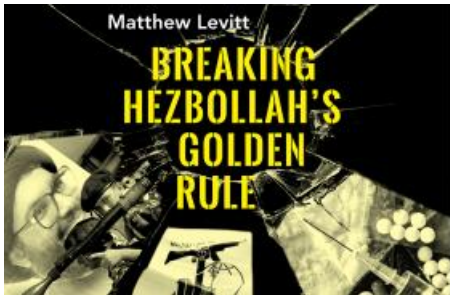


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