

The Key to Pressuring Assad Is UNSCR 2118

by [Andrew J. Tabler \(/experts/andrew-j-tableer\)](/experts/andrew-j-tableer)

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ABOUT THE AUTHORS



[Andrew J. Tabler \(/experts/andrew-j-tableer\)](/experts/andrew-j-tableer)

Andrew J. Tabler is the Martin J. Gross fellow in the Geduld Program on Arab Politics at The Washington Institute, where he focuses on Syria and U.S. policy in the Levant.



Brief Analysis

By focusing on the Syrian regime's faltering commitment to eliminate its chemical weapons, Washington can decisively push Damascus and Russia toward real progress on larger issues -- and also set the table for limited military strikes if they prove necessary.

The Syria peace talks in Geneva ended in deadlock on February 16, with the Assad regime seizing the personal assets of opposition negotiators and UN Special Representative Lakhdar Brahimi blaming Damascus for the failure to schedule the next round. Brahimi accused the regime of refusing to address the very basis of the talks: a negotiated political transition. It is now patently clear that President Bashar al-Assad feels no need to negotiate, be it a political solution to end the crisis or humanitarian access and evacuation from areas besieged by the regime. Similarly, his backers in Moscow refuse to pressure him into fulfilling his political obligations under the Geneva Communiqué of 2012. According to U.S. ambassador to the UN Samantha Power, nearly 5,000 Syrians were killed during the latest rounds of talks in what she described as "the most concentrated period of killing in the entire duration of the conflict."

To make matters far worse, the regime is dragging its feet on disposing of its chemical weapons (CW), with only 11 percent of only the first shipment transferred out of the country so far. And on January 30, U.S. authorities reported that the regime has "revised" its initial declarations to the Organisation for the Prohibition of Chemical Weapons (OPCW), refusing to destroy its twelve declared weapons sites.

Taken together, these developments show that Assad is not only playing a ruthless game to hold on to power, but also escalating the crisis. By starving out the opposition and obstructing a political solution, he is ensuring that the country remains in a permanent state of partition, with terrorist havens on both sides. And by not following through on his commitments to the OPCW, he is threatening to supercharge the conflict -- the longer such weapons remain in the country, the more likely they are to be used by the regime again or fall into the hands of terrorist groups. In short,

the situation presents a clear threat to regional and international security.

Accordingly, the United States should turn the tables on Assad, using Syria's September decision to sign the Chemical Weapons Convention as leverage to gain compliance on two other issues: a political transition as outlined in the Geneva Communiqué, and humanitarian access/evacuation. While the Security Council has shown little agreement on the humanitarian issue, compliance with the OPCW and the Geneva Communiqué are both enshrined in the same Security Council document: Resolution 2118, which is enforceable by Chapter VII measures such as sanctions and use of force following the passage of a subsequent Chapter VII resolution. Pushing now on 2118 would create a useful dilemma, forcing Moscow to reveal whether it is unable or simply unwilling to goad the Assad regime into eliminating its CW program and negotiating a political transition. This approach would also prepare the American public for a possible military showdown with Assad this summer over his refusal to dispose of chemical agents.

ONE RESOLUTION, TWO VITAL ISSUES

As Brahimi noted, the peace talks broke down because of the Assad regime's refusal to discuss a "transitional governing body" as outlined under the Geneva Communiqué, the internationally accepted "Action Plan for Syria" agreed on by the United States and Russia and enshrined in Resolution 2118. Instead, the regime has put forward a forced political solution centered on Assad's "reelection" to a third seven-year term; his current terms expires July 7, but he is virtually guaranteed to win the rigged election slated for this spring. This is a nonstarter for the opposition. And given the regime's inability to reconquer and hold all the territory it has lost, this solution would make it impossible to reunite Syria under central leadership, leading to permanent partition along the lines of Somalia.

Meanwhile, the regime's efforts to remove "chemical agents and key precursor chemicals" have -- as U.S. ambassador to the OPCW Robert Mikulak put it on January 30 -- "seriously languished and stalled" in at least two respects. First, only a small percentage of the first scheduled shipment has been transported to the port of Latakia for transfer outside Syria and destruction. The shipment is supposed to include 500 tonnes of the most toxic chemicals, with another shipment of 700 tonnes due out thereafter. Mikulak's assessment was not surprising: reports indicated that shipments had been remarkably small for some time, leading Assad to blame the OPCW for the "slow" provision of equipment in a January interview with Agence France Press. This was in reference to Syrian requests for extra equipment due to "security concerns" in the Qalamoun area along the M-5 highway north of Damascus, through which CW shipments are transported. Mikulak branded such concerns as "without merit" and said they displayed a "bargaining mentality rather than a security mentality," since the regime and its Hezbollah allies were already known to have consolidated much of their position in that region.

Second, and much more worrisome, Damascus has sought to revise its initial declaration to the OPCW in order to keep its twelve declared CW weapons sites intact. The regime now wants to render these sites "inactivated" by "welding doors shut and constructing interior obstacles" -- measures that Washington has said are "readily reversible within days" and therefore well short of Syria's original commitment to "physically destroy" the sites "as provided for by the Convention and the precedents for implementing that requirement." The proposal followed Assad's statement in the AFP interview that Syria's only obligation was "preparing and collecting data and providing access to inspectors." "The rest," he said, "is up to other parties."

The site request indicated that Damascus was backtracking on its commitments under Resolution 2118 and the Convention on the Destruction of Chemical Weapons, which the regime acceded to last year under threat of U.S. military force. In response, Mikulak stated that the United States was willing to "explore an approach" where the roofs of seven hardened aircraft hangars used as chemical sites could be collapsed. The five remaining CW sites are underground; although Mikulak noted that they present a "more challenging destruction problem," he recommended collapsing the tunnel portals and compromising the "structural integrity" of the tunnels at "key

junctures."

USING 2118 TO BRING ASSAD BACK TO THE TABLE

The best way to prevent Assad from escalating the crisis and domineering the transition is to pressure him into complying with the timetable for disposing of CW and destroying chemical sites. Increased shipments out of Syria would take away a strategic weapon that the regime has repeatedly used and keep it from falling into the wrong hands. But there is another compelling reason to push Assad on 2118: the regime has made itself vulnerable on other fronts by dragging its feet on the OPCW. Focusing on the effort to rid Syria of CW would help Washington determine exactly where it stands not only with the Assad regime, but also with Moscow. The sequencing of this strategy could unfold as follows:

1. *Create diplomatic pressure around Resolution 2118 in terms of both CW destruction and 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, and 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 attempting to justify its onslaught against civilians as a war on "terrorism." At the same time, the U.S. government should continue pushing on the current UN draft resolutions regarding humanitarian access and evacuation in response to the regime's recent uptick in violence and continued besieging of approximately 200,000 Syrians. Given the urgency of the matter, any such resolutions should have clear consequences in the event of noncompliance.
2. *Build public pressure against the regime based on its delays in implementing 2118.* By increasingly highlighting the Assad regime's recent barrage against the opposition, Washington can build pressure not only on Damascus, but also on Moscow, determining once and for all whether Russia will convince Assad to meet his commitments on CW and political transition. In addition, such an approach would prod Moscow on the humanitarian front.

A campaign of diplomatic and public pressure could also build opposition support for the United States following its nadir last year, when the Obama administration decided to delay punitive airstrikes after the regime reportedly used CW against civilians. This goodwill could in turn be used to obtain guarantees from rebel elements along the Qalamoun-Latakia route not to attack or commandeer CW convoys. Such an approach would cement the good impression made by Washington's strong diplomatic stand at the latest peace talks, particularly in keeping Iran away from the table unless it accepted the Geneva Communique.

REVISITING LIMITED DIRECT MILITARY FORCE

Thus far, the Assad regime has radically changed course only when confronted with the credible threat of U.S. military force last autumn. This is similar to Assad's shift in the face of Israeli military strikes against convoys attempting to transfer strategic weapons to Hezbollah. It is therefore important that Washington emphasize a point President Obama has already made: U.S. strikes on Syria were only delayed last year, not cancelled, while Washington explored the regime's willingness to deliver on its commitments under Resolution 2118. Taking this tack would not only instrumentalize the credible use of force and create pressure to move, it would also prepare the American public for the necessity of a limited strike in the increasingly likely event that Damascus misses the final June 30 deadline to eliminate its CW program.

This is not just a matter of American credibility being on the line: by escalating the violence, spurning real negotiations, and holding onto its chemical arsenal, the Assad regime has ensured that the Syria crisis will increasingly threaten the United States and its allies in Europe and the Middle East. The domestic political timing adds increased urgency: President Obama will likely face increased Republican criticism over his handling of a crisis to which there will be no easy answers any time soon, and such pressure is already emerging via tight congressional

ances that could end Democratic control of the Senate and, with it, the president's ability to govern assertively the next two years. At the same time, the relative economic and political cost of limited military intervention using offset assets (e.g., cruise missiles) is decreasing as Washington's financial and military commitments to curb humanitarian suffering in Syria grow. As the Syria crisis enters its fourth year next month, dealing effectively with the Assad regime's behavior now by pressing for implementation of Resolution 2118 -- and a potential new humanitarian resolution -- is the right move, both politically and morally.

Andrew J. Tabler is a senior fellow in The Washington Institute's Program on Arab Politics. ❖

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