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US attack on Syria would be illegal 'act of war'

By Alastair Crooke

8/30/2013



A scrum has erupted in the press these last few days: heads down, padded shoulders locked, like some football “rush” intent on pushing and jostling a president cradling the ball of military intervention physically across the “red line” on Syria.

The speed and thrust of this dash for the line, however, seems to convey the momentum of unchallengeable “truth.” Awkwardly, reality is rather different: There has been absolutely no evidence published to support the allegation that President Bashar al-Assad’s forces were responsible for this latest, or any other gas attack in Syria.

Unwelcome as it may be to certain European and regional governments, who have been cheerleading the case for American intervention, neither the Russians nor the Chinese, both of whom are well represented on the ground in Syria, have believed either the earlier US finding of the use of chemical weapons by Syrian security forces or indeed this latest allegation.

On the contrary, Russia previously has given evidence to the UN Security Council to show it has seen opposition forces that have used sarin gas against civilians (echoing the conclusion of Carla del Ponte, the former international prosecutor and current UN commissioner on Syria). And Russian officials state that the latest use of gas was delivered by a homemade missile, fired from a position known to be under opposition control.

Although the European constituency (Britain and France) are chafing with impatience to begin retaliation even before evidence has been amassed, the US administration has been more cautious. This is wise.

Wars are always treacherous in their facts, and for the US to launch a military strike without Security Council sanction (which it will not get) would constitute an illegal “act of war” against a sovereign state - and a crime. (The Kosovo precedent cannot change an illegal act into a legal one).

But more substantially, what might be the outcome of, let us say, a cruise missile fired at a military target in Syria: a rhetorical strike, as it were, rather than a major military intervention?

So far, Syria has always turned a blind eye. The government knows well that Western special forces have supported the insurgents, but it has chosen to overlook this covert aspect. Mr. Assad has always insisted, however, that his “red line” is Syrian sovereignty.

An explicit and public US attack on his country plainly crosses this “line.” It is by no means assured that the Syrian government would remain passive: that it would not respond. Neither is it likely that Russia or China easily would tolerate the West again (after Libya) bypassing the UN and the international order to concoct some spurious “Friends of Syria” legitimacy for its illegal military action.

Still less clear would be the consequences inside Syria of such an intervention. Does anyone seriously imagine that a cruise missile attack on their homeland would make ordinary Syrians long for the inchoate, warring, and violent opposition factions to take over their country?

It will of course do the reverse. It will strengthen Assad. But it will concomitantly reinforce the conviction of extremists and their varied intelligence-service patrons that only by a “massacre” which can be blamed on Assad will the West be driven to overthrow Assad - a result the opposition is unable to achieve by its own efforts alone.

And then, there are the “known unknowns”: The Middle East is both angry and frightened, too; it is bitterly divided and increasingly violent. To toss a few cruise missiles into this volatile,

unstable brew simply is to invite the unforeseeable and the unwanted to make its explosive appearance.