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War with Syria: Not Out of the Woods Yet

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There is a palpable sense of relief in Washington and throughout the international community that the crisis regarding the Syrian government's alleged use of chemical weapons appears to have passed. Those Americans who opposed the Obama administration's declared intent to launch punitive cruise-missile strikes against Bashar al-Assad's regime are especially relieved.

Moscow's proposal and the subsequent UN Security Council resolution to identify and eliminate Assad's chemical-weapons stockpile (with the Syrian dictator's full assent and cooperation) seems to be an impressive victory for international diplomacy and the avoidance of yet another war in the Middle East.

The celebration, though, is premature and may be entirely misplaced.

If the implementation of the Security Council resolution falters, we may be back in crisis mode in a few months, with President Obama once again pushing for U.S.-led military action. And a failure of the UN chemical-disarmament plan would give the president new justifications for taking that step.

The Russians threw the floundering Obama administration a badly needed diplomatic and political life preserver. At the point that the Putin government made its proposal to take the Syrian chemical-weapons arsenal into international custody, the president was facing the prospect of a high-profile humiliation. Public-opinion surveys confirmed that only a minority of Americans wanted to attack Syria. Even more telling, an overwhelming majority opposed military action without a congressional vote—a direct rejection of Obama's position that as president, he had the authority to order an attack on his own.

He had badly misread public and congressional sentiment. If a vote had taken place in mid-September, it was uncertain whether a resolution authorizing the use of force would have passed even the Democratic-controlled Senate. It faced almost certain defeat in the Republican-controlled House. Moscow's diplomatic initiative spared President Obama a domestic political debacle, and he was wise enough to grasp the face-saving opportunity.

For opponents of both dubious humanitarian crusades and unrestrained presidential war making, though, it would have been better if the vote had gone forward. Congress would then have officially rebuked a chief executive for an unwise foreign-policy initiative and for overreaching his constitutional authority. Instead, the UN resolution bought time for the Obama administration and other supporters of U.S. intervention in Syria to regroup and perhaps achieve their objective at a later date.

Indeed, the Security Council resolution may give them a mechanism to bypass Congress regarding the use of force against Syria. Washington pushed for a resolution that would have explicitly threatened Damascus with military measures under Article 7 of the UN Charter if Assad's government failed to implement the chemical disarmament terms. The Russians and Chinese balked at that draft, however, and the compromise version indicated that military action might be an option, but implying that a new, specific Security Council vote would be required.

That outcome still leaves cause to worry for two reasons. First, Washington has twisted other Security Council resolutions to serve its own foreign-policy objectives. The resolution authorizing air and missile strikes on Libyan government forces to prevent further attacks on innocent civilians became a pretext for the United States and its NATO to assist rebel forces in overthrowing Muammar Gaddafi's regime. And that is merely the most recent example of Washington's "creative" reading of UN resolutions. One should not assume that the Obama

administration would refrain from attempting the same technique with regard to the Syrian chemical-weapons measure.

Second, determined interventionists could cite an Assad government violation of that resolution as justification for taking military action without the need for a congressional vote. Liberal internationalists have long insisted that America's UN or other treaty obligations can be adequate authorization. President Harry Truman argued that Washington's responsibilities under the UN Charter (together with his "inherent" constitutional authority as commander-in-chief) gave him the authority to send troops to Korea without a congressional declaration of war.

President Obama echoes Truman and other predecessors regarding both points. Indeed, even as he belatedly sought a congressional vote on Syria, he stressed that he did so only as a matter of courtesy. He never backed away from the assertion that his role as commander-in-chief gave him sufficient authority to act on his own—including merely to prevent a violation of an "international norm," such as the prohibition against the use of chemical weapons. A Syrian violation of the new UN resolution would serve as an additional legal fig leaf for bypassing Congress.

One hopes that Moscow's initiative and the subsequent Security Council measure truly resolves the crisis without war. But the lack of a congressional vote repudiating the administration's proposed use of force leaves matters unresolved and is worrisome. Opponents