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# Possible U.S. Intervention in Syria: Issues for Congress

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## Summary

Reports of a mass casualty chemical weapons attack in the suburbs of Damascus are reshaping the long-running and contentious debate over possible U.S. intervention in Syria's bloody civil war. Obama Administration officials and some foreign governments believe that on August 21, 2013, forces loyal to Syrian President Bashar al Asad attacked opposition-controlled areas in the suburbs of the capital with chemical weapons, killing hundreds of civilians, including women and children. The Syrian government has denied the accusations categorically and blames the opposition for the attack. United Nations inspectors who were in Syria to investigate other alleged chemical weapons attacks collected and are analyzing information related to the incident. Varying accounts suggest that several hundred to more than 1,000 people were killed from exposure to a poisonous gas, with symptoms consistent with exposure to the nerve agent sarin.

Possible punitive U.S. military action against the Asad regime is now the subject of intense debate, amid the broader ongoing discussion of U.S. policy toward the Syrian civil war and its regional consequences. The August 21 incident is the latest in a string of reported instances where Syrian forces appear to have used chemical weapons despite President Obama's prior statement that the transfer or use of chemical weapons is "a red line" that would "change his calculus." The President and senior members of his Administration have argued that the United States has a national security interest in ensuring that "when countries break international norms on chemical weapons they are held accountable." At the same time, President Obama still maintains that extensive, sustained U.S. military intervention to shape the outcome of Syria's civil conflict is undesirable. Prior to the August 21 incident, U.S. military leaders had outlined options to accomplish a range of U.S. objectives, while warning that U.S. military involvement "cannot resolve the underlying and historic ethnic, religious and tribal issues that are fueling this conflict."

Members of Congress have expressed a broad range of views on the question of an immediate U.S. military response, with some expressing support for military action and others expressing opposition or questioning how a military response would advance U.S. policy goals in Syria and beyond. For more than two years, many Members of Congress have debated the potential rewards and unintended consequences of deeper U.S. involvement in Syria. Some Members have expressed concern that the Administration's policy of providing support to the fractured Syrian opposition could empower anti-American extremist groups, while others have warned that failure to back moderate forces in Syria could prolong the conflict and create opportunity for extremists.

As Members of Congress consider the merits of possible military intervention in Syria, they also are reengaging in long-standing discussions about the proper role for Congress in authorizing and funding U.S. military action abroad and the efficacy of the use of force in shaping global events or deterring dictatorships from committing atrocities. This report poses and attempts to provide answers to a number of policy questions for lawmakers grappling with these short- and long-term issues. For additional background on Syria, see the following CRS Reports: CRS Report RL33487, *Armed Conflict in Syria: U.S. and International Response*, by Jeremy M. Sharp and Christopher M. Blanchard, CRS Report R42848, *Syria's Chemical Weapons: Issues for Congress*, coordinated by Mary Beth D. Nikitin, and CRS Report R43119, *Syria: Overview of the Humanitarian Response*, by Rhoda Margesson and Susan G. Chesser.

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## Update as of September 3, 2013

On August 30, the Obama Administration presented intelligence analysis suggesting that the Syrian government was responsible for an August 21 chemical weapons attack against civilians in rebel-held areas of the suburbs of Damascus. The Syrian government continues to categorically deny any responsibility for any chemical weapons attack.

President Obama has called the Syrian government's reported use of chemical weapons "an assault on human dignity" that "presents a serious danger to our national security."<sup>1</sup> He has requested that Congress authorize the use of force for military operations "against Syrian regime targets" to "hold the Assad regime accountable for their use of chemical weapons, deter this kind of behavior, and degrade their capacity to carry it out." According to the president, such military operations would be "limited in duration and scope" and "would not put boots on the ground."

A draft resolution authorizing the use of force submitted to Congress by the White House would authorize the president:

to use the Armed Forces of the United States as he determines to be necessary and appropriate in connection with the use of chemical weapons or other weapons of mass destruction in the conflict in Syria in order to –

(1) prevent or deter the use or proliferation (including the transfer to terrorist groups or other state or non-state actors), within, to or from Syria, of any weapons of mass destruction, including chemical or biological weapons or components of or materials used in such weapons; or

(2) protect the United States and its allies and partners against the threat posed by such weapons.<sup>2</sup>

Several lawmakers reportedly are seeking to amend or replace the proposed authorization, citing concerns that the proposed text may not sufficiently limit the scope or duration of any potential military response.<sup>3</sup>

In Syria, the brutal civil war continues, even as Syrian government forces are reported to be taking measures to prepare for an expected U.S.-led military operation against them. President Bashar al Asad has stated that the United States and others accusing it of carrying out chemical weapons strikes have not presented any evidence to support their allegations and he has warned that external military intervention in Syria's civil war risks igniting a regional conflict. Anecdotal reports from Syrian civilians and opposition figures suggest that the Syrian armed forces have relocated key equipment and personnel in recent days, and some reports allege that the Syrian government has moved prisoners onto facilities expected to be targeted in order to serve as human shields. Syrian officials have requested that the United Nations Security Council act to prevent aggression against Syria. Iranian Revolutionary Guard Commander Major General

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<sup>1</sup> Statement by President Barack Obama, White House, August 31, 2013.

<sup>2</sup> CNN, Text of draft legislation submitted by Obama to Congress, August 31, 2013.

<sup>3</sup> See for example, *Politico*, "Patrick Leahy: New Syria draft text coming," September 1, 2013; and, Niels Lesniewski, "Syria War Resolution Will Be Narrowed, Lawmakers Say," Roll Call - #WGDB Blog, September 1, 2013.

Mohammed Ali Jafari has stated that, “The U.S. imagination about limited military intervention in Syria is merely an illusion, as reactions will be coming from beyond Syria’s borders.”<sup>4</sup>

Russian and Chinese officials remain opposed to the U.S. proposal for punitive military strikes, while the Arab League has modified its original position insisting on United Nations (UN) Security Council action to call for the Security Council and the international community to “take the deterrent and necessary measures against the culprits of this crime for which the Syrian regime bears responsibility.” United Kingdom leaders state they have no intention of seeking new authorization from Parliament to participate in any international military operation following Parliament’s rejection of a measure to do so last week. French government officials continue to support calls for punitive action and presented supporting intelligence on September 2 to French legislators concerning what they describe as “the massive use of chemical agents” by Syrian government forces.

U.S. military assets continue to gather in the vicinity of Syria. As of September 2, five guided missile destroyers were reported to be deployed in the eastern Mediterranean Sea: the USS Stout, USS Gravelly, USS Mahan, USS Barry, and USS Ramage. The USS San Antonio carrying forces from the 26th Marine Expeditionary Unit and unspecified attack submarines also were reported to be nearby. The USS Kearsarge and the USS Nimitz aircraft carrier strike group were reported to be deploying westward toward the Red Sea.

In a series of press appearances on September 1, Secretary of State John Kerry expressed confidence that Congress would approve an authorization for the use of military force. In announcing his decision on August 31, President Obama stated, “I’m comfortable going forward without the approval of a United Nations Security Council that, so far, has been completely paralyzed and unwilling to hold Asad accountable.” President Obama also said, “I believe I have the authority to carry out this military action without specific congressional authorization.”

## **Assessment**

The war in Syria and the debate over possible punitive U.S. military action against the Asad regime for its alleged use of chemical weapons pose a uniquely challenging series of questions for policy makers. The overarching questions remain how to define, prioritize, and secure the core interests of the United States with regard to Syria’s complex civil war. The immediate questions are whether and how best to respond to the apparent use of chemical weapons in Syria and how such a response might affect U.S. interests and standing regionally and globally. In weighing these questions, many Members of Congress and Administration officials are seeking both to protect concrete U.S. national security interests and to preserve abstract international security principles that may serve those interests.

A mass casualty chemical weapons attack in the Damascus suburbs on August 21 was the latest and most deadly of a string of reported instances where Syrian forces allegedly have used chemical weapons despite President Obama’s prior statement that the transfer or use of chemical weapons is “a red line” that would “change his calculus.” The president and senior members of his Administration have argued that the United States has a national security interest in ensuring

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<sup>4</sup> Fars News Agency, “IRGC Commander: US Possible Military Aggression against Syria to Face Tough Int’l Reaction,” August 31, 2013.

that “when countries break international norms on chemical weapons they are held accountable.” Administration officials and some observers believe that by failing to respond after setting out a so-called “red line,” the United States would risk not only undermining any international norms against the use of such weapons but would risk undermining its own credibility.

By his own account, President Obama believes that extensive, sustained U.S. military intervention to shape the outcome of Syria’s civil conflict is undesirable. Instead, the Obama Administration has worked with Congress to increase U.S. assistance to non-radical elements of the opposition. In response to previous instances of alleged chemical weapons use, the Administration reportedly notified Congress in July 2012 of its intent to begin covert U.S. arming of select groups.<sup>5</sup> On August 31, the President stated his conclusion that the United States should respond to alleged Syrian chemical weapons use with limited military strikes.

Administration officials have cited a number of reasons for their skepticism of direct military involvement to shift the balance of power in the underlying conflict, including fears of exacerbating the violence; inviting greater regional spillover or intervention; or opening a power vacuum that could benefit extremists. Other foreign policy priorities also have influenced the Administration’s position, such as a desire to maintain limited international consensus on Iran’s nuclear program and concern that sectarian and strategic competition in Syria could ignite a regional conflict and threaten U.S. allies and security interests. While condemning Asad as a thug and a murderer and aiding some of his adversaries, U.S. officials have continued to stress the need for a negotiated political solution to the conflict in the hopes of keeping the Syrian state intact, securing its chemical weapon stockpiles and borders, and combating extremist groups now active there.

Some critics have argued that the potential risks that even a limited military response could pose to these objectives outweigh the potential benefits to the United States of reasserting an international standard or being seen to have reliably followed through on a commitment to act. These arguments suggest that if a military strike makes the political solution desired by U.S. officials less likely, then the destabilizing conflict could continue or worsen. Similarly, this line of argument suggests that if military operations were to dramatically degrade remaining state authority—whether intentionally or unintentionally—then undesired outcomes with regard to terrorism, proliferation, or mass atrocities could occur.

Still other critics of the Administration, including some Members of Congress, charge that U.S. hesitation to intervene militarily to protect Syrian civilians and/or help oust the Asad government has unnecessarily prolonged the fighting. Over time, these critics argue, the costs of inaction have grown intolerably as humanitarian situation has deteriorated, violent extremist groups have seized the initiative, and Syria’s neighbors, including several U.S. partners, have been overwhelmed by refugees and threatened with violence. Others have argued that by failing to halt the fighting in Syria, the United States and others are exacerbating already volatile Sunni-Shiite sectarian tensions throughout Middle East, which poses risks to other strategically important countries. Finally, some critics argue that U.S. global credibility is being diminished by Asad’s reluctance to step down or end abuses of civilians despite U.S. demands.

Sorting through these competing perspectives and prescriptions now falls to Members of Congress as they reconvene to consider the president’s proposed course of action, his request that

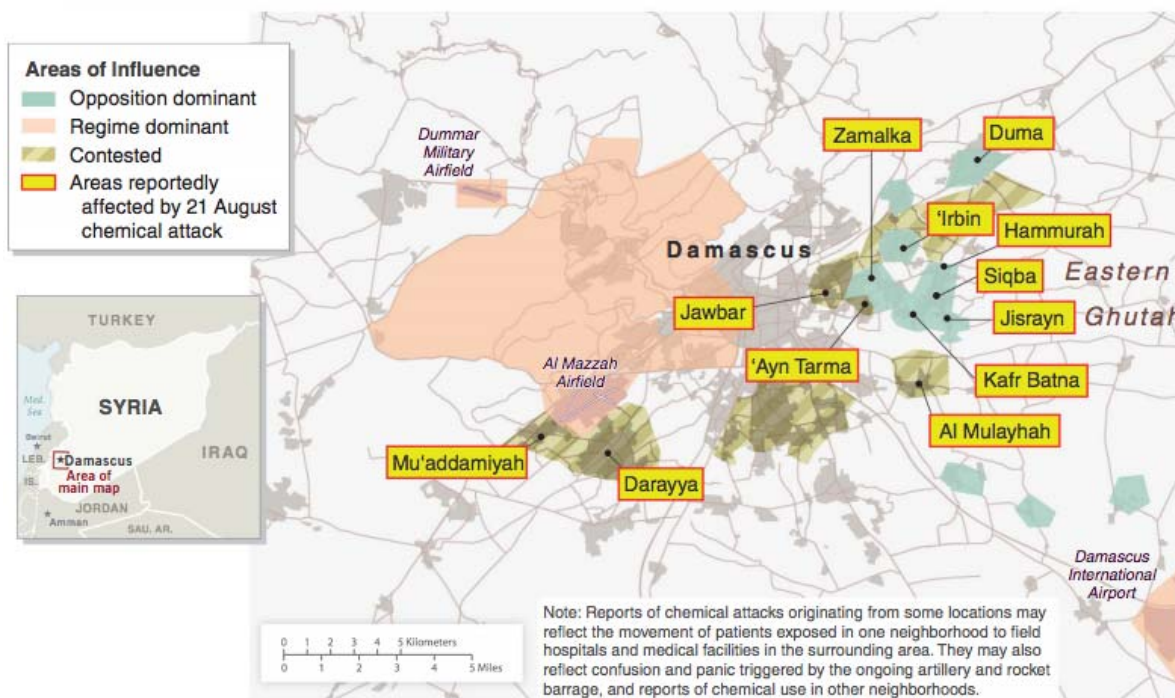
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<sup>5</sup> “Divided Over Arming Syrian Rebels, Congress Declines to Block Obama’s Plan,” *CQ News*, July 23, 2013.

Congress authorize the use of force, and the future of U.S. policy with regard to the conflict in Syria and its regional consequences.

**Figure I. U.S. Intelligence Community Map of August 21, 2013 Incident**

(released to the public on August 30, 2013)



Source: U.S. Government.

## Summary of U.S. Intelligence on August 21 Incident

An unclassified summary of the U.S. intelligence community's assessment released by the White House concludes, among other things, that:<sup>6</sup>

- The United States Government assesses with high confidence that the Syrian government carried out a chemical weapons attack in the Damascus suburbs on August 21, 2013.
- A preliminary U.S. government assessment determined that 1,429 people were killed in the chemical weapons attack, including at least 426 children.
- The U.S. intelligence community has intelligence that leads it to assess that Syrian chemical weapons personnel – including personnel assessed to be associated with the Syrian Scientific Studies and Research Center (SSRC); the entity responsible for Syria's chemical weapons program – were preparing chemical munitions prior to the attack.

<sup>6</sup> Government Assessment of the Syrian Government's Use of Chemical Weapons on August 21, 2013.

- The U.S. intelligence community assesses that the opposition has not used chemical weapons and the scenario in which the opposition executed the attack on August 21 is highly unlikely.
- Satellite detections corroborate that attacks from a regime-controlled area struck neighborhoods where the chemical attacks reportedly occurred – including Kafr Batna, Jawbar, 'Ayn Tarma, Darayya, and Mu'addamiyah (see **Figure 1** above).

On September 1, Secretary of State John Kerry further stated that tests of blood and hair samples from Syrian first responders obtained by the United States indicated exposure to the nerve agent sarin.

UN weapons inspectors have departed Syria, and UN Secretary Ban Ki-moon has requested that the team “expedite the mission's analysis of the samples and information it had obtained without jeopardizing the scientific timelines required for accurate analysis, and to report the results to him as soon as possible.”<sup>7</sup>

## Conflict Update

The August 21 incident occurred as the popular-uprising-turned-armed-rebellion in Syria is in its third year and has devolved into a bloody struggle of attrition between the government and a diverse array of opposition militias. Over the course of Syria's civil war, momentum has shifted between government and rebel forces. Support provided by Iran and Lebanese Hezbollah fighters appears to have helped the Asad regime wrest the initiative from the opposition near the city of Homs and to launch counteroffensives on the outskirts of the capital. The August 21 attack appears to have been part of a fierce and ongoing Syrian military bombardment of rebel-held eastern suburbs of Damascus.

Various opposition forces control areas of northwestern, eastern, and southern Syria (see **Figure 2** below). In areas near the northern city of Aleppo, diverse rebel forces have announced limited tactical successes in recent weeks, including the fall of a key military air base.<sup>8</sup> According to close observers of the conflict, extremist militia groups are “concentrating their efforts on consolidating control in the northern, rebel-held areas of the country,”<sup>9</sup> while they and others among the range of “extraordinarily fractured”<sup>10</sup> militia groups continue to battle regime forces for contested areas. Reportedly, the Supreme Military Council (SMC) to which the United States has provided aid “is still far from a functioning rebel leadership.”<sup>11</sup> European press reporting contends that offensives by rebels in northern Syria and by foreign trained rebels in the vicinity of Damascus have caused serious alarm among regime leaders since mid-August.<sup>12</sup>

<sup>7</sup> UN News Center, “Syria: samples collected at site of alleged chemical weapons use to be sent to labs tomorrow – UN,” September 1, 2013.

<sup>8</sup> “In Syria, Seized Weapons Caches boost Rebels' Hopes after Weeks of Setbacks,” *Washington Post*, August 21, 2013.

<sup>9</sup> Elizabeth O'Bagy, “On the Front Lines of Syria's Civil War,” *Wall Street Journal*, August 30, 2013.

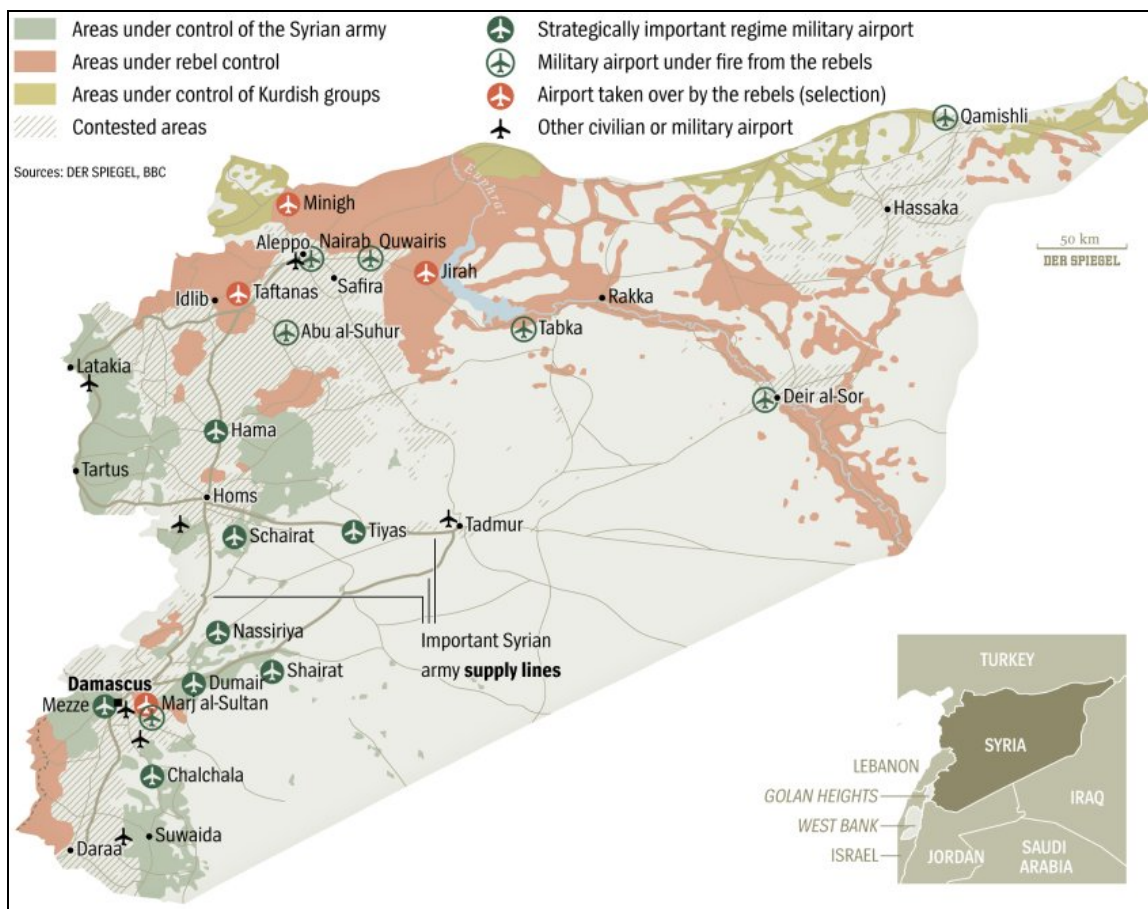
<sup>10</sup> Aron Lund, “The Non-State Militant Landscape in Syria,” United States Military Academy Combatting Terrorism Center (CTC) *Sentinel*, August 27, 2013.

<sup>11</sup> Ibid.

<sup>12</sup> Christoph Reuter and Holger Stark, “Chemical Watershed: Momentum Shifts again in Syrian Civil War,” *Der Spiegel*, September 2, 2013; and Isabelle Lasserre, “Syrie : l'opération anti-Assad a commencé,” *Le Figaro* (France), (continued...)

**Figure 2. Syria Conflict Map**

As of September 1, 2013



**Source:** *Der Spiegel* (Germany) adapted from BBC News and Syria Needs Assessment Project data.

United Nations officials cite estimates that over 100,000 Syrians have been killed in the conflict. As many as 4.25 million Syrians have been displaced inside the country and more than 2 million Syrian refugees are in neighboring countries. The Syrian conflict and the humanitarian crisis it has created have deepened the economic and political challenges facing the region and exacerbated sectarian tensions and violence, particularly in Iraq and Lebanon. To date, the United States has provided over \$1 billion in humanitarian aid in Syria and neighboring countries, with U.N. appeals seeking over \$4 billion in assistance.

President Obama called for Syrian President Bashar al Asad's resignation in August 2011, but, as noted above, the Obama Administration has rejected calls for more direct U.S. intervention in Syria. Nevertheless, the intensifying regional costs of the Syrian crisis and reports of chemical weapons use by Syrian government forces have placed increasing pressure on the Obama Administration to respond. Secretary Kerry has signaled that the Administration may seek to further augment U.S. support to some opposition elements in parallel with any limited military operations focused on chemical weapons.

(...continued)

August 22, 2013.

In the 113<sup>th</sup> Congress, some Members have introduced proposed legislation that would authorize expanded assistance to the opposition. H.R. 1327, the Free Syria Act of 2013, would, among other things, authorize the President, under certain conditions and with various reporting and certification requirements, to supply nonlethal and/or lethal support to Syrian opposition groups. S. 960, the Syria Transition Support Act of 2013, would, among other things, authorize the President, notwithstanding any other provision of law that restricts assistance to Syria, to provide assistance, including defense articles, defense services, and training to vetted opposition forces. The Senate Foreign Relations Committee approved S. 960 as amended by a 15-3 vote in May 2013.

## **Proposed Authorization for the Use of Military Force**

As described above, a draft resolution authorizing the use of force submitted to Congress by the White House would authorize the president:

to use the Armed Forces of the United States as he determines to be necessary and appropriate in connection with the use of chemical weapons or other weapons of mass destruction in the conflict in Syria in order to –

(1) prevent or deter the use or proliferation (including the transfer to terrorist groups or other state or non-state actors), within, to or from Syria, of any weapons of mass destruction, including chemical or biological weapons or components of or materials used in such weapons; or

(2) protect the United States and its allies and partners against the threat posed by such weapons.

Current debate focuses on the possible ramifications of such an authorization, whether in this form or as amended. Key subjects of debate include the purpose of any such authorization, potential targets of military force, the type of force that may be employed, the potential duration of military operations, and the resources available for such operations.

Legal scholars have continually compared and contrasted congressional authorizations of the use of force over time, and generally categorize them in terms of their relative limits on or permissiveness of executive authority and action. According to one study:

The primary differences between limited and broad authorizations are as follows: In limited authorizations, Congress restricts the resources and methods of force that the President can employ, sometimes expressly restricts targets, identifies relatively narrow purposes for the use of force, and sometimes imposes time limits or procedural restrictions. In broad authorizations, Congress imposes few if any limits on resources or methods, does not restrict targets other than to identify an enemy, invokes relatively broad purposes, and generally imposes few if any timing or procedural restrictions.<sup>13</sup>

Some argue, however, that provisions attempting to circumscribe the President's ability to conduct military operations improperly interfere with the President's commander-in-chief powers under Article II of the Constitution. Past cases suggest that limits on appropriations may provide

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<sup>13</sup> Curtis A. Bradley and Jack L. Goldsmith, "Congressional Authorization and the War on Terrorism," *Harvard Law Review*, Volume 118, Number 7, May 2005, p. 2078.

the most direct and effective means of asserting congressional control over military operations. For CRS analysis of these questions, see “War Powers” below and CRS Report R41989, *Congressional Authority to Limit Military Operations*, by Jennifer K. Elsea, Michael John Garcia, and Thomas J. Nicola, and CRS Report RL31133, *Declarations of War and Authorizations for the Use of Military Force: Historical Background and Legal Implications*, by Jennifer K. Elsea and Matthew C. Weed.

With regard to Syria, relevant matters for consideration may include whether or not allies of the Syrian government, such as Iran, Lebanese Hezbollah, or other non-state actors who may gain access to chemical or biological weapons or components are intended as potential targets of U.S. military action and if so, what the implications of conflict with those actors might be. The costs and duration of any potential operation are relevant, as well as the potential for retaliatory action by the Syrian government and its supporters that could threaten allies to whom the United States has made various security commitments including Turkey, Jordan, and Israel.

Congress also may wish to assess criteria for measuring the success of any specific planned action and how such action fits with broader U.S. regional and international policy goals - for example if limited strikes fail to deter or prevent the use or proliferation of chemical weapons in Syria, will the United States pursue continued or wider military action? Similarly, if the Syrian government refrains from further use of chemical weapons but continues indiscriminate attacks on rebel held areas using conventional weaponry, will a limited U.S. military action be deemed successful?

## Issues for Congress

### Chemical Weapons Issues<sup>14</sup>

On the night of August 21, an alleged chemical weapons attack killed hundreds in a neighborhood on the outskirts of Damascus. If confirmed, this would be the largest number of casualties from a chemical weapons attack in this conflict to date. The United States, the United Kingdom and France have issued statements saying that the Syrian government used chemical weapons in the attack. The White House released a detailed intelligence assessment on August 30.<sup>15</sup> As with past cases of alleged chemical weapons use in Syria this year, the Syrian government denied that it had conducted the attack and blamed opposition groups. Most experts observing the victims of the attack say that symptoms are consistent with the use of the nerve agent sarin, a type of chemical weapon in Syria’s large arsenal.

The August 30, 2013, White House statement said that the U.S. intelligence community assesses that the Asad regime used a nerve agent in a “large-scale coordinated rocket and artillery attack,” which killed approximately 1,429 people. It also said that the opposition has not used chemical weapons. The U.S. government assesses that the Asad regime has used chemical weapons, including the nerve agent sarin, on a small scale against the opposition multiple times in the last

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<sup>14</sup> Prepared by Mary Beth D. Nikitin, Specialist in Nonproliferation, September 3, 2013.

<sup>15</sup> “Government Assessment of the Syrian Government’s Use of Chemical Weapons on August 21, 2013,” The White House, August 30, 2013. <http://www.whitehouse.gov/the-press-office/2013/08/30/government-assessment-syrian-government-s-use-chemical-weapons-august-21>

year. These assessments say that the Syrian government has used chemical weapons “primarily to gain the upper hand or break a stalemate in areas where it has struggled to seize and hold strategically valuable territory.”

President Obama and other world leaders have said that the use of chemical weapons against the civilian population would be met with consequences, which could include the use of military force. In statements reacting to alleged chemical weapons incidents in Syria, U.S. officials have referred to several distinct reasons why the use of chemical weapons by the Syrian government raises fundamental concerns for the United States:

- the unacceptability of any use of chemical weapons, given the large international consensus that views chemical weapons as having inherently malicious qualities;
- the targeting of a civilian population, especially in large numbers, regardless of the weapons employed;
- the potential for the proliferation of chemical weapons to other parties, such as those hostile to the United States;
- the potential ramifications of escalated or expanded violence in Syria, including the loss of control of chemical weapons and/or their use on neighboring countries and U.S. interests in the region.

These concerns are reflective of major trends in national security strategy from the past decade, including intervention on humanitarian grounds,<sup>16</sup> preventing the proliferation of weapons of mass destruction to terrorists, and the upholding of international nonproliferation norms.

### ***What is the status of the United Nations chemical weapons inspectors report on Syria?***

A team of United Nations (UN) chemical weapons inspectors went to Syria to examine several sites where attacks were alleged to occur. The inspectors collected samples from the sites, including the site of the August 21 attack, and those samples are being studied. The team’s mandate is not to assess who used the weapons, but rather to determine to the extent possible whether or not chemical weapons were used and what type. According to the U.N., the inspectors are to “collect as many facts as possible and assess the nature of the extent of any attack using chemical weapons and its consequences.” The determination of what chemical agents were used

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<sup>16</sup> The issue of international humanitarian intervention is not a new phenomenon and predates the concept of the Responsibility to Protect (R2P), which is more narrowly defined. The Responsibility to Protect (R2P) is a concept that was adopted by heads of state and government at the 2005 U.N. World Summit (U.N. General Assembly Resolution 60/1). R2P includes three primary elements: (1) each State has a responsibility to protect its populations from genocide, war crimes, ethnic cleansing, and crimes against humanity; (2) the international community, through the United Nations, also has the responsibility to use appropriate means to help protect populations from these same conditions; and (3) the international community is prepared to take collective action through the U.N. Security Council on a case-by-case basis, should peaceful means be inadequate and national authorities manifestly fail to protect their populations. The concept of R2P and its possible application to Syria is currently being debated among some experts and policy makers both in the United States and the international community. The R2P concept, as adopted by the Assembly in 2005, remains a work in progress. Although many have referred to it as a “doctrine,” it is neither a doctrine nor a fully-developed principle. A clear decision-making process and standard operating procedure for implementing R2P decisions have not been developed. For more information on R2P, please contact Marjorie Ann Browne, Specialist in International Relations; and Rhoda Margesson, Specialist in International Humanitarian Policy.

could also be used to draw conclusions on the source of the agents (i.e., weaponized sarin versus organo-phosphates from fertilizer or other chemicals). The United States has supported the U.N. inspectors' mission in verifying the use of chemical weapons in Syria, although on August 28 and 29 the State Department deputy spokesperson raised questions about the credibility of inspections given possible degradation of evidence since the alleged attacks. The inspectors were invited to Syria by the Syrian government, but they only arrived in the country on August 18—just before the apparent August 21 attack—after months of negotiating terms of access for the inspections.

### ***Was it too late for U.N. investigators to collect evidence?***

Media reports have noted that the Syrian military continued to bomb the site of the August 21 attack with conventional weapons. While some physical evidence may have been destroyed at the site, blood and tissue samples from the victims themselves would help the inspectors determine what chemical agent was used. An August 27 United Kingdom joint intelligence committee assessment says, “There is no immediate time limit over which environmental or physiological samples would have degraded beyond usefulness. However, the longer it takes inspectors to gain access to the affected sites, the more difficult it will be to establish the chain of evidence beyond a reasonable doubt.”<sup>17</sup> The UN inspectors were reportedly given access to the site and to victims of the attack.

### ***What evidence is used to determine CW use?***

White House statements have described the types of information that has gone into the intelligence assessments about the April 2013 use of sarin. Both the June and August 2013 intelligence assessments have said these sources of information included: reporting about Syrian military attack planning and execution, descriptions of attacks, physiological symptoms consistent with exposure to chemical weapons agents, and analysis of physiological samples from multiple victims. Congress may wish to ask the administration for information on the credibility of this evidence.

### ***What countries have chemical weapons? What international norms exist against their use?***

The U.S. intelligence community cites Iran, North Korea, and Syria as having active chemical weapons programs. For decades, there has been a strong norm against the use of chemical weapons. For the past 25 years, no chemical weapons have been used in civil or cross-border warfare.<sup>18</sup> Most countries that have had chemical weapons arsenals in the past have destroyed these weapons under the Chemical Weapons Convention (CWC), or are in the process of destroying them. The CWC addresses the destruction of existing stocks, prevention of proliferation to new states, and assistance to countries that are victims of an attack, but does not prescribe consequences for CW use. Syria is not a party to the CWC.

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<sup>17</sup> UK Joint Intelligence Committee Assessment of 27 August on Reported Chemical Weapons Use in Damascus. [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/235094/Jp\\_115\\_JD\\_PM\\_Syria\\_Reported\\_Chemical\\_Weapon\\_Use\\_with\\_annex.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/235094/Jp_115_JD_PM_Syria_Reported_Chemical_Weapon_Use_with_annex.pdf)

<sup>18</sup> The terrorist group Aum Shinrikyo used sarin gas in the Tokyo subway system in 1995.

### ***When were chemical weapons last used on civilians?***

The Iraqi government used chemical weapons in an attack on Kurdish civilians in the town of Halabja, northern Iraq, on March 16, 1988, killing an estimated 5,000 people. This is considered the largest chemical attack against a civilian population since German atrocities during World War II. The United States did not respond militarily to the attack. Iraq also systematically used chemical weapons against Iran during the Iran-Iraq war in the 1980s without a U.S. or international military response. More recently, the chemical incapacitant BZ was reportedly used by the Serbian Army in the former Yugoslavia's civil war in the late 1990s. Both Iraq and the countries of the former Yugoslavia have joined the Chemical Weapons Convention.

### ***What has the Obama Administration said about the importance of the August 21 case?***

As has been widely reported in the press and in public statements, the Obama Administration has emphasized that it believes this particular use of chemical weapons may necessitate a response of some kind. Echoing a similar statement he made in August 2012, President Obama stated in an interview on August 28, 2013, that "I have no interest in any kind of open-ended conflict in Syria, but we do have to make sure that when countries break international norms on weapons like chemical weapons that could threaten us, that they are held accountable." The Administration has confirmed the use of the nerve agent sarin in incidents earlier this year; however, the August 21 attack killed civilians on a larger scale than in past incidents. The Administration has stated that it aims to deter future use of these weapons by Syria and others, as well as to prevent these weapons from being diverted to terrorists or used against U.S. interests or allies in the region.

The Administration has also emphasized the norm against the use of chemical weapons. Secretary Kerry said in a speech on August 26 that "all peoples and all nations who believe in the cause of our common humanity must stand up to assure that there is accountability for the use of chemical weapons so that it never happens again." These views were reiterated in more extensive remarks by the Secretary on August 30, discussed above. However, although media speculation about possible military action abounds, U.S. officials have not directly provided specifics on what kind of response might take place and how that response could prevent future use of chemical weapons in Syria or elsewhere.

### ***Could the United States destroy Syria's chemical weapons stocks through military action? What would be needed to secure chemical weapons sites during an intervention?***

While it is possible that military strikes could render chemical weapons agents unusable, according to many observers, there would be considerable risk to nearby civilian populations if Syrian chemical weapons facilities were attacked in a military strike from the air. This is because nerve agents could be dispersed into the air in the course of any strike against these facilities.

One major concern of the United States is the risk that chemical weapons would fall into the hands of terrorist groups if the Syrian military lost control of or diverted them. The scale of the CW stocks in Syria would present a great challenge for physical security. General Martin Dempsey, Chairman of the Joint Chiefs of Staff, wrote in a July letter to Congress that "[t]housands of special operations forces and other ground forces would be needed to assault and

secure critical sites.” The operation would result in the “control of some, but not all chemical weapons” and “would also help prevent their further proliferation into the hands of extremist groups,” the letter said. U.S. military efforts to date have focused on bolstering security near Syria’s borders with neighboring countries such as Jordan and Turkey, perhaps partly to help deter any transfer of chemical weapons out of Syria.

### ***What international legal instruments ban chemical weapons use?***

Chemical weapons have been banned under the CWC since 1997. The CWC bans the development, production, transfer, stockpiling, and use of chemical and toxin weapons, mandates the destruction of all chemical weapons production facilities, and seeks to control the production and international transfer of the key chemical components of these weapons. Countries that are members of the convention may ask for assistance and protection if they are attacked with chemical weapons. The following countries are not parties to the CWC: Angola, Egypt, Israel, Myanmar, North Korea, South Sudan, and Syria.<sup>19</sup>

The 1925 Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare bans the use of chemical or biological agents in warfare against other states, but does not address the use of these weapons in internal conflicts. Syria did sign the Geneva Protocol.

### **War Powers<sup>20</sup>**

Any deployment of U.S. Armed Forces into the territory, airspace, or waters of Syria implicates generally the war powers vested in Congress under the Constitution, the foremost of which is the authority to declare war.

### ***What are the roles and responsibilities of Congress and the President pursuant to the provisions of the War Powers Resolution?***

The War Powers Resolution, as amended (WPR; P.L. 93-148), is intended to provide a process for congressional-executive branch cooperation and the assertion of congressional oversight and authority related to involving U.S. Armed Forces in armed conflict. The WPR requires the President to consult with Congress prior to introducing U.S. Armed Forces into hostilities or situations in which hostilities are imminent, and to report to the Speaker of the House of Representatives and the President pro tempore of the Senate within 48 hours of:

- introducing U.S. Armed Forces into current or imminent hostilities;
- deploying combat-equipped U.S. Armed Forces into a foreign country’s territory, airspace, or waters; or
- increasing substantially the number of U.S. Armed Forces already located in a foreign country.

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<sup>19</sup> Israel and Myanmar have signed but not ratified the Convention.

<sup>20</sup> Prepared by Matthew C. Weed, Analyst in Foreign Policy Legislation.

Such report is required to include the reasons necessitating such actions, the President's authority to undertake such actions, and the estimated scope and duration of the hostilities or other involvement. Authority to use force, according to the WPR, is not to be inferred from other provisions of law or treaties unless those instruments specifically authorize the introduction of U.S. Armed Forces that has occurred in each circumstance. The WPR states that unless Congress enacts a declaration of war or statutory authorization for the use of force, or the Congress cannot convene due to an attack on the United States, the President must withdraw U.S. Armed Forces 60 days after introducing them into current or imminent hostilities. The 60-day period begins the day the President was required to report to Congress on such introduction of U.S. Armed Forces. The President may extend the period by 30 days to safely withdraw U.S. Armed Forces from hostilities. Each President since the WPR's enactment has refused to concede that this withdrawal requirement is appropriate under the Constitution, presumably given its possible interference with the President's powers as commander-in-chief under Article II.

The WPR provides for expedited consideration of legislative proposals to either authorize continuing the involvement of U.S. Armed Forces in hostilities through joint resolution, or to require a withdrawal of U.S. Armed Forces at any time after introduction of such forces through a concurrent resolution. The use of the concurrent resolution to require U.S. Armed Forces withdrawal is considered to be an example of a "legislative veto," a mechanism that has been deemed unconstitutional by the Supreme Court when included in other legislation.

### ***What are some possible considerations if Congress takes up authorization for the use of military force against Syria?***

A congressional declaration of war against Syria is seen as unlikely, given historical practice since World War II. If Congress considers a proposal to statutorily authorize the use of force against Syria, it might consider provisions to specify the purpose of such authorization and the objectives of the use of military force, and to place limits on the scope and duration of such authorization. It is asserted generally that statutory authorizations place the President in a stronger position legally and politically to prosecute armed conflict. Congress has included provisions limiting the use of funds for the military in defense authorization and appropriation acts, and could include them in an authorization for use of force in Syria. Some argue, however, that any provisions attempting to circumscribe the President's ability to conduct military operations would improperly interfere with the President's commander-in-chief powers under Article II of the Constitution. In any case, if Congress does not otherwise act to limit appropriations that can be used to continue such military operations, such constricting provisions in the authorization to use force will likely fail to limit the President's ability to continue any commenced military operations in Syria.

## **Cost and Budgetary Resources for Intervention<sup>21</sup>**

The potential costs as well as the relevant funding sources for any U.S. military actions in Syria are a major congressional concern. Speaker of the House John Boehner, for example, raised the question of whether the Administration plans to submit a supplemental appropriations request to Congress if "the scope and duration of the potential military strikes exceed the initial planning" in

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<sup>21</sup> Prepared by Amy Belasco, Specialist in U.S. Defense Policy and Budget.

an August 28, 2013, letter to President Obama.<sup>22</sup> The cost of any military intervention could range widely depending on the type and length of U.S. military actions, the participation of U.S. allies, and Syrian and Syrian-allied responses. Funding sources could also vary depending not only on the amount required, but also the timing. Congressional participation in decision making on costs depends on whether the Administration (1) taps currently available funding for Fiscal Year (FY) 2013; (2) uses appropriations provided in FY2014 if actions take place after October 1, 2013; or (3) requests reprogrammings of existing funds or supplemental appropriations. The availability of funds may also be affected by the timing as well as the scope of costs since it is now close to the last month of the FY2013, and the Department of Defense is closely tracking funds so as to implement required sequestration cuts.

### ***What are the range and factors that would affect the potential cost of U.S. military intervention in Syria?***

In response to a letter from Senators Levin and Inhofe, Chair and Ranking Member of the Senate Armed Services Committee, General Martin Dempsey, Chairman of the Joint Chiefs of Staff, outlined the costs of various military options but did not recommend any particular option since this is a presidential decision. According to his letter, costs could range from \$500 million initially to train, advise, and assist opposition forces in a safe area outside Syria to “as much as a billion dollars per month over the course of a year” (up to \$12 billion) to use military force to establish either a no-fly zone that would prevent the regime from using its military aircraft or a buffer zone to protect border areas next to Turkey or Jordan.

General Dempsey also estimated that destroying portions of Syria’s chemical weapons stockpiles could require more than a billion dollars a month because “hundreds of aircraft, ships, submarines, and other enablers” and “thousands of special operations forces and other ground forces” would be needed to secure critical sites.<sup>23</sup> To conduct limited stand-off strikes on important military forces or units (e.g., air defense, ground), military facilities, or headquarters, an option mentioned frequently in current press reports, General Dempsey estimated the cost could be “billions” depending on the duration.<sup>24</sup> The factors affecting cost include the scope of military operations (e.g., the numbers and types of forces used), and the length of the operation, which may, in turn, depend on Syrian and allied responses.

### ***What funding sources are available for U.S. military intervention in Syria?***

Depending on the cost, scope and timing of military operations, the Department of Defense (DOD) may use FY2013 funds, FY2014 funds, or supplemental appropriations to conduct military intervention in Syria. According to Secretary of Defense Chuck Hagel, the United States now has “moved assets in place” including four DDG-51 Arleigh Burke destroyers in the Mediterranean that could meet “whatever option the president wishes to take.”<sup>25</sup>

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<sup>22</sup> Speaker of the House, John Boehner, Letter to President Obama, September 28, 2013; <http://www.speaker.gov/press-release/boehner-seeks-answers-president-obama-syria>.

<sup>23</sup> General Martin Dempsey, Chairman of the Joint Chiefs of Staff, “Memo to Chair of the Senate Armed Services Committee,” July 19, 2013, pp. 1-2; <http://www.levin.senate.gov/newsroom/press/release/gen-dempsey-responds-to-levins-request-for-assessment-of-options-for-use-of-us-military-force-in-syria>.

<sup>24</sup> *Ibid.*, p. 1.

<sup>25</sup> BBC, “U.S. ready to launch Syria strike, says Chuck Hagel,” August 27, 2013; [http://www.bbc.co.uk/news/world-us-\(continued...\)](http://www.bbc.co.uk/news/world-us-(continued...))

To the extent that DOD relies on U.S. military assets now or planned to be in-place to conduct military operations, the cost of deploying those ships (military personnel, fuel, spare parts) is presumably funded with FY2013 DOD appropriations for Military Personnel and Operation and Maintenance (O&M) that was provided in the FY2013 Consolidated and Continuing Appropriations Act (P.L. 113-6). The deployment of the four destroyers to the Mediterranean in preparation for Syrian operations appears to be part of the Navy's planned peacetime presence mission, and for that reason would be funded within the Navy's base budget for regular activities rather than Overseas Contingency Operations (OCO) or Operation Enduring Freedom (OEF), which pays for incremental war costs primarily for the Afghan war.<sup>26</sup>

Brief U.S. military operations to establish a no-fly zone conducted in Libya in 2011 relied almost exclusively on existing appropriations. DOD's estimated costs were about \$800 million, including offsets or savings from lower peacetime flying hours during operations.<sup>27</sup> The Administration also estimated that the short-lived Libyan operation would not have significant operational impacts on the Afghan or Iraq wars.<sup>28</sup> The Administration did not request supplemental appropriations for Libyan operations, relying instead on available funds and existing inventories of munitions.<sup>29</sup> There is no restriction that prevents the President from using available funds to conduct wartime operations. On the other hand, DOD received OCO funds from Congress to replenish the inventory of missiles expended in that operation at a later date.

However, possible U.S. military intervention in Syria could be significantly different from the 2011 Libyan operation. If the scope of operations and costs proved to be larger than the Libyan operation, the Department of Defense could face some difficulties in accommodating costs within its existing budget and shifting funds among activities—particularly in view of sequestration, which was not applicable in 2011. This could also be complicated because only one month remains in FY2013, and there is uncertainty about the enactment of FY2014 appropriations. If

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<sup>26</sup> Press reports indicate that the Navy extended the deployment date of one ship; see, for example, RT News, "US readies possible missile strike against Syria – report," published August 24, 2013; edited, August 25, 2013.

<sup>27</sup> By late 2011, DOD said the overall Libya mission cost was roughly \$1 billion.

<sup>28</sup> Congressional Budget Office Cost Estimate, "S.J. Res. 20, A Joint Resolution authorizing the limited use of United States Armed Forces in support of the NATO Mission in Libya as reported by the Senate Committee on Foreign Relations on June 29, 2011"; <http://www.cbo.gov/ftpdocs/123xx/doc12306/sjres20.pdf>; Department of State, DOD, Report to Congress, *United States Activities in Libya*, p. 21, June 15, 2011; [http://www.foreignpolicy.com/files/fp\\_uploaded\\_documents/110615\\_United\\_States\\_Activities\\_in\\_Libya\\_-\\_6\\_15\\_11.pdf](http://www.foreignpolicy.com/files/fp_uploaded_documents/110615_United_States_Activities_in_Libya_-_6_15_11.pdf). This report notes that operational impacts on DOD's other missions were not significant: "There has not been a significant operational impact on United States activities in Iraq and Afghanistan. All the forces that were briefly diverted from other operations have been replaced, with the exception of one Guided Missile Destroyer (DDG). That capability will be replaced during June 2011. In some cases, forces were delayed in arriving in Iraq and Afghanistan, but the operational impact was mitigated by forces already supporting these operations." See also testimony by Secretary of Defense Robert Gates in a March 27, 2011 interview about Libya operations: "Sec. Gates: . . . But a lot of these -- a lot of the forces that we will have available other than the ISR are forces that are already assigned to Europe or have been assigned to Italy or at sea in the Mediterranean." U.S. Department of Defense, News Transcript, ABC's This Week" interview with Secretary of Defense Robert M. Gates, and Secretary of State Hillary Clinton March 27, 2011; <http://www.defense.gov/Transcripts/Transcript.aspx?TranscriptID=4800>.

<sup>29</sup> See p. 15 in State, *United States Activities in Libya*: "These operating costs will be offset through reductions in lower priority support activities, and there will be some reduction to the peacetime flying hour program in part as a result of the Libya operation. The Department plans to replace munitions used in the Libyan operation as part of its normal programming and budgeting process."

Congress enacts a Continuing Resolution for FY2014 appropriations, funds originally intended for peacetime operations would be available for military operations by “cash flowing.”

If the cost of military intervention in Syria proved to be larger than anticipated, DOD could shift funds from less urgent programs or activities by using reprogramming authority provided in DOD’s annual authorization and appropriations acts. Moving funds from one appropriations account to another or, in some cases, from one type of activity to another requires the written approval of the four congressional defense committees.<sup>30</sup> If the costs of the operation expanded further, the Administration might need to request supplemental appropriations, which would require full congressional approval.

### June 14 House Vote Related to Syria Policy

On June 14, 2013, more than two months prior to the reported mass casualty chemical weapons attack in the suburbs of Damascus, the House conducted a recorded vote relevant to U.S. policy toward Syria. The vote came on an amendment by Representative Christopher P. Gibson to H.R. 1960, the FY2014 National Defense Authorization Act.

At issue was Section 1251 of the bill as reported by the House Armed Services Committee, which states a dozen congressional “findings” regarding the conflict in Syria and declares the sense of Congress concerning a dozen related issues. Among the findings stated by Section 1251 are findings that:

- the President had stated that the use of chemical weapons would be a “redline” for the United States; and that
- Secretary of Defense Hagel had indicated that DOD would need supplemental appropriations in case U.S. forces mounted a military effort in Syria.

Among the matters concerning which Section 1251 expresses a Sense of Congress, are the following:

- the President “should ensure robust contingency planning” to secure U.S. interests in Syria;
- the President “should ‘fully consider all courses of action to remove [Syrian] President Bashir al-Assad’”;
- the conflict in Syria “threatens the vital national security interests of Israel and the stability of Jordan, Lebanon, and Turkey”;
- the President “should fully consider all courses of action to reinforce his stated ‘redline’ regarding the use of weapons of mass destruction by the Assad regime in Syria, which could threaten the credibility of the United States with its allies in the region and embolden the Assad regime”;
- the President should present a supplemental budget request to Congress, should he decide to employ any military assets in Syria.

The Gibson amendment, which would have stricken Section 1251 from the bill, was rejected by a vote of 123-301.

### *How might the cost of Syrian military intervention be affected by ongoing sequestration cuts in FY2013 or in FY2014 if sequestration again occurs?*

Since current ship deployments in the Mediterranean are largely following current plans (with minor adjustments in schedule), ongoing sequestration cuts would not necessarily have an effect. In addition, the Administration’s and DOD’s policy has been to minimize effects on DOD’s core readiness-related activities such as those deployments.<sup>31</sup> The President also exempted military personnel accounts from sequestration for both FY2013 and FY2014.

<sup>30</sup> See, for example, Sec. 8005, P.L. 113-6, the FY2013 Consolidated and Continuing Appropriations Act of 2013. See DOD, “Budget Execution Flexibility Tutorial” at <http://comptroller.defense.gov/BudgetExecution.html>.

<sup>31</sup> OMB, Jeffrey D. Zients, Deputy Director for Management, “Planning for Uncertainty with Respect to Fiscal Year (continued...) ”

The services have focused ongoing sequestration cuts on lower priority Operation & Maintenance (O&M) activities such as travel, conferences, non-training flying hours, facility upgrades, Information Technology, and depot maintenance. Although the services initially reduced some training activities to meet sequestration cuts, many of these cuts were later reversed as savings became available in other areas. At the same time, some Members of Congress and DOD spokesmen have raised concerns about readiness in later years from the current sequestration or from later cuts to the DOD budget in FY2014, which could be exacerbated by a lengthy Syrian intervention.

If Congress were to enact supplemental appropriations to cover the cost of Syrian military intervention, and designated that funding as emergency, those monies would not be subject to the budget caps in the Budget Control Act (BCA). On the other hand, if Congress does not meet BCA caps, FY2014 sequestration cuts would be levied by the Office of Management and Budget (OMB) in early January 2014 and funds for any operations involving Syria would be part of the budgetary resources subject to those cuts. As in the case of Afghan war costs, however, DOD could choose to shield those costs from cuts by levying higher reductions on other operational activities.

## **Military Planning<sup>32</sup>**

As of September 3, U.S. military planning information is, in unclassified sources, largely speculative. Congress may, as the situation warrants, consider the following questions regarding its role in relation to U.S. and allied military plans:

- Which strategic objectives are proposed military operations designed to secure? How are the proposed operations tailored to meet those specific objectives? What targets would U.S. or allied military forces strike in Syria? Why? What would constitute success and how would that success advance broader U.S. policy objectives in Syria, in the region, and internationally? What would constitute failure and how might that affect U.S. objectives?
- Should an authorization for the use of military force be limited in terms of purpose, territory, potential targets, potential means, potential cost, or potential duration? Why or why not? Does the Administration believe that the draft authorization submitted to Congress would allow it to conduct military operations outside of Syria? Against non-state actors in Syria or elsewhere? Against the military forces of governments other than Syria?
- What U.S. forces and capabilities are currently able to engage targets in Syria? What potential coalition forces and capabilities are available? Which countries are willing to take part in military strikes? Which countries are willing to allow their territory, waters, and airspace to be used to facilitate proposed operations? With what conditions? How do the current prospects for international support

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2013 Budgetary Resources,” January 14, 2013;  
<http://www.whitehouse.gov/sites/default/files/omb/memoranda/2013/m-13-03.pdf>. DOD, Memorandum from Under Secretary of Defense Ashton Carter to the Military Departments, Joint Chiefs of Staff, Defense agencies and others, “Handling Budgetary Uncertainty in Fiscal Year 2013,” January 10, 2013.

<sup>32</sup> Prepared by Nathan J. Lucas, Section Research Manager, Defense Policy and Arms Control.

impact the U.S. military mission in terms of risk, cost, feasibility, and likely duration?

- What force might the Syrian government bring to bear to resist or respond to a military operation against it? How might Syrian allies such as Russia, Iran, and non-state actors like Hezbollah respond to any U.S. military intervention? How might extremist groups seek to take advantage of any U.S. operations? How might opposition groups receiving U.S. support benefit or be put at risk by U.S. military operations? What are the “known unknowns” with regard to a potential U.S. military response to the alleged use of chemical weapons?
- Who are the most capable armed groups operating in Syria? What are their long-term political goals? Should proposed military operations be conducted in conjunction with an increase in direct support to armed or unarmed opposition groups? Why or why not?
- How can the United States best limit opportunities for violent extremist groups to take advantage of any proposed military strike? What threats to U.S. security and regional security might follow from these groups in the event of regime change?
- What have leaders in Israel, Jordan, Turkey, Egypt, Saudi Arabia, Iraq, Lebanon, the United Arab Emirates, and Qatar told the Administration regarding their individual views of the August 21 incident and the proposed U.S. response? How does the Administration envision assisting other countries in mitigating the impact of any potential retaliation or provocation?
- If the U.S. conducts military strike operations in Syria, what are the next steps that military forces would take? Is the U.S. military in a position to sustain military operations in the region?
- Given the impact of sequestration on U.S. military operations and maintenance, as well as the continued deployment of military assets in support of operations in Afghanistan and elsewhere, are U.S. forces fully prepared to undertake both planned and contingent military operations in Syria? Would the possible dedication of already constrained U.S. military and/or DOD-contracted commercial airlift and sealift to a Syrian contingency operation have an adverse impact on U.S. retrograde operations currently underway in Afghanistan?

### *What are some military options reportedly under consideration?*<sup>33</sup>

Several media reports indicate that the United States is considering a military strike against Syria in response to the regime’s alleged use of chemical weapons against civilians on August 21. Numerous accounts suggest that the strategic goal of such a punitive strike would be to deter future chemical weapons use and degrade the Assad regime’s capabilities to carry out future attacks. Some analysts question whether limited strikes can successfully accomplish the strategic objective of deterrence. For example, Chris Harmer, a senior naval analyst at the Institute for the Study of War, has argued that “the Assad regime has shown an incredible capacity to endure pain and I don’t think we have the stomach to deploy enough punitive action that would serve as a deterrent.”

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<sup>33</sup> Prepared by Jeremy M. Sharp, Specialist in Middle Eastern Affairs.

In the event the United States strikes Syria, some reports suggest that the military would use guided cruise missiles. The U.S. Navy has guided missile destroyers in the Mediterranean capable of carrying Tomahawk Land Attack Missiles (TLAM) which have a maximum range of 1,000 miles. U.S. aircraft, such as the B-2 bomber, also can carry air-launched cruise missiles. The benefit of using so-called “stand-off weapons” such as a TLAM fired from a destroyer is that the firing vessel can be stationed beyond the range of Syrian anti-ship missiles.

Other proposed military options, such as establishing no-fly zones<sup>34</sup> inside or outside Syria, may require a more extensive and longer-term U.S. commitment. According to Chairman of the Joint Chiefs of Staff General Martin Dempsey, “Lethal force would be required to defend the zones against air, missile, and ground attacks.... This would necessitate the establishment of a limited no-fly zone, with its associated resource requirements. Thousands of U.S. ground forces would be needed, even if positioned outside Syria, to support those physically defending the zones.”<sup>35</sup>

Operationally, Congress may wish to scrutinize the U.S. military’s evaluation of the situation in evaluating a potential no-fly zone. In evaluating the situation, one may consider the nature and density of adversary air defenses, the quantity and quality of adversary air assets, geography, and availability of “friendly” assets. In evaluating adversaries, one may consider their strategy and tactics, their possible responses, their concept of operations, and their rules of engagement.

If the United States and others were to conduct manned aerial strikes against Syria, the United States may employ its F-16 aircraft stationed in Jordan. Additionally, the Air Force’s 39<sup>th</sup> Air Base Wing is based at Incirlik air base in southern Turkey, and U.S. military action against Syria could originate from there, though it might require prior approval from Turkey’s parliament. If France were to take part in military action against Syria, it has access to an air base in the United Arab Emirates.

## U.S. Aid to the Opposition

### Arming the Syrian Opposition<sup>36</sup>

Press accounts suggest the Administration is currently taking steps to provide arms to Syrian rebels under covert action authorities. The statute concerning covert action thus shapes both how the Administration can intervene in Syria under those authorities and the way in which the Administration engages with Congress about any intervention.

#### *What are the limits and extent of covert action authorities with respect to Syria?*

Covert action is defined in statute as “an activity or activities of the United States Government to influence political, economic, or military conditions abroad, where it is intended that the role of

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<sup>34</sup> This issue is discussed in depth in CRS Report R41701, *No-Fly Zones: Strategic, Operational, and Legal Considerations for Congress*, coordinated by Jeremiah Gertler.

<sup>35</sup> “Syria: What are the West’s military options?” *Agence France Presse*, August 22, 2013.

<sup>36</sup> Prepared by Marshall Erwin, Analyst in Intelligence and National Security.

the United States Government will not be apparent or acknowledged publicly.”<sup>37</sup> Section 503 of the National Security Act of 1947 authorizes the President to conduct covert action if that action is necessary to support identifiable foreign policy objectives of the United States and is important to the national security of the United States. The statute requires the President to write a “finding” that specifies the identifiable foreign policy objectives. The President must provide the finding to the congressional intelligence committees as soon as possible and before the initiation of the covert action.<sup>38</sup> The President is not required to provide the finding to members who are not on the intelligence committees.

The “apparent or acknowledged” language in the statute may provide a vague limitation on the extent to which covert action authorities can be utilized as the situation in Syria evolves. During past covert actions in other countries, the role of the U.S. government has typically become apparent or acknowledged in the course of public debate. This has not always proven to be a limiting factor regarding whether covert action authorities are applicable. Nonetheless, the broader the U.S. actions and the more those actions require an administration to make a case to the American public, the more difficult it may become to justify activities under these authorities.

### ***What organizations may conduct covert action?***

Although covert action is generally the domain of the Central Intelligence Agency, the statute does not identify specific departments or agencies that may conduct covert action. Executive Order 12333, concerning United States Intelligence Activities, notes that, “No agency except the Central Intelligence Agency (or the Armed Forces of the United States in time of war declared by the Congress or during any period covered by a report from the President to the Congress consistent with the War Powers Resolution, P.L. 93-148) may conduct any covert action activity unless the President determines that another agency is more likely to achieve a particular objective.”<sup>39</sup>

### **Non-Lethal Aid to the Opposition and Economic Sanctions against the Regime<sup>40</sup>**

The Administration’s decision and the means otherwise available to provide material support to Syria’s opposition—in the form of humanitarian goods and services, non-lethal aid, or military assistance—face obstacles from a robust U.S. economic sanctions regime maintained against Syria for decades. These sanctions were triggered by the Syrian government’s support of international terrorism, poor human rights record, and weapons proliferation.<sup>41</sup>

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<sup>37</sup> 50 U.S.C. 413b

<sup>38</sup> Section 503 provides a number of exceptions to this notification requirement. Among those, the President may limit notification to the “gang of eight”—the leaders of the intelligence committees and the leaders of the House and Senate—to meet extraordinary circumstances affecting vital interests of the United States.

<sup>39</sup> Executive Order 12333, “United States Intelligence Activities.”

<sup>40</sup> Prepared by Dianne E. Rennack, Specialist in Foreign Policy Legislation.

<sup>41</sup> More recently, in a series of Executive Orders based on authority granted his office in the International Emergency Economic Powers Act, the President declared that Syria’s occupation of Lebanon, pursuit of weapons of mass destruction, and destabilization efforts in Iraq posed an extraordinary threat to the United States’ national security, foreign policy, and economy. In ensuing years, he further determined that the Syrian government was implicated in the assassination of Lebanon’s prime minister, massive public corruption, human rights abuses including the use of torture, arbitrary detention, and escalating violence against the Syrian people.

***Considering the economic sanctions, can the United States currently provide foreign aid to the Syrian opposition?***

Laws authorizing U.S. foreign aid programs are constructed generally to provide assistance state-to-state, and Syria is explicitly prohibited from eligibility under current appropriations. The U.S. growing interest in supporting Syrian opposition forces is further complicated by international obligations that require the United States to control exports and identify end-users to meet standards relating to terrorism, regional stability, and weapons proliferation. The President, however, has authority, notwithstanding the restrictions, to provide humanitarian aid, fund emergency response efforts in neighboring states, contribute to multinational programs that are engaged in the international response to Syria's crisis, and reprogram assistance from other programs to those that address disasters or unanticipated events. Specific laws that the President can draw upon include:

- Section 2(c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(c)) authorizes the President to respond to “unexpected urgent refugee and migration needs” if he determines it is important to U.S. national interests to do so.
- Section 451 of the Foreign Assistance Act of 1961 (22 U.S.C. 2261) authorizes the President to draw upon up to \$25 million in foreign aid in a fiscal year to respond to “unanticipated contingencies....”
- Section 552(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2348a(c)) authorizes the President to provide peacekeeping operations funds (up to \$15 million in funds and up to \$425 million in commodities and services in a fiscal year) to respond to any “unforeseen emergency” if he finds it “important to the national interests” to do so.
- Section 614 of the Foreign Assistance Act of 1961 (22 U.S.C. 2364) authorizes the President to provide assistance “without regard” to any other restriction in that Act or other foreign aid- or military aid-related laws if he finds it “important to the security interests of the United States” to do so. He may make up to \$250 million available, but not more than \$50 million to one country, in a given fiscal year.
- In addition, section 202(a) of the Food for Peace Act (7 U.S.C. 1722(a)) authorizes the Administrator of the U.S. Agency for International Development to “provide agricultural commodities to meet emergency food needs through governments and public or private agencies including intergovernmental organizations such as the World Food Program and other multilateral organizations....”

***How has the Obama Administration been able to provide aid to Syria in recent years?<sup>42</sup>***

Most U.S. foreign aid going to Syria is for humanitarian assistance. In FY2013, the United States is providing over \$1 billion of humanitarian assistance and more than \$250 million in non-humanitarian aid to the people of Syria to support the opposition. According to the Department of State, transfer authority for Overseas Contingency Operations provided within appropriations laws, and Section 451 of the Foreign Assistance Act of 1961, which authorizes the President to use up to \$25 million in one fiscal year for unanticipated contingencies, has been and continues to be crucial for providing both humanitarian and non-humanitarian aid to Syria since 2011.

The Obama Administration has acknowledged the funding challenges that the Syria crisis presents and worked with Congress to increase the balances in global humanitarian assistance accounts in the FY2013 final appropriations bill to better meet Syria related needs. However, the Administration has not identified specific additional Syria assistance funding requests in its FY2014 appropriations budget and all indications suggest that the Administration intends to continue to fund Syria opposition assistance efforts on an ad hoc basis by presenting reprogramming requests and emergency contingency notifications to Congress.

The Administration did request \$580 million for a new Middle East and North Africa Incentive Fund (MENA IF) that would have provided a multiyear source of funding to respond to contingencies in Arab countries, including Syria, as needed. However, the House Appropriations Committee has declined to include funds for the Incentive Fund in its markup of H.R. 2855. Senate appropriators similarly declined to provide funds and authorities for MENA IF as requested by the Administration and has proposed a \$575 million Complex Foreign Crises Fund to meet region wide assistance needs in their markup of S. 1372.

***Who is involved with defining and implementing the U.S. sanctions regime?***

Congress enacts annual foreign operations appropriations, can amend restrictions stated in authorizations, and can enact legislation to incrementally or fully remove restrictions. The President can exercise any or all of the foreign aid authorities listed above. He also is authorized, under the National Emergencies Act (particularly 50 U.S.C. 1621) and the International Emergencies Economic Powers Act (particularly 50 U.S.C. 1702) to restrict all transactions any U.S. person or entity might enter into with Syria or designated individuals therein. The State Department oversees arms sales and transfers, visas, and U.S. Agency for International Development (USAID) programs. The Department of Commerce issues export licenses after taking into consideration a recipient country's compliance with international standards relating to terrorism, regional stability, and proliferation. The Department of the Treasury controls financial transactions relating to trade and economic engagement, and is also guided by those international standards.

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<sup>42</sup> Prepared by Susan B. Epstein, Specialist in Foreign Policy and Christopher Blanchard, Specialist in Middle Eastern Affairs.

## U.S. Humanitarian Response<sup>43</sup>

The ongoing conflict in Syria has created one of the most pressing humanitarian crises in the world. As of September 3, 2013, an estimated 6.8 million people in Syria, almost one-third of the population, have been affected by the conflict, including more than 4.2 million displaced inside Syria and more than 2 million displaced as refugees in Turkey, Lebanon, Jordan, Iraq, Egypt, and other parts of North Africa. The situation is fluid and continues to worsen, while humanitarian needs are immense and increase daily. The United States has a critical role and voice regarding humanitarian access in Syria, the pace of humanitarian developments and contingency planning, support to neighboring countries that are hosting refugees, and burden sharing among donors.

### *How much humanitarian assistance has the United States provided to date?*

The United States is the largest donor of humanitarian assistance and is part of the massive, international humanitarian operation in parts of Syria and in neighboring countries. In FY2012 and (as of late-August) in FY2013, the United States has allocated more than \$1 billion to meet humanitarian needs using existing funding from global humanitarian accounts and some reprogrammed funding. U.S. humanitarian policy is guided by concerns about humanitarian access and protection within Syria; the large refugee flows out of the country that strain the resources of neighboring countries (and could negatively impact the overall stability of the region); and the potential for further escalation and protraction of the humanitarian emergency. The international humanitarian response is immense and complex, but struggles to keep pace with urgent developments that have risen above anticipated needs. Access within Syria is severely constrained by violence and restrictions imposed by the Syrian government on the operations of humanitarian organizations. Two U.N. emergency appeals, which identify a total of \$4.4 billion in humanitarian needs, are less than 43% funded.

### *What have been some of the possible humanitarian policy considerations for Congress to date? What effect might military action have on the humanitarian crisis?*

As U.S. policy makers and the international community deliberate over what, if any, actions they can or should take on the Syria crisis, possible humanitarian policy considerations for Congress include (1) issues related to U.S. resources and determination of priorities, including other humanitarian or foreign aid concerns and domestic needs ; (2) and the potential costs and benefits of labeling or “branding” of humanitarian aid delivered to Syria so that recipients and possibly other actors are aware of its American origins. It is unclear what effect military action may have on the humanitarian situation in Syria and in the region. Since mid-August refugee outflows have increased in anticipation of foreign military strikes and an intensification of fighting inside Syria.

<sup>43</sup> Prepared by Rhoda Margesson, Specialist in International Humanitarian Policy. For more information, see CRS Report R43119, *Syria: Overview of the Humanitarian Response*, by Rhoda Margesson and Susan G. Chessser.

## International Response

### The United Nations Security Council<sup>44</sup>

Under the United Nations (U.N.) Charter, the U.N. Security Council is the primary mechanism for addressing issues related to the maintenance of international peace and security. Decisions of the Council are binding on member states. Adoption of resolutions is the most prevalent method for Council decision-making.<sup>45</sup> The Council has 15 members—five permanent (China, France, Russia, the United Kingdom, and the United States, hereafter “P-5”) and 10 non-permanent (currently Argentina, Australia, Azerbaijan, Guatemala, Luxembourg, Morocco, Pakistan, Republic of Korea (South Korea), Rwanda, and Togo). Decisions on non-procedural or substantive matters require nine affirmative votes, including the concurring votes of the permanent members. Thus, a negative vote by any of the P-5 is a veto over adoption of a draft resolution.<sup>46</sup> Few observers expect consensus on Syria to be reached among the P-5. Since the conflict began, both China and Russia have vetoed three draft Council resolutions addressing the conflict. As of August 29, the P-5 had met to discuss a draft resolution proposed by the United Kingdom regarding the use of chemical weapons in Syria.

#### *What is the role of the Security Council in authorizing use of force?*

Any Security Council decisions to authorize the use of force would likely be taken under Chapter VII of the U.N. Charter, entitled, “Action with respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression.” Article 42 of this Chapter authorizes the Council to take “action by air, sea or land forces as may be necessary to maintain or restore international peace and security.” Such actions might include a variety of military operations by the forces of U.N. member states, including but not limited to demonstrations and blockades.

### Russia<sup>47</sup>

Russia has provided consistent diplomatic and military support to the Asad regime in Syria during the civil war. Russia recognizes the Asad regime as the currently legitimate government of Syria and asserts a sovereign right to provide arms to the regime under existing arms sales contracts. Russia also has a lease on a naval docking facility at Tartus, Syria. Russia has vetoed three U.N. Security Council (UNSC) resolutions aimed at addressing the Syrian conflict on the grounds that they would have unduly interfered with the domestically-involved parties’ efforts to reach a peaceful political solution to the conflict.<sup>48</sup>

<sup>44</sup> Prepared by Luisa Blanchfield and Marjorie Browne, Specialists in International Relations.

<sup>45</sup> The Council may also make decisions by consensus (i.e. without voting).

<sup>46</sup> P-5 abstentions are not considered vetoes.

<sup>47</sup> Prepared by Jim Nichol, Specialist in Russian and Eurasian Affairs.

<sup>48</sup> For background information, see “Bilateral Relations and Syria,” in CRS Report RL33407, *Russian Political, Economic, and Security Issues and U.S. Interests*, coordinated by Jim Nichol.

## ***How has Russia reacted to the potential for a military response by the United States?***

Russian Foreign Minister Sergey Lavrov has stressed that possible military action in Syria without UNSC authorization would violate international law and vitiate efforts to find a peaceful solution to the conflict, such as a potential Syrian government-rebel conference that has been discussed by the United States and Russia. He also alleged that the apparent chemical weapons attack on August 21 may have been a provocation by the rebels, as Russia has asserted in previous cases, and warned that any Western military action could further destabilize the Middle East.<sup>49</sup>

On August 26, Foreign Minister Lavrov underscored that “we do not intend to go to war with anyone,” referring to a possible U.S. military action in Syria.<sup>50</sup> Russian media also reported that a military source stated that “the time when we waged wars for someone else is in the past.”<sup>51</sup> A Russian Navy spokesman announced on August 28 that remaining Russian personnel at the Tartus naval docking facility were planning to leave by sea, and the Russian Emergency Situation Ministry reported that it had evacuated over 100 Russian citizens by air on August 27-28, and would continue such flights as necessary.<sup>52</sup> A Russian naval force in the Mediterranean Sea reportedly is being increased to monitor developments in Syria.

## ***Why did Russia block a recent draft UNSC Resolution on Syria?***

On August 28, Russia (and China) blocked discussion in the UNSC of a possible resolution introduced by the United Kingdom condemning the August 21 gas attack in Syria and authorizing necessary measures—including military action—to protect civilians, with Foreign Minister Lavrov stating that any such resolution should await the findings of the mission of U.N. inspectors. He stressed that possible military action in Syria without UNSC authorization would violate international law and vitiate efforts to find a peaceful solution to the conflict, such as the planned Syrian government-rebel conference that was being organized by the United States and Russia prior to the gas attack. He also alleged that the chemical weapons attack may have been a provocation by the rebels, as Russia has asserted in previous cases, and warned that any Western military action could further destabilize the Middle East.<sup>53</sup>

<sup>49</sup> Ministry of Foreign Affairs of the Russian Federation, *On a Telephone Conversation between Russian Foreign Minister Sergey Lavrov and British Secretary of State for Foreign and Commonwealth Affairs William Hague*, reported in Open Source Center, *Central Eurasia: Daily Report (CEDR)*, August 28, 2013, Doc. No. CEL-65802960; Ministry of Foreign Affairs of the Russian Federation, *Statement by Russian Foreign Affairs Minister S. V. Lavrov and His Responses to Questions Posed by the Mass Media in the Course of a Press Conference on the Topic of Chemical Weapons in Syria and the Situation Surrounding the Syrian Arab Republic*, CEDR, August 27, 2013, Doc. No. CEL-45634080. See also *Statement by Russian Foreign Ministry spokesman A.K. Lukashevich in Connection with the U.S. Defense Secretary's Remarks*, Russian Ministry of Foreign Affairs, August 25, 2013.

<sup>50</sup> CEDR, August 27, 2013, Doc. No. CEL-45634080.

<sup>51</sup> CEDR, August 28, 2013, Doc. No. CEL-34189719.

<sup>52</sup> *Interfax*, August 28, 2013.

<sup>53</sup> Ministry of Foreign Affairs of the Russian Federation, *On a Telephone Conversation between Russian Foreign Minister Sergey Lavrov and British Secretary of State for Foreign and Commonwealth Affairs William Hague*, reported in Open Source Center, *Central Eurasia: Daily Report (CEDR)*, August 28, 2013, Doc. No. CEL-65802960; Ministry of Foreign Affairs of the Russian Federation, *Statement by Russian Foreign Affairs Minister S. V. Lavrov and His Responses to Questions Posed by the Mass Media in the Course of a Press Conference on the Topic of Chemical Weapons in Syria and the Situation Surrounding the Syrian Arab Republic*, CEDR, August 27, 2013, Doc. No. CEL- (continued...)

## China<sup>54</sup>

As one of the five veto-wielding permanent members of the United Nations Security Council, China's support or abstention is necessary for any Security Council authorization for the use of force against the Syrian government. In a closed-door session of the U.N. Security Council on August 28, 2013, China joined Russia in blocking the resolution drafted by the U.K. government that would have authorized the use of force against the Syrian government in response to the alleged chemical weapons attack on August 21.

### *Why does China oppose a military strike on Syria?*

China has indicated that its opposition stems primarily from its conviction that military action will further destabilize a region on which China relies for half its oil imports. In an August 28, 2013, statement, China's Foreign Minister, Wang Yi, emphasized, "China firmly opposes any use, by anyone, of chemical weapons in Syria." Nonetheless, he said, "External military intervention contravenes the purposes and principles of the U.N. Charter and the basic norms of international relations, and will add to the turmoil in the Middle East." Wang called for U.N. inspectors to be allowed to carry out their investigation with "no interference," and with "no prejudgment" of their results.<sup>55</sup>

Asked on September 2, 2013 about China's response to the Obama Administration's August 30 release of its assessment of the Syrian government's use of chemical weapons, a Chinese Foreign Ministry spokesman said only that China had "noted" it. The spokesman went on to insist that, "Any action taken by the international community should be based on the results of the U.N. investigation, which will answer questions like whether chemical weapons were used and who used them," suggesting that China has not, so far at least, accepted the U.S. contention that chemical weapons were used by Asad government forces. The spokesman said China was "gravely concerned" about possible unilateral military action by the United States.<sup>56</sup>

China has a long-standing policy of non-interference in the affairs of other sovereign nations, which is thought to be based in part on China's desire to head off any foreign intervention in its own affairs, including its treatment of its Tibetan and Uighur ethnic minority populations. In recent years, however, China has on occasion strayed from the principle of non-interference. Notably, in March 2011 China joined Russia in abstaining on a U.N. resolution authorizing military action against the Gaddafi regime in Libya, allowing the resolution to pass. Despite its abstention, Beijing chose to criticize the military action itself publicly just three days after the vote, with a Chinese Foreign Ministry spokesperson expressing "regret" over a multinational air

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45634080. See also *Statement by Russian Foreign Ministry spokesman A.K. Lukashevich in Connection with the U.S. Defense Secretary's Remarks*, Russian Ministry of Foreign Affairs, August 25, 2013.

<sup>54</sup> Prepared by Susan V. Lawrence, CRS Specialist in Asian Affairs.

<sup>55</sup> Ministry of Foreign Affairs of the People's Republic of China, "Foreign Minister Wang Yi: China Calls on All Parties Concerned to Exercise Restraints and Calmness on Situation in Syria," statement, August 28, 2013, <http://www.fmprc.gov.cn/eng/zxxx/t1070757.shtml>.

<sup>56</sup> Ministry of Foreign Affairs of the People's Republic of China, "Foreign Ministry Spokesperson Hong Lei's Regular Press Conference on September 2, 2013," transcript. September 2, 2013, <http://www.fmprc.gov.cn/eng/xwfw/s2510/2511/t1072085.shtml>.

strike against Libya, and re-stating China's position that it "disapproves [of] the use of force in international relations."<sup>57</sup>

Unlike Russia, China says it is not motivated by a desire to prop up the government of President Asad. Although it has energy interests in the region, China has limited economic interests and only "20-plus" citizens in Syria,<sup>58</sup> and has not taken sides in the Syrian civil war. According to a Chinese Foreign Ministry spokesperson, "China has no selfish interests on the Syrian issue and has no intention to protect any party."<sup>59</sup> China has hosted visits from both Syrian government envoys and representatives of an opposition group, the Syrian National Coordination Committee for Democratic Change.<sup>60</sup>

## European and NATO Perspectives<sup>61</sup>

European governments have uniformly condemned the Asad regime and most have called for forceful international action in response to the regime's alleged use of chemical weapons. There is disagreement, however, on what form such action should take, and widespread skepticism and reluctance on the question of possible offensive military action. Collective military operations against the Asad government through the North Atlantic Treaty Organization (NATO) or the European Union (EU) therefore do not appear to be a possibility.

At the end of August 2013, in fact, it appears that France is the only European country considering military action. In any case, most analysts doubt that any European military action would occur without the participation of the United States.

## United Kingdom

The UK government has been leading international pressure against the Asad regime in Syria. Alongside France, the UK has pushed for United Nations action, has been a leading voice in passing EU sanctions against the Asad regime, and successfully argued for lifting the EU arms embargo in order to assist opposition forces. Although it has not openly delivered weapons to the opposition, the UK has reportedly provided non-lethal equipment, humanitarian assistance, and some training. Following the report of chemical weapons attacks by Syrian forces on August 21, the UK's National Security Council "decided unanimously that the use of chemical weapons by the Assad regime is unacceptable and that the world can not stand by in the face of that."<sup>62</sup> An

<sup>57</sup> Ministry of Foreign Affairs of the People's Republic of China, "Foreign Ministry Spokesperson Jiang Yu's Remarks on Multinational Military Strike against Libya," statement, March 21, 2013, <http://www.fmprc.gov.cn/eng/xwfw/s2510/t808094.htm>.

<sup>58</sup> Ministry of Foreign Affairs of the People's Republic of China, "Foreign Ministry Spokesperson Hong Lei's Regular Press Conference on September 2, 2013," transcript, September 2, 2013, <http://www.fmprc.gov.cn/eng/xwfw/s2510/2511/t1072085.shtml>.

<sup>59</sup> Ministry of Foreign Affairs of the People's Republic of China, "Foreign Ministry Spokesperson Hong Lei's Remarks on the U.N. General Assembly's Adoption of the Resolution on the Syrian Issue," statement, May 16, 2013, <http://www.fmprc.gov.cn/eng/xwfw/s2510/2535/t1040948.shtml>.

<sup>60</sup> "Chinese FM meets Syrian opposition group delegation," *Xinhua English News*, September 18, 2012; Ministry of Foreign Affairs of the People's Republic of China, "Foreign Ministry Spokesperson Liu Weimin's Regular Press Conference on February 9, 2012," transcript, <http://www.fmprc.gov.cn/eng/xwfw/s2510/t904275.htm>.

<sup>61</sup> Prepared by Paul Belkin, Analyst in European Affairs (NATO, France, and Germany), Derek Mix, Analyst in European Affairs (EU and UK), and Jim Zanotti, Specialist in Middle Eastern Affairs (Turkey).

<sup>62</sup> UK Foreign & Commonwealth Office, *Foreign Secretary calls for strong international response to chemical attack in Syria*, August 28, 2013, [https://www.gov.uk/government/news/foreign-secretary-calls-for-strong-international-\(continued...\)](https://www.gov.uk/government/news/foreign-secretary-calls-for-strong-international-(continued...))

August 29 letter from the chairman of the UK's Joint Intelligence Committee to Prime Minister David Cameron concluded "it is highly likely that the regime was responsible" and that "there are no plausible alternative scenarios to regime responsibility."<sup>63</sup> The government's campaign to build a case for military action abruptly deflated, however, when the House of Commons voted on August 29 against UK participation in any prospective strikes on the Asad regime, and Prime Minister Cameron subsequently ruled it out. There have been subsequent suggestions that the Cameron government might go back to Parliament if substantial new evidence against Asad is presented, but as of early September, UK involvement is expected to consist primarily of intelligence support and diplomatic pressure.

## France<sup>64</sup>

Along with the UK, the French government has been leading international efforts to pressure the Asad regime. France was the first country to recognize the Syrian Opposition Coalition (SOC) as the "sole legitimate representative of the Syrian people." Officials in Paris have said there is "no doubt" that Asad has used chemical weapons and have indicated that they favor military strikes against Asad in response. France reportedly has deployed an anti-aircraft frigate off the Syrian coast in anticipation of such an operation. Commentators have noted, however, that France could face shortages in air assets, particularly given ongoing operations in Mali; they add that French strikes would come only in support of a U.S.-led operation. The French government has emphasized the importance of boosting assistance, including military aid, to "moderate" opposition forces in Syria.<sup>65</sup> French officials have expressed heightened concern about the growing strength of Islamist militias within the Syrian opposition. They have warned that the international community must increase assistance to "moderate" opposition groups—including to their military structures—in order to stem extremist influences. Following the UK's vote rejecting participation in a military strike, French President Hollande indicated that France remained prepared to act. On September 2, the French government published an intelligence dossier blaming forces loyal to Asad for the August 21 chemical weapons attack in Damascus, and the issue is to be debated in the French Assembly and Senate during the first week of September.

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response-to-chemical-attack-in-syria.

<sup>63</sup> UK Cabinet Office, *Syria: reported chemical weapons use - Joint Intelligence Committee letter*, August 29, 2013, <https://www.gov.uk/government/publications/syria-reported-chemical-weapons-use-joint-intelligence-committee-letter>.

<sup>64</sup> Unless otherwise noted, information in this section comes from: Open Source Center, OSC Report: Europe, Saudi Arabia Favor Forceful Answer to Syria CW Use, OSC Report EUL2013082703203597, August 27, 2103; "French Blog: Military Options in Syria Limited by Equipment Shortages," *Le Mamouth*, August 26, 2013, Open Source Center EUL2013082846127694.

<sup>65</sup> In addition to about €13 million (about \$16.8 million) in humanitarian aid for Syrian civilians in 2012, Paris has pledged €5 million (about \$6.6 million) in assistance to the SOC, including non-lethal military aid such as night-vision gear and high-tech communications devices. French Foreign Ministry, <http://www.diplomatie.gouv.fr/en/country-files/syria-295/france-and-syria-political-relations-6414/article/presentation-18334>.

## Germany<sup>66</sup>

The German government has strongly condemned the Asad regime, calling its alleged use of chemical weapons a “horrific crime against humanity ... that cannot go unpunished.” Berlin is reportedly reluctant, however, to endorse a military response that is not authorized by the U.N. Security Council. Germany is also considered unlikely to participate in any military operation in Syria, even if under a U.N. or NATO mandate. Analysts note that the German government could be particularly sensitive to public opposition to potential offensive military action ahead of a federal election scheduled for September 22.

## NATO

### *What is NATO's Role?*

At the request of NATO member state Turkey, since the beginning of 2013, NATO has carried out an air defense mission along Turkey's southeastern border with Syria, “to augment Turkey's air defence capabilities in order to defend the population and territory of Turkey and contribute to the de-escalation of the crisis along the Alliance's border.” NATO officials have emphasized that the deployment of six Patriot missile batteries “is defensive only. It will in no way support a no-fly zone or any offensive operation.”<sup>67</sup> The United States, Germany, and the Netherlands are each operating two Patriot batteries, deployed to military bases near the population centers of Gaziantep, Karamanmaras, and Adana, respectively.

Some Members of Congress, as well as Air Force General Philip Breedlove, Supreme Allied Commander, Europe, and Commander of U.S. European Command (in his Senate confirmation hearing), have suggested that the Patriot batteries currently under NATO command could be used to support offensive military operations against Asad, including the possible establishment of a no-fly zone or a “humanitarian corridor” to protect civilians. Although the allies have uniformly condemned the Asad regime, NATO has not considered establishment of a no-fly zone and key allied officials have reiterated that the Patriot deployment is defensive only. Speaking on behalf of the allies on August 28, NATO Secretary General Anders Fogh Rasmussen called the use of chemical weapons, “a clear breach of long-standing international norms and practice ... that cannot go unanswered.”<sup>68</sup> However, there does not appear to be a consensus within the alliance on endorsing possible NATO-led offensive military operations against the Asad regime. Any NATO operation would require the unanimous backing of the member states, though not all would be obliged to participate.<sup>69</sup>

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<sup>66</sup> Information in this section comes from: OSC Report: International—Worldwide Views of Possible Western Strike on Syria, PLO2013082784193195, August 27, 2013; Charles Hawley, “Syria Intervention May Endanger Merkel's Re-Election,” *Spiegelonline*, August 26, 2013.

<sup>67</sup> NATO, “First NATO Patriot Battery in Turkey Operational,” press release, January 26, 2013.

<sup>68</sup> “NATO Secretary General Statement on North Atlantic Council Meeting on Syria,” August 28, 2013. [http://www.nato.int/cps/en/SID-DF4464BA-134DDF8E/natolive/news\\_102590.htm](http://www.nato.int/cps/en/SID-DF4464BA-134DDF8E/natolive/news_102590.htm).

<sup>69</sup> In the case of NATO's air operations under a U.N. Security Council mandate to protect civilians in Libya in 2011, all 28 member states endorsed the operation, though only 14 participated.

## European Union

### *What is the European Union's role?*

The EU has been a leading voice alongside the United States in international condemnation of the Asad regime and its actions in Syria's armed conflict. With a stronger U.N. response blocked by Russia and China in the Security Council, the EU has moved ahead on the basis of unanimous agreement among its member states to impose extensive sanctions designed to put pressure on the regime. Like the United States, in December 2012 the EU recognized the National Coalition of Syrian Revolution and Opposition Forces as the sole legitimate representative of the Syrian people. After a British and French push to lift the EU arms embargo on Syria in order to arm opposition forces, the embargo was allowed to expire in May 2013 despite strong objections from a number of other EU countries. As a result, arms exports to the opposition could be authorized on a national, case-by-case basis, with safeguards intended to prevent misuse, although the EU member states agreed to refrain from such deliveries pending a review of the situation. Similar to NATO, there is no consensus among EU member states for military operations. In any case, analysts have had no expectations that any such operations would be conducted under an EU flag.<sup>70</sup>

## Turkey

Since late 2011, the government of Turkish Prime Minister Recep Tayyip Erdogan has been an active opponent of the Asad regime and has outspokenly advocated for U.N.-backed intervention. It has hosted Syrian refugees and opposition figures and—reportedly—helped funnel assistance to armed Syrian rebel groups. Following the apparent August 21 chemical weapons attack, Turkish Foreign Minister Ahmet Davutoglu indicated that Turkey would prefer a U.N. Security Council mandate for military action in Syria, but would join an international coalition after the U.N. presents its report on the August 21 incident if a mandate cannot be obtained. On August 30, Prime Minister Erdogan was quoted as saying that any strike on Syria should not be a “24 hours hit-and-run. What matters is stopping the bloodshed in Syria and weakening the regime to the point where it gives up.”<sup>71</sup>

Notwithstanding Erdogan's stated preference for a broader military response than what U.S. officials appear to be contemplating, the nature and scope of potential Turkish involvement is unclear.<sup>72</sup> Turkey maintains one of NATO's largest militaries, but political sensitivities and potential vulnerabilities vis-à-vis bordering countries and Kurdish communities in the region could constrain its direct participation in military operations. Turkey hosts U.S. and NATO military assets in various locations throughout the country, which could be among the targets of potential Syrian or Syrian-allied retaliation for a U.S.-led attack.<sup>73</sup> Members of the opposition Republican People's Party (CHP), though condemning the possible use of chemical weapons in

<sup>70</sup> NATO and the EU have overlapping but not identical membership. While both have 28 member countries, 22 countries belong to both, six belong to NATO but not the EU (Albania, Canada, Iceland, Norway, Turkey, and the United States) and six belong to the EU but not NATO (Austria, Cyprus, Finland, Ireland, Malta, and Sweden).

<sup>71</sup> Joe Parkinson (citing Turkey's state-run Anadolu Agency), “Turkey's Erdogan Urges Action to Oust Syrian Regime,” *wsj.com*, August 30, 2013.

<sup>72</sup> Piotr Zalewski, “For Turkey, Planned U.S. Missile Strikes on Syria Not Good Enough,” *time.com*, August 30, 2013.

<sup>73</sup> For more information, see CRS Report R41368, *Turkey: Background and U.S. Relations*, by Jim Zanotti.

Syria, have warned of the risks of military intervention and insisted that Turkish law requires parliamentary approval of any use of Turkish territory by foreign troops to attack Syria.<sup>74</sup> The Turkish parliament voted in 2003 against allowing the United States to invade Iraq from its Turkish border.

## **Arab States<sup>75</sup>**

Arab countries have staked differing positions on the Syrian civil war and have backed different rebel/political groups, perpetuating the divisiveness and disorganization of the armed and unarmed Syrian opposition. Until recently, Qatar had aggressively backed the Syrian Muslim Brotherhood in exile as well as various Islamist-oriented armed groups on the ground. There are some indications that the recent leadership transition in Qatar may result in a recalibration of Doha's former embrace of Islamist activists. Saudi Arabia, which also has backed its own militias, has been less supportive of more radical elements in the Syrian political and armed opposition. Private entities in the Arab Gulf states continue to provide material and political support to extremist groups operating in Syria. Egypt, where the military has returned to power after ousting a president who had hailed from the Muslim Brotherhood, may be even less inclined than Saudi Arabia to support Sunni Islamist Syrian rebels, though it has been preoccupied with internal issues throughout the war's duration.

### ***What is the position of the Arab League?***

Publicly, many Arab states are hesitant to endorse a possible Western military intervention in Syria. Nevertheless, on August 27, the Arab League, which had already suspended Syria from its membership back in 2011, issued a joint statement on the apparent August 21 chemical weapons attack, stating that it held "the Syrian regime responsible for this heinous crime." The statement also called on the United Nations Security Council to "overcome the disagreements between its members" [so it could] "take the necessary deterring measures against the perpetrators of this crime." The Arab League has modified its original position insisting on UN Security Council action to call for the Security Council and the international community to "take the deterrent and necessary measures against the culprits of this crime for which the Syrian regime bears responsibility."

## **Israel and Its Concern for Potential Retaliation<sup>76</sup>**

An important U.S. concern regarding possible military action against Syria is potential retaliation by Syria and its allies—especially Iran and Lebanon-based Hezbollah, but also possibly Gaza-based militants such as Palestine Islamic Jihad—against Israel. Possible threats of retaliation against other U.S. regional allies (including Turkey, Jordan, and Gulf Arab states) are linked to these countries' involvement in aiding the Syrian opposition and potentially serving as bases for U.S.-led military operations. Even though Israel has reportedly carried out limited strikes in Syria this year to prevent the transfer of weapons to Hezbollah, retaliatory threats against it appear to stem less from its recent involvement in the conflict than from historical and geopolitical

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<sup>74</sup> Semih Idiz, "Will Turkey's Parliament Back Attack on Syria?," *Al-Monitor Turkey Pulse*, August 27, 2013.

<sup>75</sup> Prepared by Jeremy M. Sharp, Specialist in Middle Eastern Affairs.

<sup>76</sup> Prepared by Jim Zanotti, Specialist in Middle Eastern Affairs; and Steven A. Hildreth, Specialist in Missile Defense.

animosities and probable desires among Syria and its allies to deter the United States from acting militarily—given long-standing U.S. interests in Israel’s security.

At least since the 1991 Persian Gulf War, U.S. regional military planning has taken into account the possibility of attacks on Israel and the potential for any Israeli response to trigger wider regional war.<sup>77</sup> In the present case, U.S. consideration of this factor is seemingly being weighed alongside concerns about possible consequences for Israel (in connection with overarching questions about defense of U.S. allies and U.S. credibility) if the U.S. does not respond robustly to the Asad regime’s apparent use of chemical weapons in Syria.<sup>78</sup> Israeli Prime Minister Binyamin Netanyahu has said, “Now the whole world is watching. Iran is watching and it wants to see what would be the reaction on the use of chemical weapons.”<sup>79</sup> Yet, most accounts indicate that Israeli officials “have little desire to see [Asad] toppled,” given what may follow, and are “wary of creating any perception that they are meddling in either American politics or the civil war in neighboring Syria.”<sup>80</sup>

***What threats exist from Syria, Iran, Hezbollah, and Gaza-based militants regarding potential retaliation against Israel in the event of a U.S.-led strike on Syria?***

Syrian and Iranian officials have made statements indicating that Israel would be a target of retaliation in the event of a U.S.-led attack on Syria. General Mohammad Ali Jafari, chief of the Iranian Revolutionary Guard Corps (IRGC), was quoted as saying that an attack on Syria “means the immediate destruction of Israel.”<sup>81</sup> In an August 28 Lebanese news report, a source supposedly close to Hezbollah was cited as saying that Hezbollah would probably not retaliate against Israel in the event of a limited U.S.-led strike, but would likely retaliate in the event of a “large-scale Western strike” that aims to “change the balance of power in Syria.”<sup>82</sup> An Israeli military spokesman has publicly stated that although Israel is preparing for the contingency of Syrian or Syrian-allied retaliation against Israel in response to a U.S.-led strike, the probability of retaliation is low.<sup>83</sup> Israeli calculations that retaliation is possible but unlikely probably owes to a presumption that Israel’s adversaries do not want to risk escalating and expanding the conflict beyond its current level and scope.<sup>84</sup>

<sup>77</sup> During the 1991 Gulf War, Saddam Hussein’s Iraq inflicted casualties (including two directly-caused deaths and more than 1,000 injuries) and damage against Israel via SCUD missile attacks, but Israel did not respond militarily—largely due to U.S. entreaties and U.S. deployment in Israel of Patriot anti-missile batteries.

<sup>78</sup> “Full Transcript: Secretary of State John Kerry’s remarks on Syria on Aug. 30,” op. cit.

<sup>79</sup> Josef Federman, “With Eye on Iran, Israelis Seek US Action in Syria,” *Associated Press*, September 2, 2013.

<sup>80</sup> Ibid.

<sup>81</sup> Oren Dorell (citing the *Tasnim* news website), “Iran threatens payback on Syria; Russia sends warships,” *USA Today*, August 30, 2013.

<sup>82</sup> Hussein Dakroub, “Hezbollah will attack Israel if strike aims to topple Assad,” *Daily Star* (Lebanon), August 28, 2013.

<sup>83</sup> Gili Cohen, “Senior military officer: Likelihood of attack on Israel is low,” *haaretz.com*, August 28, 2013. However, at least one poll indicates that nearly two thirds of Israeli Jews believe that a U.S.-led attack on Syria will “drag Israel into war.” Despite these results, the same poll suggests that nearly the same percentage supports a U.S.-led attack. Aharon Lapidot, “Poll: 67% of Israeli Jews support US attack against Syria,” *israelhayom.com*, August 30, 2013.

<sup>84</sup> See, e.g., Joshua Mitnick, “Israel Worries Rise over a Syrian Attack,” *Wall Street Journal*, August 27, 2013.

### ***What damage could retaliatory rocket or missile strikes do to Israel, and how prepared is Israel to defend itself?***

If one or more of them chose to retaliate, Syria, Iran, Hezbollah, and Gaza-based militants could threaten Israeli territory—as indicated by the range maps (see below)—with thousands of rockets and missiles of varying ranges, accuracies and payloads (i.e., high-explosives or possible chemical warheads in the case of Syrian SCUDs). In addition to insisting that it would respond forcefully to any attack on its territory, Israel maintains multiple anti-rocket and anti-missile platforms largely through U.S. assistance and/or co-production: Iron Dome, Patriot, and Arrow II.<sup>85</sup> Israel claims substantial success with Iron Dome in countering rockets with ranges under about 75 km. The Patriot and Arrow II systems are designed to intercept Syrian SCUD missiles (ranges of 300-500 km). Iranian SCUDs are not capable of reaching Israel. It is unclear whether—and perhaps unlikely that—Patriot or Arrow II systems are capable of intercepting very short range Hezbollah tactical missiles that could reach central and southern Israel. Reports indicate that transportable Iron Dome batteries have been deployed near Haifa, Tel Aviv, Ashkelon, and Eilat—with two additional batteries available for deployment.<sup>86</sup> Although the U.S.-Israel cooperative platform David's Sling has supposedly been tested successfully against short-range tactical missiles (40-300 km), this system is not expected to be operational until about 2014. It is possible that some David's Sling units may have been deployed recently, but its availability to counter missiles from Hezbollah is unknown. There are no systems currently deployed in Israel that are designed to intercept Iranian medium-range ballistic missiles (1,500-2,000 km). The Arrow III, which is designed to counter such missiles, had a successful test launch in 2013, but is not expected to be operational until about 2014-2015.

Israel is preparing additional measures on the home front to absorb a possible retaliatory strike. In previous instances—1991 during the Gulf War, 2006 against Hezbollah, and on two occasions (2008-2009 and November 2012) against Hamas and other Palestinian militants—many Israelis took cover in bomb shelters and in safe rooms that are now routinely built into their residences. According to reports, more than 50 Israeli civilians were directly killed by missile and rocket strikes during these three conflicts combined.<sup>87</sup> There are concerns, however, that the more advanced missiles likely to be used in any retaliation from Iran, Syria, or Hezbollah could produce casualties and damage of a higher magnitude. In addition, a significant portion of the population may not have ready access to bomb shelters, and logistical complications and expense could delay full distribution of gas masks, which large numbers of Israelis are seeking in the event of a chemical weapons attack.<sup>88</sup>

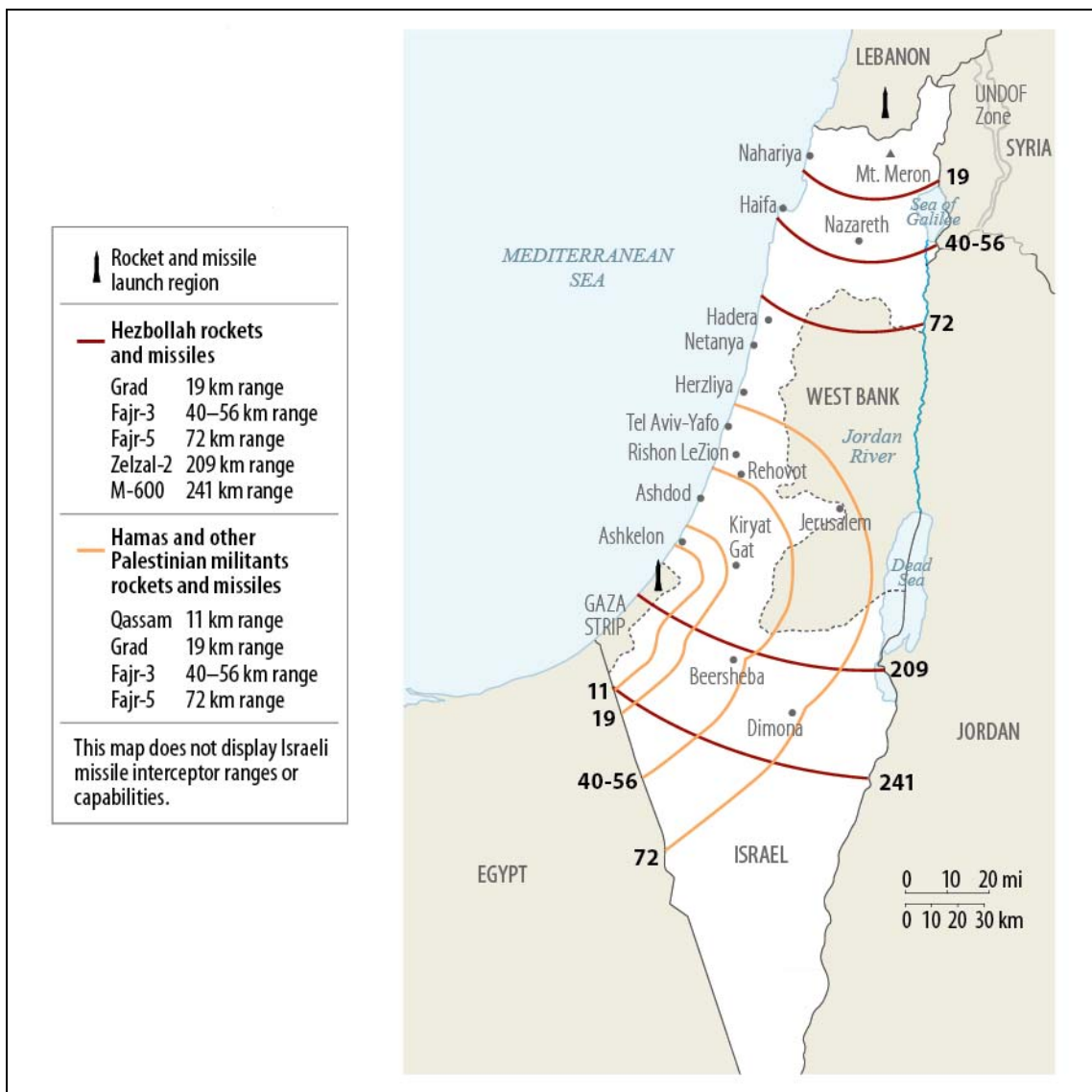
<sup>85</sup> For more information, see CRS Report RL33222, *U.S. Foreign Aid to Israel*, by Jeremy M. Sharp.

<sup>86</sup> William Booth, "Israel deploys Iron Dome defense system ahead of possible U.S. strike on Syria," *Washington Post*, August 30, 2013.

<sup>87</sup> See, e.g., Joel Greenberg, "Sense of inevitable war grips Israel," *Washington Post*, February 23, 2012. According to information provided by Israel's embassy in Washington, DC on March 8, 2012, the *Jerusalem Post* reported on January 7, 1992 that 72 Israeli civilians died indirectly from but as a consequence of Iraqi SCUD missile attacks during the 1991 Gulf War—four from gas mask suffocation and 68 from heart attacks. Thousands of Israeli civilians were injured in the previous conflicts combined, and the casualty numbers do not fully measure psychological effects. The combined cost in the four conflicts of property damage, civil defense and military preparedness (including evacuation and relocation of civilians), and the inability of many Israelis to work under emergency conditions is estimated to be in the billions.

<sup>88</sup> See, e.g., Reuven Pedatzur, "Who's in charge of the home front?," *haaretz.com*, September 2, 2013.

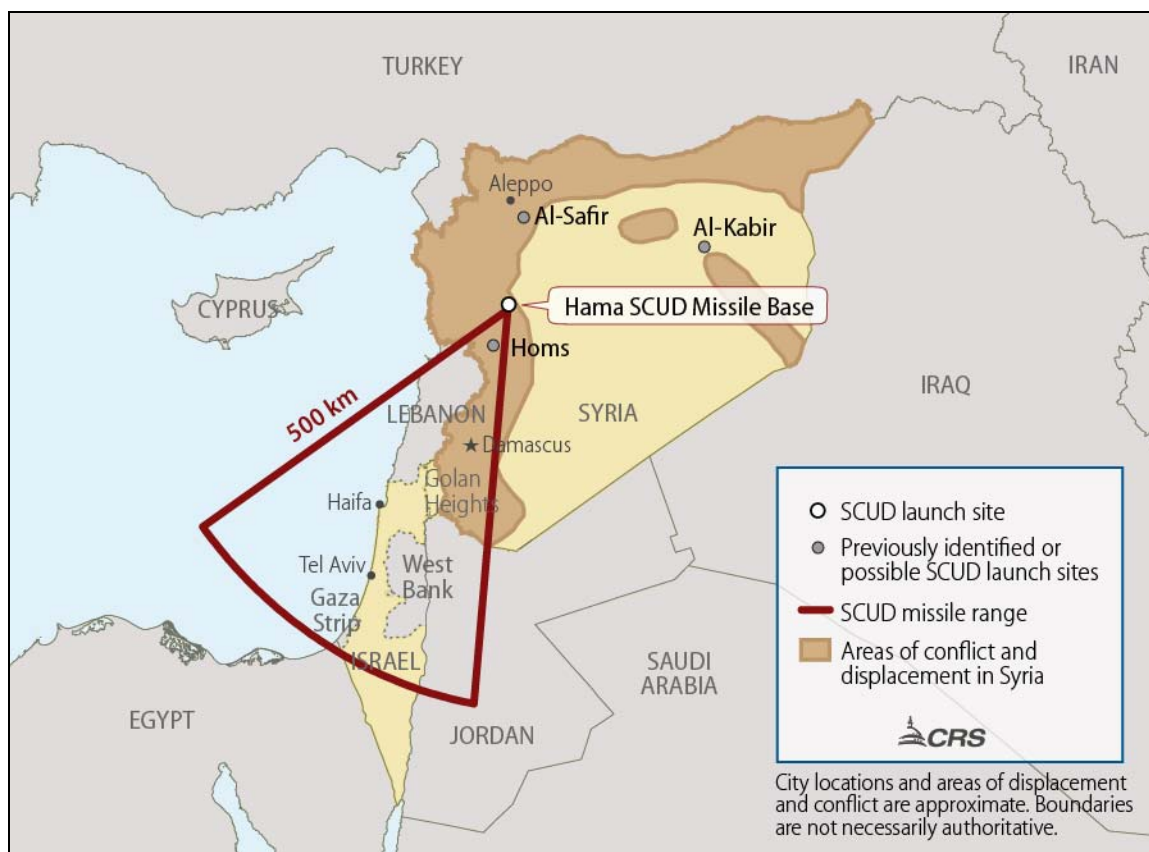
**Figure 3. Possible Ranges of Rockets and Missiles from Hezbollah and Gaza-Based Militants**



**Source:** Bipartisan Policy Center (February 2012), adapted by CRS.

**Notes:** All ranges are approximate.

**Figure 4. Potential Ranges of Syrian SCUD Missiles Vis-à-vis Israel**  
(calculated from possible launch sites)



**Source:** Various, adapted by CRS.

## Outlook

Intense current speculation centers around the potential for punitive U.S.-led military strike on Syrian government forces. Any such action would have major implications for the ongoing conflict in Syria and the international crisis the conflict has created. Given stated U.S. objectives and fears of a deeper power vacuum in Syria, it appears unlikely that any U.S. actions in the immediate future would attempt to eliminate the Assad regime entirely. President Obama has said “I have no interest in any kind of open-ended conflict in Syria,” and, at present, U.S. officials hope to achieve a negotiated political settlement to establish a new government that can keep the Syrian state intact, secure its chemical weapon stockpiles, secure its borders, and prevent or combat terrorism.

The importance of the war in Syria for broader U.S. national security policy objectives may be linked more to its consequences for regional and global stability than to the details and outcome of the Syrian conflict itself. The civil war has sharpened divisions between the United States and some members of the European Union on the one hand and Russia and China on the other over competing concepts of how the international community should enforce peace and security and defend international norms. In the wake of the Libya conflict, the latter countries have continually

opposed U.S. and European efforts to use the United Nations Security Council to endorse the protection of civilians in Syria.

The war also has raised concern that transnational terrorist groups modeled on Al Qaeda in Afghanistan-Pakistan may be resurgent in Syria and may gain access to advanced conventional weapons and weapons of mass destruction. Additionally, the Syrian government's alleged use of chemical weapons against its opponents and civilians is not only a serious development in the Syrian conflict but a potential precedent for other countries with possible chemical, biological, or nuclear programs. How the United States and others respond in the days and weeks ahead will most likely be watched closely in countries concerned with the potential for confrontation over similar programs in Iran and North Korea.

The war in Syria also has been a major dividing line within the United States over competing visions of U.S. foreign policy. Some commentators continue to assert that the American public is "war-weary," and that military intervention is inadvisable when public backing for expending "blood and treasure" on an operation of any duration and scope is uncertain. Others suggest that U.S. global leadership is needed more than ever to steer the country and its people away from what some see as isolationist tendencies. According to a NBC news survey conducted August 28-29, almost 80% of Americans believe the Administration should seek congressional approval before using force in Syria. The poll also indicated that although 50% of Americans believe the United States should not intervene in Syria even after the August 21 attack, 50% of respondents were supportive of military action limited to launching cruise missiles—44% opposed it.<sup>89</sup>

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<sup>89</sup> [http://firstread.nbcnews.com/\\_news/2013/08/30/20256971-nbc-poll-nearly-80-percent-want-congressional-approval-on-syria?lite](http://firstread.nbcnews.com/_news/2013/08/30/20256971-nbc-poll-nearly-80-percent-want-congressional-approval-on-syria?lite)

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