

corporations to its sanctions list, citing their “confirmed role in blatant human rights violations.”<sup>35</sup> The Foreign Ministry alleged that the banned U.S. firms and individuals directly and indirectly cooperated with Israel in its “crimes against humanity in the occupied Palestinian territories” or in the regime’s “terrorist acts.”<sup>36</sup> On May 18, 2017, China lodged a complaint with the United States due to the sanctions against Chinese figures.<sup>37</sup> Chinese Foreign Ministry spokesperson Hua Chunying stated “China is opposed to the blind use of unilateral sanctions particularly when it damages the interests of third parties. I think the sanctions are unhelpful in enhancing mutual trust and unhelpful for international efforts on this issue.”<sup>38</sup>

*United States Strikes Syrian Government Airbase in Response to Chemical Weapons Attacks by Syrian Forces; Two Additional Strikes on Syrian Government Forces Justified by Defense of Troops Rationale*

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On April 6, 2017, the United States launched air strikes against a Syrian government airfield,<sup>1</sup> marking a new development in Syria’s long-running civil war.<sup>2</sup> U.S. involvement in the conflict had previously been limited to the provision of indirect support for some rebels and the use of direct force against certain nonstate actors, particularly Islamic State of Iraq and the Levant (ISIL).<sup>3</sup> This changed in the wake of April 4, however, when a rebel-held town was hit by a nerve gas attack that killed more than eighty people—including at least thirty children—and injured hundreds more.<sup>4</sup> The attack used Sarin or a Sarin-like substance, which causes death by asphyxiation, often accompanied by blue facial skin and foaming at the mouth.<sup>5</sup> The United States concluded, along with many other states and the NGO Human Rights Watch, that the attack was perpetrated by Syria’s Assad regime.<sup>6</sup>

<sup>35</sup> *Id.*

<sup>36</sup> *Id.*

<sup>37</sup> *China Complains to U.S. About New Iran Sanctions*, REUTERS (May 18, 2017), at <http://www.reuters.com/article/us-iran-nuclear-usa-china-idUSKCN18E0UC>.

<sup>38</sup> *Id.*

<sup>1</sup> *Transcript, Trump Speaks about Strikes in Syria*, N.Y. TIMES (Apr. 6, 2017), at <https://www.nytimes.com/2017/04/06/world/middleeast/transcript-video-trump-airstrikes-syria.html>.

<sup>2</sup> Kristina Daugirdas & Julian Davis Mortenson, *Contemporary Practice of the United States*, 110 AJIL 567 (2016).

<sup>3</sup> Kristina Daugirdas & Julian Davis Mortenson, *Contemporary Practice of the United States*, 109 AJIL 429 (2015).

<sup>4</sup> Anne Barnard & Michael Gordon, *Worst Chemical Attack in Years in Syria; U.S. Blames Assad*, N.Y. TIMES (Apr. 4, 2017), at <https://www.nytimes.com/2017/04/04/world/middleeast/syria-gas-attack.html>; *Syria Chemical ‘Attack’: What We Know*, BBC (Apr. 26, 2017), at <http://www.bbc.com/news/world-middle-east-39500947>. For discussion of the U.S. response to earlier uses of chemical weapons in the Syrian conflict, see Kristina Daugirdas & Julian Davis Mortenson, *Contemporary Practice of the United States*, 108 AJIL 95 (2014).

<sup>5</sup> *Syria Chemical ‘Attack,’ supra* note 4.

<sup>6</sup> Human Rights Watch, *Death by Chemicals: The Syrian Government’s Widespread and Systematic Use of Chemical Weapons* (May 1, 2017), at <https://www.hrw.org/report/2017/05/01/death-chemicals/syrian-governments-widespread-and-systematic-use-chemical-weapons>. See also *infra* footnote 24 (listing statements supporting U.S. strike).

In response, U.S. President Donald Trump ordered a strike on Shayrat Airfield, which the Syrian government allegedly used to launch the nerve gas attacks.<sup>7</sup> The resulting attack, which used Tomahawk Land Attack Missiles (TLAMs) launched from U.S. naval destroyers in the Eastern Mediterranean Sea,<sup>8</sup> marked the first time the United States had used force directly against the Assad regime.<sup>9</sup> Not long after the attack on Shayrat Airfield, the United States launched two additional strikes on Syrian government forces, in each case citing the existence of relevant deconfliction and de-escalation agreements as well as the American-led coalition's right to self-defense.

For domestic legal justification of the strike on Shayrat Airfield, the administration relied on the president's constitutional authority. Trump's initial announcement did not discuss legal justifications,<sup>10</sup> but in a subsequent letter to Congress, sent "consistent with the War Powers Resolution,"<sup>11</sup> he stated: "I acted . . . pursuant to my constitutional authority to conduct foreign relations and as Commander in Chief and Chief Executive."<sup>12</sup> Press Secretary Sean Spicer's explanation likewise focused on the president's constitutional authority:

I think Article 2 of the Constitution is pretty clear that when it's in the national interest of the country, the President has the full authority to act. He did that. He and his team spoke extensively to congressional leaders on both sides of the aisle that night to describe the action that was being taken forward. So I think we have fully fulfilled every obligation. But the power vested in Article 2 is very clear with the President's ability to act.<sup>13</sup>

While the U.S. government has previously taken the position that the 2001 Authorization for the Use of Military Force (AUMF) authorizes force against ISIL in Syria,<sup>14</sup> the Trump administration did not make a similar argument for its strike on the Assad regime.<sup>15</sup>

More detail emerged about the administration's legal theory in press guidance that, according to a reporter, had been provided to spokespeople within the administration:

As Commander in Chief, the President has the power under Article II of the Constitution to use this sort of military force overseas to defend important U.S. national interests. The United States has a strong national interest in preserving regional stability, averting a worsening of the humanitarian catastrophe in Syria, and deterring the use and proliferation of chemical weapons, especially in a region rife with international terrorist groups with long-standing interests in obtaining these

<sup>7</sup> *Id.*

<sup>8</sup> U.S. Dep't of Defense Press Release, Statement from Pentagon Spokesman Cpt. Jeff Davis on U.S. Strike in Syria (Apr. 6, 2017), at <https://www.defense.gov/News/News-Releases/News-Release-View/Article/1144598/statement-from-pentagon-spokesman-capt-jeff-davis-on-us-strike-in-syria> [hereinafter Cpt. Jeff Davis Statement].

<sup>9</sup> Jeremy Herb, *How Trump's Syria Airstrike Is Similar to — and Different from—Obama's*, CNN (Apr. 7, 2017), at <http://www.cnn.com/2017/04/07/politics/obama-syria-airstrikes-trump/index.html>.

<sup>10</sup> See Transcript, *Trump Speaks about Strikes in Syria*, *supra* note 1.

<sup>11</sup> White House Press Release, A Letter from the President to the Speaker of the House of Representatives and the President Pro Tempore of the Senate (Apr. 8, 2017), at <https://www.whitehouse.gov/the-press-office/2017/04/08/letter-president-speaker-house-representatives-and-president-pro-tempore>.

<sup>12</sup> *Id.*

<sup>13</sup> White House Press Release, Daily Press Briefing by Press Secretary Sean Spicer (Apr. 10, 2017), at <https://www.whitehouse.gov/the-press-office/2017/04/10/daily-press-briefing-press-secretary-sean-spicer-35>.

<sup>14</sup> Caroline D. Krass, *Authority to Use Military Force in Libya*, OPINIONS OF THE OFFICE OF LEGAL COUNSEL Vol. 35 (Apr. 1, 2011), at <https://www.justice.gov/file/18376/download>. For more on the president's domestic authority to use force against ISIL, both in its interaction with the War Powers Resolution and otherwise, see Kristina Daugirdas & Julian Davis Mortenson, Contemporary Practice of the United States, 109 AJIL 407, 429 (2015).

<sup>15</sup> See Human Rights Watch, *Death by Chemicals*, *supra* note 6.

weapons and using them to attack the United States and its allies and partners. This domestic law basis is very similar to the authority for the use force in Libya in 2011, as set forth in an April 2011 opinion by the Department of Justice's Office of Legal Counsel. Consistent with the War Powers Resolution, the President will notify Congress of the use of force. Key congressional leaders received oral notifications yesterday evening.<sup>16</sup>

A senior administration official later elaborated that the United States has a special interest in regional stability in the Middle East, especially as both Iran and Russia have used the Syrian conflict as a proxy for wider geopolitical struggle.<sup>17</sup> The official also noted that U.S. interests are served by reinforcing the ability to make credible threats and draw meaningful "red line[s],"<sup>18</sup> and that the use of chemical weapons against civilians is intolerable and inherently against national interests.<sup>19</sup> More generally, the press guidance's reference to the 2011 Office of Legal Counsel memorandum suggested a reliance on that document's argument that sufficiently "limited military operations"—in which the "anticipated nature, scope, and duration" of the action falls short of being a "war" for constitutional purposes—may not require congressional approval.<sup>20</sup>

As for justifications under international law, the Trump administration has not supplied an extensive explanation.<sup>21</sup> Under the heading "international," the April 8 reported press guidance lists a variety of factors that were "carefully considered" by the administration:

- Severe humanitarian distress, including the suffering caused by this and other previous unconscionable chemical weapons attacks by the Syrian military;
- Widespread violations of international law by the Syrian government, in particular the repeated use of banned chemical weapons against civilians in direct violation of its obligations under the Chemical Weapons Convention, which it acceded to in 2013, as well as UN Security Council Resolution (UNSCR) 2118, which was adopted by the Security Council under its Chapter VII authority, and which required Syria to cease using chemical weapons and eliminate its chemical weapons program in its entirety;
- Syria's contempt for multiple UNSCRs including UNSCR 1540 and those seeking to give effect to UNSCR 2118, specifically UNSCRs 2209, 2235, 2314, and 2319;
- The recognition in UNSCRs that the proliferation and use of chemical weapons is a serious threat to international security and a violation of international law;

<sup>16</sup> Marty Lederman, (*Apparent*) *Administration Justifications for Legality of Strikes against Syria*, JUST SECURITY (Apr. 8, 2017), at <https://www.justsecurity.org/39803/apparent-administration-justifications-legality-strikes-syria>.

<sup>17</sup> White House Press Release, Background Briefing on the U.N. Vote on Syria, and China Relations (Apr. 12, 2017), at <https://www.whitehouse.gov/the-press-office/2017/04/12/background-briefing-un-vote-syria-and-china-relations>; Daugirdas & Mortenson, *supra* note 2, at 359.

<sup>18</sup> White House Press Release, Statement from President Donald J. Trump (Apr. 4, 2017), at <https://www.whitehouse.gov/the-press-office/2017/04/04/statement-president-donald-j-trump>.

<sup>19</sup> White House Press Release, President Trump's 100 Days of Security and Safety (Apr. 27, 2017), at <https://www.whitehouse.gov/the-press-office/2017/04/27/president-trumps-100-days-security-and-safety>.

<sup>20</sup> Krass, *supra* note 14, at 8–9, 13.

<sup>21</sup> See Human Rights Watch, *Death by Chemicals*, *supra* note 6; Cpt. Jeff Davis Statement, *supra* note 8.

- Syria’s indiscriminate use of such banned weapons to kill and inflict other horrific injuries on civilians in violation of the law of armed conflict, which tragically has been something that Syria has shown little respect for;
- Regional destabilization and international security concerns produced by the Syrian government’s actions, which include large and growing flows of refugees and the potential proliferation of chemical weapons;
- Widespread international condemnation of the Syrian government’s conduct, including its use of chemical weapons;
- A convincing body of reporting that the Syrian Government has committed widespread violations of international law during the conflict;
- The exhaustion of all reasonably available peaceful remedies before using force, including extensive and intensive diplomatic efforts both to end armed conflict in Syria and to eliminate Syria’s chemical weapons stockpile;
- The U.S. use of force is necessary and proportionate to the aim of deterring and preventing the future use of chemical weapons by the Syrian government; and
- The U.S. efforts to minimize civilian casualties in the planning and execution of the strike.<sup>22</sup>

None of these factors were specifically framed as a justification for the strike as a matter of *jus ad bellum*—and indeed, a number of commentators have suggested that the United States’ use of force on April 6 was inconsistent with its obligations under Article 2(4) of the UN Charter.<sup>23</sup>

A number of states that addressed the April 6 strikes—including Australia, Germany, Italy, Japan, Jordan, Saudi Arabia, Spain, Turkey, and the United Kingdom—voiced cautious approval.<sup>24</sup> France’s newly elected president, Emmanuel Macron, seemed likewise to signal

<sup>22</sup> Lederman, *supra* note 16.

<sup>23</sup> Ryan Goodman, *What Do Top Legal Experts Say About The Syria Strikes*, JUST SECURITY (Apr. 7, 2017), at <https://www.justsecurity.org/39712/top-legal-experts-syria-strikes> (quoting suggestions by commentators that the April 6 strikes did not fit within established exceptions to Article 2(4)).

<sup>24</sup> Press & Information Office of Federal Government of Germany Press Release, Joint Statement by Federal Chancellor Merkel and President Hollande of France Following the Air Strikes in Syria (Apr. 7, 2017), at [https://www.bundesregierung.de/Content/EN/Pressemitteilungen/BPA/2017/2017-04-07-erklaerung-merkel-hollande\\_en.html?nn=393794](https://www.bundesregierung.de/Content/EN/Pressemitteilungen/BPA/2017/2017-04-07-erklaerung-merkel-hollande_en.html?nn=393794); Foreign & Commonwealth Office of the UK Press Release, The United Kingdom Supports the U.S. Air Strike on the Al Shayrat Airfield Because War Crimes Have Consequences (Apr. 7, 2017), at <https://www.gov.uk/government/speeches/the-united-kingdom-supports-the-us-air-strike-on-the-al-shayrat-airfield-because-war-crimes-have-consequences>; Presidency of the Republic of Turkey Press Release, A Positive Response to the Assad Regime’s War Crimes (Apr. 7, 2017), at <https://www.tccb.gov.tr/en/news/542/74644/cumhurbaskanligi-sozcusu-kalin-esed-rejiminin-savas-suclarina-karsi-verilmis-olumlu-bir-cevap.html>; Prime Minister of Japan and His Cabinet Press Release, Press Conference by the Chief Cabinet Secretary (Apr. 7, 2017), at [http://japan.kantei.go.jp/tyoukanpress/201704/7\\_p.html](http://japan.kantei.go.jp/tyoukanpress/201704/7_p.html); Prime Minister of Australia Press Release, Press Conference with the Minister for Defense and Chief of the Defense Force (Apr. 7, 2017), at <https://www.pm.gov.au/media/2017-04-07/press-conference-minister-defence-and-chief-defence-force>; Royal Embassy of Saudi Arabia Press Release, Kingdom Supports Courageous Decision by U.S. Against Assad Regime (Apr. 7, 2017), at <https://www.saudiembassy.net/news/kingdom-supports-courageous-decision-us-against-assad-%E2%80%8Eregime>. See also Madison Park, *Who’s with the US on Syria Strikes and Who Isn’t*, CNN (Apr. 9, 2017), at <http://www.cnn.com/2017/04/07/world/syria-us-strike-world-reaction/index.html> (quoting official support from Italy, Jordan, and Spain).

his approval when he said (after the strikes) that “any use of chemical weapons [in Syria] would result in reprisals.”<sup>25</sup> That said, support for the strikes has not been universal: Iran, Russia, and China criticized the strikes, and Russia called them illegal under international law.<sup>26</sup> Notably, Russia had earlier exercised its veto to prevent Security Council condemnation of the original nerve gas attack.<sup>27</sup> According to the Russian Defense Ministry, the Syrian regime did not use chemical weapons at all on April 4; rather, Syrian regime warplanes attacked a rebel base which was storing the rebels’ own chemical weapons.<sup>28</sup> The Russian Ministry of Defense has since tweeted: “Syria has no chemical weapons. This fact was documented and confirmed by official representatives of the OPCW.”<sup>29</sup>

Following the Shayrat Airfield strikes, the United States has used armed force against the Syrian government on at least two more occasions, in May and June 2017. In a letter to Senator Bob Corker, the Administration explained that the legal justification in each case—under both domestic and international law—was grounded in the United States’ right to use force in defense of its own troops and its allies.<sup>30</sup>

The application of that principle in the May–June strikes appears to emerge in part from an unreleased July 2015 memorandum of understanding between Russia and the United States.<sup>31</sup> That memorandum established a “deconfliction” channel through which the two countries could coordinate aircraft movements, in order to prevent accidents and inadvertent escalations.<sup>32</sup> By 2017, the U.S. Department of Defense was referring to areas in which the entrance of Russian or other pro-regime forces would trigger the United States’ opening of the deconfliction channel as “deconfliction zone[s].”<sup>33</sup> Importantly, the U.S. and Russia disagree about whether one such deconfliction zone exists in the 55-kilometer radius around the U.S.-led coalition training base at al-Tanf, near the border of Iraq.<sup>34</sup> While U.S. Central

<sup>25</sup> Michel Rose, *Chemical Weapons a Red Line in Syria, France’s Macron Says*, REUTERS (May 29, 2017), at <http://www.reuters.com/article/us-france-russia-syria-macron-idUSKBN18P1OH>.

<sup>26</sup> Michelle Nichols, *Russia Blocks U.N. Security Council Condemnation of Syria Attack*, REUTERS (Apr. 12, 2017), at <http://www.reuters.com/article/us-mideast-crisis-syria-un-vote-idUSKBN17E2LK>.

<sup>27</sup> *Id.*

<sup>28</sup> *Syrian Aviation Airstrike in Idlib Targeted Chemical Arms Lab—Russian Defense Ministry*, RUSSIAN NEWS AGENCY (Apr. 5, 2017), at <http://tass.com/world/939417>; Matthew Weaver, Rowena Mason, Martin Chulov & Emma Graham-Harrison, *Putin Stands by Assad as Firm Evidence of Chemical Attack Mounts*, GUARDIAN (Apr. 6, 2017), at <https://www.theguardian.com/world/2017/apr/06/postmortems-confirm-syria-chemical-attack-turkey-says>.

<sup>29</sup> Russian Ministry of Defense (@mod\_russia), TWITTER (Apr. 11, 2017), at [https://twitter.com/mod\\_russia/status/851826675386122240](https://twitter.com/mod_russia/status/851826675386122240).

<sup>30</sup> Letter from Charles Faulkner, Bureau of Legislative Affairs, to Senator Bob Corker (Aug. 2, 2017), at <https://www.lawfareblog.com/white-house-letter-legal-basis-syria-airstrikes>.

<sup>31</sup> Neil MacFarquhar, *U.S. Agrees with Russia on Rules in Syrian Sky*, N.Y. TIMES (Oct. 20, 2015) at <https://www.nytimes.com/2015/10/21/world/middleeast/us-and-russia-agree-to-regulate-all-flights-over-syria.html>.

<sup>32</sup> Ministry of Defense of the Russ. Fed’n Press Release, *Russian and US Defense Ministries Signed Memorandum of Understanding on Prevention of Flight Safety Incidents in the Course of Operation in the Syrian Arab Republic* (date not listed), available at <http://syria.mil.ru/en/index/syria/news/more.htm?id=12061345@egNews>. See also Kristina Daugirdas & Julian Davis Mortenson, *Contemporary Practice of the United States*, 111 AJIL 170 (2017), available at doi:10.1017/ajil.2016.5 (describing Memorandum of Understanding).

<sup>33</sup> See, e.g., Carla Babb, *Mattis: Pro-Syrian Government Forces in Deconfliction Zone Were ‘Iranian-directed,’* VOA NEWS (May 19, 2017), at <https://www.voanews.com/a/jim-mattis-pro-syrian-government-forces-deconfliction-zone-iranian-directed/3862614.html>.

<sup>34</sup> U.S. Dep’t of Defense Press Release, *Briefing by Col. Dillon Via Teleconference from Baghdad, Iraq* (June 1, 2017), at <http://www.centcom.mil/MEDIA/Transcripts>.

Command has referred to the al-Tanf surroundings as an “agreed upon”<sup>35</sup> and “established deconfliction zone,”<sup>36</sup> Russian Foreign Minister Sergey Lavrov has called these claims “unilateral” and “illegitimate.”<sup>37</sup>

It was on this background that the United States conducted additional strikes on Syrian government forces. On May 18, U.S. aircraft struck a convoy of Syrian regime vehicles that had entered the disputed al-Tanf deconfliction zone.<sup>38</sup> According to Secretary of Defense Jim Mattis, the U.S. strike was necessitated “by offensive movement with offensive capability of what we believe were Iranian-directed—I don’t know [if] there were Iranians on the ground, but by Iranian-directed force[s] inside an established and agreed-upon deconfliction zone.”<sup>39</sup> Secretary Mattis continued: “[W]e’re not increasing our role in the Syrian civil war, but we will defend our troops . . . [including] a coalition element made up of more than just U.S. troops.”<sup>40</sup>

The United States struck regime forces again on June 19, this time downing a Syrian warplane. Official explanations again emphasized the Russia-U.S. deconfliction zones—perhaps in relation to the reasonableness of U.S. forces’ perception of hostile intent—without specifying their precise legal relevance. According to the United States, the warplane had demonstrated “hostile intent” by dropping bombs near American-backed Syrian Democratic Forces (SDF) around the SDF-held town of Ja’Din,<sup>41</sup> two kilometers north of “an established East-West SDF-Syrian Regime de-confliction area.”<sup>42</sup> Explaining this third strike, a U.S. Department of Defense spokesperson said that “the coalition will not tolerate demonstrated hostile intent and actions of pro-regime forces toward coalition or partner forces in Syria who are conducting legitimate operations to defeat ISIS.”<sup>43</sup>

<sup>35</sup> *Id.*

<sup>36</sup> Lisa Ferdinando, *Spokesman Reports on Progress in Effort to Defeat ISIS*, US CENTRAL COMMAND NEWS (June 1, 2017), at <http://www.centcom.mil/MEDIA/NEWS-ARTICLES/News-Article-View/Article/1200694/spokesman-reports-on-progress-in-effort-to-defeat-isis>.

<sup>37</sup> *Lavrov: Deconfliction Zones Announced without Damascus’ Consent Illegitimate*, RT NEWS (June 7, 2017), at <https://www.rt.com/news/391216-lavrov-syria-us-strike>.

<sup>38</sup> *US Aircraft Conduct Strike on Syrian Army Convoy*, CBS NEWS (May 18, 2017), at <http://www.cbsnews.com/news/us-aircraft-strike-syrian-regime-forces-al-tanf-base>.

<sup>39</sup> U.S. Dep’t of Defense Press Release, *Press Briefing by Secretary Mattis, General Dunford, and Special Envoy McGurk on the Campaign to Defeat ISIS* (May 19, 2017), at <https://www.defense.gov/News/Transcripts/Transcript-View/Article/1188225/department-of-defense-press-briefing-by-secretary-mattis-general-dunford-and-sp>.

<sup>40</sup> U.S. Dep’t of Defense Press Release, *Remarks by Secretary Mattis and Minister Hultqvist* (May 18, 2017), at <https://www.defense.gov/News/Transcripts/Transcript-View/Article/1186980/remarks-by-secretary-mattis-and-minister-hultqvist-at-the-pentagon>.

<sup>41</sup> U.S. Dep’t of Defense Press Release, *Coalition Defends Partner Forces from Syrian Fighter Jet Attack* (June 18, 2017), at [https://www.defense.gov/Portals/1/features/2014/0814\\_iraq/docs/20170618-02-CoalitionDefendsSDFfromSyrianAttack.pdf](https://www.defense.gov/Portals/1/features/2014/0814_iraq/docs/20170618-02-CoalitionDefendsSDFfromSyrianAttack.pdf). This took place twelve days after coalition forces affiliated with the United States had destroyed two artillery pieces and an anti-aircraft weapon when pro-regime forces entered the al-Tanf deconfliction zone. U.S. Dep’t of Defense Press Release, *Coalition Strikes at Pro-Regime Forces in Syria Deconfliction Zone* (June 6, 2017), at <https://www.defense.gov/News/Article/Article/1205056/coalition-strikes-at-pro-regime-forces-in-syria-deconfliction-zone>.

<sup>42</sup> *Id.*

<sup>43</sup> Cheryl Pellerin, *DoD Official: Sole Focus in Iraq, Syria Remains on Isis*, U.S. DEPARTMENT OF DEFENSE NEWS (June 20, 2017), at <https://www.defense.gov/News/Article/Article/1220818/dod-official-sole-focus-in-iraq-syria-remains-on-isis>.

On August 2, in a response to a request from Chairman of the Senate Foreign Relations Committee Bob Corker, the Administration offered a more extended explanation of the May and June strikes:

The United States has sufficient legal authority to prosecute the campaign against al-Qa'ida and associated forces, including against the Islamic State of Iraq and Syria (ISIS). This legal authority includes the 2001 Authorization for the Use Military Force (AUMF) which authorizes the use of military force against these groups. Accordingly, the Administration is not seeking revisions to the 2001 AUMF or additional authorizations to use force.

The 2001 AUMF also provides authority to use force to defend U.S., Coalition, and partner forces engaged in the campaign to defeat ISIS to the extent such use of force is a necessary and appropriate measure in support of counter-ISIS operations. As Secretary Tillerson indicated in his testimony before the Committee on June 13, 2017, our purpose and reason for being in Syria are unchanged: defeating ISIS. The strikes taken by the United States in May and June 2017 against the Syrian Government and pro-Syrian-Government forces were limited and lawful measures to counter immediate threats to U.S. or partner forces engaged in that campaign. The United States does not seek to fight the Syrian Government or pro-Syrian-Government forces. However, the United States will not hesitate to use necessary and proportionate force to defend U.S., Coalition, or partner forces engaged in the campaign against ISIS.

As a matter of international law, the United States is using force in Syria against al-Qa'ida and associated forces, including ISIS, and is providing support to Syrian partners fighting ISIS, such as the Syrian Democratic Forces, in the collective self-defense of Iraq (and other States) and in U.S. national self-defense. Upon commencing airstrikes against ISIS in Syria in September 2014, the United States submitted a letter to the U.N. Security Council consistent with Article 51 of the U.N. Charter explaining the international legal basis for its use of force. As the letter explained, Iraq has made clear that it faces serious threats of continuing armed attacks from ISIS, operating from safe havens in Syria; the Syrian Government has shown it cannot, or will not, confront these safe havens. The Government of Iraq has requested the United States lead international efforts to strike ISIS sites and strongholds inside Syria to end armed attacks on Iraq, to protect Iraqi citizens, and to enable Iraq to control its borders. Moreover, ISIS threatens Iraq, U.S. partners in the region, and the United States. Therefore, consistent with the inherent right of individual and collective self-defense, the United States initiated necessary and proportionate actions in Syria against ISIS in 2014, and those actions continue to the present day. Such necessary and proportionate measures include the use of force to defend U.S., Coalition, and U.S.-supported partner forces from threats by Syrian Government and pro-Syrian Government forces.<sup>44</sup>

*United States Alleges Russia Continues to Violate INF Treaty*  
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The Intermediate-Range Nuclear Forces Treaty (INF Treaty), signed by Ronald Reagan and Mikhail Gorbachev in 1987, obligates the parties “not to possess, produce, or flight-test a ground-launched cruise missile (GLCM) with a range capability of 500 km to 5,500 km, or to possess or produce launchers of such missiles.”<sup>1</sup> In 2014, the State Department reported

<sup>44</sup> Letter from Charles Faulkner, *supra* note 30.

<sup>1</sup> Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, U.S.-U.S.S.R., Dec. 8, 1987, 1657 UNTS 485, available at <https://www.state.gov/t/avc/trty/102360.htm#text> [hereinafter INF Treaty]; see also Marian Nash Leich, Contemporary Practice of the United States, 82 AJIL 341(1988).