

Secretary Mattis Is Off Base: US Military Presence in Syria Has No Legal Grounds

By [Peter Korzun](#)

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Although the US has many times stated that its target is IS only, it appears that its intentions [may go beyond](#) the stated objective. In fact, Washington is seeking to retain post-conflict [zones of influence](#) within the country, where the American presence is illegal.

Asked at a [press-conference](#) on Nov. 13 if the US military will stay or leave Syria, US **Defense Secretary James Mattis** stated,

“We’re not just going to walk away right now before the Geneva process has cracked.” He stressed the importance of the Geneva settlement process held under the auspices of the UN, saying “we got to get the UN-brokered effort in Geneva to take this thing forward.” Answering a question about the legal grounds for the US presence in the country, the secretary explained “You know, the UN said that ISIS — basically we can go after ISIS. And we’re there to take them out.”

The Syrian Foreign Ministry issued a firm warning to the US and other foreign forces in Syria on Nov. 14. [According to](#) it,

“The presence of US forces or any foreign military presence in Syria without the consent of the Syrian government constitutes an act of aggression and an attack on the sovereignty of the Syrian Arab Republic as well as a gross violation of the charter and principles of the United Nations.”

In September, Deputy Foreign Minister of Syria **Faisal Mekdad** [stated](#) that the US “*should withdraw its military; otherwise the Syrian army will consider them as a hostile force.*”

So, the US is not going to leave and believes that its military operations in Syria do not run counter to international law. Now what about the legal grounds for maintaining the US military presence there?

United Nations [Security Council Resolution 1373](#) was adopted unanimously on 28 September 2001 as a [counter-terrorism](#) measure passed following the [9/11 terrorist attacks](#) on the United States. It does not say a military intervention is allowed. No border crossing is envisaged.

[Resolution 2249](#) adopted by the UN Security Council in November 2015 called on UN

member states “that have the capacity to do so to take all necessary measures” and “to redouble and coordinate their efforts to prevent and suppress terrorist acts committed specifically by ISIL [Islamic State (IS, former ISIS/ISIL)]” as well as other terrorist groups. However, the document emphasizes that the states are to do so “in compliance with international law”. It’s important to note that the resolution in question does not give the right to intervene militarily. It does not mention [Chapter VII](#) of UN Charter, which envisages the use of force under certain conditions. The document contains no specific reference to Syria.

[Resolution 2254](#) adopted in December 2015 says it’s up to Syrian people to decide their fate through formal talks and a unity government.

UN General Assembly [Resolution 3314](#) on the definition of aggression explicitly states that an “invasion or attack by the armed forces of a State of the territory of another State” as well as “any military occupation, however temporary” or “bombardment by the armed forces of a State against the territory of another State” is what particularly constitutes aggression.

It has become increasingly difficult for the US to justify its operations in Syria under the pretext of fighting Islamic State (IS). Turkish **Prime Minister Binali Yıldırım** [has accused](#) the US military of turning a blind eye on IS militants fleeing Syria’s Raqqa unobstructed along with their weapons and ammunition. According to him,

“The escaped [IS] members will be the reason for the deaths of innocent people in every corner of the world, including Turkey, Europe, and America.”

He made these comments against the background of the Russian Defense Ministry [accusing](#) the United States of “providing de-facto cover” for IS jihadists in Syria “and only pretending to fight terrorism in the Middle East.”

With legal arguments unraveling, the Defense Department’s untenable position has become noticeable, even within its own ranks. **General Raymond Thomas**, the Commander of US Special Operations Command, [acknowledged](#) the US presence in Syria doesn’t have a leg to stand on in terms of international law.

“Here’s the conundrum,” he explained. “We are operating in the sovereign country of Syria. The Russians, their stalwarts, their back-stoppers, have already uninvited the Turks from Syria. We’re a bad day away from the Russians saying, ‘Why are you still in Syria, US?’”

The establishment of a 55-km closed zone around the US base in the area of the Syrian town of al-Tanf with humanitarian aid to refugees blocked is an example of flagrant violation of international law that should be addressed by the UN Security Council. The establishment of the base near the Syria-Jordan border was publicly justified by the need to conduct operations against Islamic State. However, no information has been received about any US operations against the group conducted from this area. To the contrary, IS [has been reported](#) to operate freely in an area abutting the base.

The largest Rukban refugee camp accommodating more than 60,000 women and children from Raqqa and Deir ez-Zor is located in the “safe zone” close to the base. The refugees

appear to be used as hostages or a “human shield” to protect the American military stationed at al-Tanf. On and off, militant groups supposedly trained by Americans in the area strike Syria government forces. The more US forces are in-theater in Syria, the greater the chance of conflict between them and Syrian troops.

The United States has many times stated its target is IS only; it is not at war with the Syrian government. It appears that its intentions [may go beyond](#) the stated objective of fighting terrorism, while seeking to retain post-conflict [zones of influence](#) within the country, where the American presence is illegal. Russia, Iran, and other allied Syrian forces are in Syria legally, at the invitation of the UN-recognized state authority. The United States and its coalition partners are not. This fact is irrefutable. By no stretch of imagination could anyone find a justification for US military operations on Syrian soil.

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