

# The Legality of Russian Airstrikes in Syria and 'Intervention by Invitation'

Written by Samuel Mercier

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SAMUEL MERCIER, APR 29 2016

Since rising to power in 2000, President Vladimir Putin has set Russia on a collision course with Western values (Dawisha, 2015). Recent events, including the Russian annexation of Crimea and the continuous support for Syrian President Bashar Al-Assad have served to further isolate Russia and showcased Putin's willingness to take aggressive actions in the pursuit of foreign policy objectives (Wilson, 2014; Allison 2015). Furthermore, the recent signing of a law that banishes international legal norms from Russian territory ultimately denying Russian citizens access to the European justice system has reemphasized Russia's little regard for international law (Kara-Murza, 2015). Several experts on Russian foreign policy have argued that Russia's recent violation of international law has further alienated Russia from the rest of the international community (Allison, 2015). Russia is currently under several western sanctions, including travel bans on Putin's elites, restrictions on gas markets, and monetary freezes in western banks (Servettaz, 2014). Ultimately, Russia's actions have underscored the challenges faced by the international community in enforcing international law, a subject that still dominates debates within the international legal scholarship (Cohen, 2009).

Russia's involvement in Syria both through its diplomatic support of the Assad regime and its military airstrikes against Assad's opposition has given rise to significant concerns in the international community, primarily from the United States, UK, France, and Turkey (McCain, 2015). Most recently, on February 16, 2016, Russian fighters conducted an aerial attack that destroyed a hospital in the northeast of Syria as well as a school north of Aleppo — the United Nations reported that at least 50 people were killed that day as a result of Russian missile attacks (HRW, 2015; Al, 2015). In response, France and Turkey have accused Russia of committing war crimes (Paton, 2016).

This essay endeavors to provide a legal analysis of Russian airstrikes by two means: first, the examination of the legality of Russia's claim of intervention by invitation, and second, by discussing the validity of such a principle when a country fails to respect accepted preemptory norms of international law. Although the Russian authorities have a policy of complete denial, this work draws the majority of its conclusions from the reports of Amnesty International, Human Rights Watch, and the Syrian Observatory for Human Rights, and thereby has accepted the data as legitimate and accurate.

### Russian Airstrikes in Syria

In the last five years of armed conflict in Syria, an estimated 250 000 Syrians have lost their lives (UN Stats & Briefing, 2015). What was once a pro-democracy protest evolved into a full-scale civil war, ultimately forcing more than 11 million Syrians from their homes, and creating the largest migrant crisis in Europe since the end of WWII (UNHCR, 2015). As a result of the extremely unstable situation in Syria, the Islamic State of Iraq and Syria (ISIS), managed to expand their operations from Iraq into Syria near the end of 2012 (Weiss and Hassan, 2015). The rise of ISIS is unparalleled; once an offshoot of Al Qaida, it is now the largest, wealthiest, and most ruthless terrorist organization on the planet (Sekulow, 2014). ISIS's activity is not limited to Syria; the attacks in Canada, Australia and most recently in Paris, where over 100 civilians were murdered indiscriminately, has forced the international community to confront this growing threat (Sanchez, Lister, Bixler, O'Key, Hogenmiller and Tawfeeq, 2016). The United Nations went as far as calling ISIS an unprecedented threat to international peace and security (UN Press

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Release, 2015).

Prior to November 20, 2015, Russia had provided a diplomatic shield to Damascus, meanwhile bolstering the Assad regime with arms supplies. (Allison, 2015). Furthermore, Russia also ensured that any resolution that could damage the sovereignty of the Syrian regime would be blocked through the use of Russia's veto power within the UN Security Council (Allison, 2015). The rise of ISIS, however, allowed for a modification of the Russian strategy, and as a result, the United Nations Security Council unanimously adopted Resolution 2249, which called "upon Member States with the requisite capacity to take "all necessary measures" to prevent and suppress [...] terrorist acts on territory under [ISIS's] control in Syria and Iraq" (UNSCR 2249, 2015). As explained by Harriet Moynihan, associate fellow at the Royal Institute of International Affairs, "the resolution represents a forceful collective statement urging action against ISIS, all the more potent given the rarity of unity on Syria among the five permanent members until now" (2015).

The US conducted their first air strikes on September 23, 2014; shortly thereafter, Britain, France, Denmark, Holland, Australia, Canada, Saudi Arabia, Bahrain, and Jordan have joined the fight to some degree (BBC News, 2015). On September 30, 2015, Russia conducted their first aerial bombing in Syria (Washington Post, 2015). In a move that sparked a major wave of concern in western countries, instead of targeting ISIS, Russia started to conduct systematic airstrikes against Assad's opposition, the Free Syrian Army (FSA) (Allison, 2015). U.S. officials and the rest of the international community have criticized Russia's use of UNSCR 2249 as a blatant attempt to directly target the FSA and CIA backed rebels (CNN, 2015). Analysts have explained that by doing so, Russia is strengthening Bashar Al Assad's brutal regime, which until the start of the civil war was Russia's stronghold in the Middle East (Allison, 2015). Senator John McCain has spoken against the Russian strikes, explaining that they ultimately reinforce President Vladimir Putin's foreign affairs strategy to reestablish Assad as the ruling authority in Syria (CNN, 2015).

Russia maintains that their airstrikes in Syria are in accordance with UNSCR 2249, and justified as part of the global fight against terrorism (Huffington Post, 2015). Foreign Affairs minister Sergey Lavrov told U.N. reporters that Russia's position equates to the U.S.-led coalition in the bombing of ISIS or any other terrorist organization — from "our point of view" he explained, "we believe that our position is absolutely in line with International Law" (Robins-Early, 2015). Furthermore, Lavrov claimed that President Bashar Al-Assad had explicitly requested Russian support in dismantling opposition factions in Syria, and thereby defaulted on invoking the international legal concept of "intervention upon invitation," a concept Russia also used during the invasion of Georgia in 2008 (OPIL, 2010) and during the climax of the Ukrainian Conflict in 2014 (TASS— Russian News Agency, 2015). Therefore, if Russia's argument is founded on the principle of intervention by invitation, how can this principle stand as legal grounds for Russia's air campaign in Syria?

## Intervention by Invitation

The use of force among states is guided by the United Nations Charter; Article 2(4) states that "all Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations" (UN Charter). Although the UN charter does not explicitly reference the concept of intervention by invitation, state practices derived since 1945 clearly outline that there are exceptions to the article 2(4), which include actions in self-defense (individual or collective), authorization by the Security Council under Chapter VII of the Charter, and intervention based on the invitation of a legitimate government (Fox, 2015).

If one accepts the perspective that when invoked, intervention by invitation does not relate to one state's use of force against another state, but rather the combination of military forces to re-establish peace and security within the territory of the inviting state, the argument can be made that intervention by invitation falls outside the scope of Article 2(4) — "therefore, no prohibition comes into play, and this type of force is allowed" (Visser, 2015). Consequentially, two legal conditions must be met in order to invoke the principle of intervention by invitation: the validity of the invitation (consent) and the legitimacy of the inviting authority (ILC, 2001).

### *Validity of Consent*

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The general requirement for the validity of a state's consent is outlined by the International Law Commission, Article 20, which describes that "[v]alid consent by a State to the commission of a given act by another State precludes the wrongfulness of that act in relation to the former State to the extent that the act remains within the limits of that consent" (ILC, 2001). Marxsen explains that the commentary itself can be narrowed down to five major points related to state's consent (2015):

1. Consent has to be valid under international law, i.e. the consent may not be based on error, fraud, corruption, or coercion.
2. It needs to be clearly established and expressed, which excludes merely presumed consent.
3. It must be given prior to the otherwise wrongful act. By contrast, cases of consent given after the conduct has occurred are a form of waiver or acquiescence, leading to loss of the right to invoke responsibility. This is dealt with in article 45
4. It must be attributable to the state.
5. Finally, consent is annulled if the actions relate to acts whose commission would violate an obligation of states under a peremptory norm of international law. (Also addressed in Art. 26).

Ultimately, the consequences of such consent provide the foreign state with the legal standing to enact measures, such as the use of force in another sovereign's territory that would be otherwise considered illegal under international law (Corten, 2010). The legal analysis of the International Court of Justice (ICJ) case of armed activities on the territory of the Congo (DRC v. Uganda) has set a precedent in the legal scholarship, one often referred to in the context of intervention by invitation, and one which ultimately reemphasized the importance of valid consent (Visser, 2015; Marxsen, 2015).

## *DRC v. Uganda*

In June of 1999, the DRC filed an application instituting proceedings against the state of Uganda for armed aggression in flagrant violation of the United Nations Charter (ICJ, 2005). The DRC accused the Republic of Uganda of "committing acts of violence against nationals of the Democratic Republic of the Congo, by killing and injuring them or despoiling them of their property, by failing to take adequate measures to prevent violations of human rights in the DRC by persons under its jurisdiction or control, and/or failing to punish persons under its jurisdiction or control having engaged in the above-mentioned acts, has violated the following principles of conventional and customary law" (ICJ, 2005).

In defense, the Republic of Uganda asserted that "upon assuming power, President Kabila invited Uganda to deploy its troops in eastern Congo since the Congolese army did not have the resources to control the remote eastern provinces, and in order to eliminate the anti-Ugandan insurgents operating in that zone and to secure the border region," — this statement ultimately invoked the principle of intervention by invitation (ICJ, 2005). However, approximately three months later, President Kaliba retracted the invitation so as to reduce Uganda's over-growing military presence in eastern Congo (ICJ 2005). The conflict subsided in 2003 when the transnational government of the DRC came into being (USIP, 2003).

In light of the ICJ Case DRC v. Uganda, the court pointed out that while consent was granted to Ugandan authorities to mobilize its forces and engage in military operations within the DRC, the invitation by President Kaliba did not amount to open-ended consent (IJC, 2005). Ultimately, "the court dealt with the situation after the consent had been withdrawn by the DRC, thereby emphasizing the importance of valid consent, yet also indirectly making clear that before the withdrawal no violation of international law occurred" (Visser, 2005). Therefore, if the use of force by a state onto another state falls outside Article 2(4) for as long as the consent remains valid, an evaluation of the validity of consent must first be outlined and applicable.

In following the above reasoning, it is evident that while Russia has yet to provide an official document that outlines the request of the Assad regime, the validity of Russia's claim to have received consent from Assad can be observed through the coordination of military operations between Russia's air forces and Assad's ground troops (Lomas, 2016). In the context of the Syrian conflict, Putin and Assad have clearly entered a military and diplomatic

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relationship, one which is further emphasized by President Assad's recent visit to Moscow, and the continuous coordination between both countries' military forces (BBC, 2015).

Arguably, Assad's invitation fulfills the first half of the requirement of intervention by invitation, while the remaining component relates to the legitimacy of the Assad regime, and whether it had the authority to extend such an invitation.

## *The Legitimacy of the Inviting Government*

The legal analysis of Russia's claim is further complicated by the applicability of the principle of intervention by invitation in the context of a civil war (Fox, 2015; Visser, 2015). As explained by Gregory H. Fox, 'no generally accepted definition exists, largely because "civil war" is not a critical term of art in international instrument' (Fox, 2015). Drawing from Common Art. 3 and Additional Protocol II to the Geneva Conventions, l'Institut de Droit International produced a resolution in 1975 on the Principle of Non-Intervention in Civil Wars (Visser, 2015). Provided below is a summary of Article 1 from this resolution:

"For the purposes of this Resolution, the term "civil war" shall apply to any armed conflict, not of an international character, which breaks out in the territory of a State and in which there is opposition between the established government and one or more insurgent movements whose aim is to overthrow the government or the political, economic or social order of the State, or to achieve secession or self-government for any part of that State, but does not include local disorders or riots or armed conflicts between political entities which are separated by an international demarcation line or which have existed de facto as States over a prolonged period of time, or conflicts between any such entity and a State". (IDI, 1975)

The conflict in Syria clearly goes beyond the category of local disorders or riots, and thereby can be classified as a civil war (IDI, 1975). This brings to light several discussions that have been revolving within the international community — how can the nations not partaking in the conflict evaluate which entity (government or opposition) is the legitimate authority of the people? Furthermore, if the international community must discern whether a government has lost its legitimacy and thereby can no longer invite other nations to conduct military operations within its territory, must western powers also be opposed to such illegitimate government?

Traditionally, the international legal norms related to intervention by invitation have sided with the political authority of the state (Fox, 2015). For example, in a series of resolutions, the General Assembly of the United Nations asserted that assistance to rebel forces consisted of an act of aggression by a foreign state onto the internal affairs of another states; the 1970 Friendly Relations Declaration states that "no states shall organize, assist foment, finance, incite or tolerate subversive terrorist or armed activities directed towards the violence to overthrow the regime of another state, or interfere in civil strife in another state" (FRD, 1970). This declaration, however, left two unaddressed questions: first, is it lawful to assist a government during a civil war? Second, does the government remain legitimate during a civil uprising? The first question was addressed by the ICJ during the case concerning the military and paramilitary activities in and against Nicaragua of 1986, which has been used repeatedly to highlight the importance of consent from the legitimate authority of the states (Fox, 2015).

In the case of *Nicaragua v. the United States*, the plaintiff claimed that the United States, in breach of its obligation under general and customary international law, has violated the sovereignty of Nicaragua through a number of actions: by conducting armed attacks against Nicaragua by air, land and sea; completing incursions into Nicaraguan territorial waters; conducting aerial trespass into Nicaraguan airspace, and pursuing direct and indirect means of coercing the Government of Nicaragua (ICJ, *Nicaragua v. United States*, 1986). In response, the United States upheld that they were acting under the principle of intervention by invitation, however, such invitation had been delivered on the part of the opposition (ICJ, *Nicaragua v. United States*, 1986). The ICJ *Nicaragua* opinion (1986), which has not been contradicted since, generally reaffirmed that the invitation to intervene in the sovereign affairs of a foreign state only possesses legal basis if the invitation was extended by the legitimate government of the state and not the opposition (Fox, 2015). Citing the Friendly Relations Declaration, the court ruled that the U.S.'s actions constituted a violation of international law and that "no general right of intervention, in support of an opposition within

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another State, exists in contemporary international law” (ICJ, *Nicaragua v. the United States*, 1986).

The ICJ statement brings forward the second question — does the lack of precedence in international law inhibit an intervention on the behalf of the opposition? This concern reiterates the fact that traditionally, civil wars were viewed purely as a matter of internal affairs (Fox, 2015). However this statement was issued forty years ago, and so it may be incomplete in light of the evolving and contemporary context of a civil uprising — Libya, which will be discussed later on, is a prime example.

The ICJ statement is potentially problematic, as it assumes a distinction in the status of the states involved. As Fox explains, in more nuanced global contexts, this lack of clarity could result in a lack of consent: —“the government issuing the invitation may control only a portion of the national territory, thus calling into question its capacity to consent on behalf of the state” (Fox, 2015). Arguably, external intervention from the international community in assisting a civil war may significantly tilt the balance of power and thereby act as a decisive factor in the outcome of the conflict; therefore, deciding which party represents the authority of State has significant legal consequences.

Legal scholars have argued that this authority is derived from the regime’s control over its territory, and that its capacity to issue invitations to foreign states will diminish and possibly become null as the regime loses control over its sovereign boundaries (Fox, 2015). However, this view has been disputed, and emerging ideas concerning the “legitimacy” of the governmental authority are reshaping international law — qualitative criteria such as abusive policies, persecution, and human rights violations on the part of recognized government bring forth questions of legitimate governance (Fox, 2015). Perhaps civil wars have begun to be removed from the protected sphere of domestic jurisdiction.

## **Intervention in Libya**

While the actions of the international community in Libya did not invoke the principle of intervention by invitation, an analysis of the international response to the initial uprising provides significant insight into the definition of legitimate government. In light of the atrocities committed by the Gaddafi regime, the global condemnation from the international community was almost unanimous (UN Press, 2011). The United Nation Security Council adopted resolution 1970(2011) during the early stages of the conflict, in which they condemned the Gaddafi regime’s human rights abuses and referred the situation to the International Criminal Court, demanding “steps to fulfill the legitimate demands of the population” as well as imposing a multitude of sanctions on the Gaddafi government (UNSCR 1970, 2011). As a result of the threat of military reprisals issued by President Gaddafi against the civilian population in the city of Benghazi, the UNSC passed Security Council Resolution 1973 (2011), which imposed a no-fly zone on Libya and authorized “Member States that have notified the Secretary-General [...] to take all necessary measures [...] to protect civilians and civilian populated areas under threat of attack in the Libyan Arab Jamahiriya, including Benghazi, while excluding a foreign occupation force of any form on any part of Libyan territory” (UNSCR 1973, 2011). Lastly, as a result of Gaddafi’s actions, France followed by Germany, Australia, Britain, Gambia, Italy, Jordan, Malta, Qatar, Senegal, Spain, the United Arab Emirates and the United States recognized the Libyan National Council as the legitimate representative of the Libyan people (ASIL, 2011).

Kerstin Odendahl, the Executive Director of the Walther Schücking Institute for International Law, explains: “the fact that the government of Muammar Al-Gaddafi employed military force against the Libyan population was regarded as unacceptable — most official statements invoked the lost legitimacy of the government as justification of their position” (2015). This statement was reiterated by President Obama, who echoed the sentiment that Al-Gaddafi had lost legitimacy through his regime’s brutal measures: “[the] United States and the world were outraged by Colonel Gaddafi’s “appalling violence against the Libyan people [and declared] Muammar Gaddafi has lost the legitimacy to lead, and he must leave” (Landler, 2011). The G8 also issued a similar statement: “Gaddafi and the Libyan government have failed to fulfill their responsibility to protect the Libyan population and have lost all legitimacy, He has no future in a free, democratic Libya. He must go” (BBC News, 2011). Ultimately, it was Gaddafi’s actions towards the population of Libya that delegitimized his authority.

## **Legitimacy of the Assad Regime**

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The case of the 2011 Libyan civil war provides significant insight into the contemporary questions raised by Russia's partnership with the regime of Bashar Al-Assad, which shares many similarities with the former Libyan Dictatorship of Muammar Al-Gaddafi (Allison, 2015). The international community has demonstrated an equivalent attitude towards the actions of President Bashar Al Assad — Odendahl explains that “the use of indiscriminate violence against the Syrian population brought several States to call on Assad to resign from office invoking, again, his lost legitimacy” (2015). The UK, France, and Germany have released the following statement in August 2011: “our three countries believe that President Assad, who is resorting to brutal military force against his own people and who is responsible for the situation, has lost all legitimacy and can no longer claim to lead the country” (UK Foreign and Commonwealth Office, 2011). These statements clearly parallel the international community's response to the Gaddafi regime, and demonstrate that Assad is widely perceived to have lost legitimacy for similar reasons.

Furthermore, statements opposing Assad's legitimacy were issued during a debate at the Human Rights Council in August 2011 — the Bulgarian declaration summarizes a general consensus: “Despite outstanding efforts by many international mediators, the Syrian regime has continued with the policy of repression rather than dialogue, leading to a loss of legitimacy nationally and internationally” (OHCHR, 2011). This statement was reinforced in November 2014, when White House spokesman Josh Earnest stated: “We believe that he [Assad] has lost the legitimacy to lead” (Odendahl, 2015).

While it is perhaps more difficult to recognize an official opposition in the case of the Syrian Crisis, the international community's stand on the Assad regime remains similar to the platform it took against Gaddafi during the Libyan Conflict. Excluding Russia and China, there is an overwhelming response from the international community advocating for Assad's removal (Allison, 2015). Therefore, if the majority of the international community has communicated that the Assad Regime has lost its legitimacy to rule the people of Syria, how can the “illegitimate” regime of Syria extend an invitation to Russia, a sovereign and recognized government, to conduct military operations within its territory?

## **The Russian Perspective**

Part of this issue is founded on one of the great debates of international law — that there exists no singular overarching authority that can enforce, delineate, or interpret international law (Goldsmith and Posner, 1999). Russia's actions are based on their own interpretation of the law, and while most states would argue that such interpretation is generally derived from the practice and general consensus of sovereign states, Russia has systematically demonstrated its willingness to ignore such general consensus and instead, misinterpret international law so as to pursue its national security and foreign policy interests. These practices have been made evident by Russia's actions in Georgia in 2008 (OPIL, 2010), Ukraine in 2013 (Wilson, 2015), and now Syria (Fox, 2015).

Therefore, in a purely Russian perspective, provided that Russia recognizes the Assad's regime as the legitimate authority in Syria and that they have received valid consent from the Assad government to conduct military operations on the behalf of the state of Syria, Russia has not violated international law in accordance with the principles of intervention by invitation. However, while Russia may have a legal basis to conduct military operations in Syria, the actions themselves are not necessarily legal.

## **Russia Violating International Humanitarian Law**

The principle of intervention by invitation can only stand as a legal basis if no actions taken by the invited state constitute a violation of pre-emptive norms of international law— otherwise, the principle is thereby nullified (ILC, Art 20; 26). In accordance with article 26 of the International Law Commission on the drafted articles on State's responsibility, “circumstances precluding wrongfulness cannot justify or excuse a breach of a State's obligations under a peremptory rule of general international law [...] one state cannot dispense another from the obligation to comply with a peremptory norm, e.g. in relation to genocide or torture, whether by treaty or otherwise” (ICL, Art 26). Ultimately, the circumstances precluding wrongfulness, in this case, intervention by invitation, “do not authorize or excuse any derogation from a peremptory norm of general international law [...] those peremptory norms that are clearly accepted and recognized include the prohibitions of aggression, genocide, slavery, racial discrimination,

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crimes against humanity and torture, and the right to self-determination” (ICL, Art 26). Therefore, should Russia be proven to have committed violations of International Humanitarian Law, its pretense of defaulting to the principle of intervention by invitation would no longer have legal justification.

## *Amnesty International and Various Reports on Russian Airstrikes*

In December 2015, Amnesty International produced a detailed report on the impacts of Russian airstrikes (AI Report, 2015). While the Russian authorities maintain that they are “only targeting terrorists,” they have also called any attempts to label Russian airstrikes as violations of international law as an attack by western countries to wage an “information war” (The Independent, 2016). Despite Russia’s systemic denial, there has been an overwhelming response from the international community against Russian airstrikes in Syria — France and Turkey have argued that the latest intelligence indicates that Russian actions constitute war crimes against the Syrian people (BBC News, 2015).

Since September 30th, 2015 Russia has conducted thousands of sorties throughout Syria, and while Russia claims to be targeting terrorists, the vast majority of Russian airstrikes are occurring in civilian areas held by the Assad opposition (Human Rights Watch, 2015). Amnesty International investigated twenty-five incidents, which in accordance to investigators would constitute “serious failures to respect International Humanitarian Law” (AI Report, 2015). For example, as reported by the Human Rights Watch, one of “the deadliest attack hit a house in the village of Ghantou, where the extended Assaf family had taken shelter, killing a reported 46 family members, all civilians, including 32 children and 12 women [...] the victims were related to a local commander affiliated with the opposition Free Syrian Army (FSA), but witnesses said that he was away from the home at the front lines” (HRW, 2015).

Several other agencies have also reported on Russia’s violation of International Humanitarian Law; according to the Violations Documentation Center in Syria, by November 15, 2015, Russian attacks have killed at least 526 civilians, including 137 children and 71 women (VDC, 2015). The Syrian Network for Human Rights also documented the deaths of 570 civilians between September 30th and December 1st of 2015, as a result of Russian attacks (SNHR report, 2015). The Syrian Observatory for Human Rights reported that by December 17, 2015, 635 civilians, including 141 children and 100 women, had been killed by Russian attacks (Qtd in AI Report, 2015). Ultimately, Russian airstrikes have disproportionately targeted civilian areas and as a result, the number of civilian lives lost far outnumbers those of legitimate military targets (AI report, 2015). Therefore, while Russia continues to deny any involvement in airstrikes that killed civilians in Syria, various reports from recognized international organizations have demonstrated that Russia’s actions in Syria constitute a violation of international humanitarian law.

## **Conclusion**

While Russia continues to deny the allegations of various reports from the international community that showcase civilian damage as a result of Russian airstrikes, several states have called upon Russia to cease targeting the opposition and instead focus on fighting the terrorist threat of ISIS (AI Report, 2015). In response to the disproportionate loss of civilian lives in light of Russian operations, particularly the recent attacks that killed up to fifty civilians in a hospital in the northeast of Syria and a school north of Aleppo, the Secretary General of the United Nations, Ban Ki Moon, has designated the attacks a blatant violation of International Law (Reuters, 2016).

Based on the vast amount of reported civilian deaths as a result of Russian airstrikes, the assessment that Russia has indeed violated international humanitarian law, and in accordance with article 26 of the International Law Commission, the claim that Russia is acting on the basis of intervention by invitation becomes nullified and is thereby no longer valid (ILC, Art 26). As a result of Russia’s failure to comply with peremptory norms of international law, the Russian airstrikes therefore consists of illegal acts of aggression against the civilian population of Syria.

Arguably, Russia’s actions in Syria, despite strong condemnation from the international community reemphasize the difficulty of enforcing the accepted norms and values upheld in international affairs. Students and professors alike in the international legal scholarship have debated this issue — while some have argued that international law is nothing more than the representation of the interests of powerful states (Mearsheimer, 1995), others have defended

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the position that regardless of its lack of enforceability, international law remains a guiding principle on the international scene and thereby shapes the actions of states (Brunnee and Toope, 2000). Perhaps, the day when Russia believes that acting in accordance with the accepted values and norms in international affairs is a matter of national interest, may be the day Russia accepts the legitimacy of international law.

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*Written by: Samuel Mercier*  
*Written at: Norwich University*  
*Written for: Dr John Becker*  
*Date written: February 2016*