



Digest of state practice: 1 July 2017 – 31 December 2017

Tom Ruys, Nele Verlinden, Carl Vander Maelen & Sebastiaan Van Severen

To cite this article: Tom Ruys, Nele Verlinden, Carl Vander Maelen & Sebastiaan Van Severen (2018) Digest of state practice: 1 July 2017 – 31 December 2017, Journal on the Use of Force and International Law, 5:1, 145-187, DOI: [10.1080/20531702.2018.1455463](https://doi.org/10.1080/20531702.2018.1455463)

To link to this article: <https://doi.org/10.1080/20531702.2018.1455463>



Published online: 26 Mar 2018.



Submit your article to this journal [↗](#)



Article views: 44



View related articles [↗](#)



View Crossmark data [↗](#)



Digest of state practice: 1 July 2017 – 31 December 2017

General Editors: Tom Ruys^{a*}, Nele Verlinden^b, Carl Vander Maelen^c and Sebastiaan Van Severen^d

^aCo-editor-in-chief, Professor of International Law, Ghent Rolin-Jaequemyns International Law Institute (GRILI), Ghent University, Ghent, Belgium; ^bDoctoral researcher, Leuven Centre for Global Governance Studies, University of Leuven, Belgium; ^cAcademic assistant and PhD Candidate, Department Law and Technology, Ghent University, Ghent, Belgium; ^dAcademic assistant and PhD Candidate, GRILI, Ghent University, Ghent, Belgium

Regional Coordinators: Marie Aronsson-Storrier, Heather Brandon, Patrick Butchard, Kenneth Chan, Sina Etezazian, Ben Murphy, Sten Verhoeven

Digest Contents:

1. Europe

- *Ukraine – Russia: violations of the Minsk agreement and reciprocal accusations*
- *Terrorist attacks in Spain*

2. Africa

- *Libya: Joint Declaration, renewed US airstrikes, and accusations against UAE*
- *Mali: MINUSMA mandate extension, France-Mali incident, and struggling G5 Sahel task force launch*
- *Niger: fighters from Mali attack Niger, US forces*
- *Nigeria – Niger – Cameroon – Chad: Boko Haram attacks and responses*
- *Central African Republic – Cameroon: spill-over of violence*
- *Uganda – Democratic Republic of Congo: cross-border operation against ADF rebels*
- *South Sudan – Uganda: cross-border activities*
- *Somalia – Kenya: Al-Shabaab attacks and responses*
- *Djibouti: Chinese troops arrive at military naval base*

CONTACT Tom Ruys  Tom.Ruys@UGent.Be

*Suggestions and input for future *Digests of State Practice* can be sent to Tom.Ruys@UGent.Be at any time.
All websites accessed 20 February 2018.

3. Middle East

- *Iraq: government declares victory over IS; Kurdish referendum triggers military response from Iraq and Turkey*
- *Syrian civil war rages on: third-State involvement and spill-over effects*
- *Israel – Lebanon: repeated airspace violations and extension of UNIFIL mandate*
- *Israel – Palestine: continued, yet muted, violence*
- *Yemen: US and Saudi operations continue; tension between Saudi Arabia and Iran*
- *Qatar blockade*
- *Bahrain – Iran: pipeline explosion*
- *Iran: tension over Iranian missile tests*

4. Asia

- *North Korean: missile tests; US and DPRK exchange threats*
- *India and China: Doklam standoff*
- *Japan: new Defence White Paper*
- *China/Japan – tension over Chinese military flights over the Miyako Strait*
- *China/US – US ‘Freedom of navigation’ operations in the South China Sea and Chinese response*
- *India/Pakistan – mutual accusations of ceasefire violations and border crossings*

5. Americas

- *United States threatens military action against Venezuela*
- *United States-Cuba: row over alleged ‘sonic’ attacks US diplomats*
- *United States: reports of new policy on the use of lethal force outside areas of active hostilities, new AUMF proposal*

1. Europe

Ukraine – Russia: violations of the Minsk agreement and reciprocal accusations

Violence continued in Eastern Ukraine throughout the reporting period, with consistent violations of the 2015 Minsk ceasefire agreement reportedly being committed by both sides.¹ At the same time, parties to the conflict repeatedly reiterated their full commitment to a permanent ceasefire.²

¹The Special Monitoring Mission recorded a total of 476 civilian casualties in 2017, including 86 fatalities. See OSCE Special Monitoring Mission to Ukraine, *Status Report as of 10 January 2018* (12 January 2018) www.osce.org/special-monitoring-mission-to-ukraine/366306?download=true.

²See, e.g. OSCE, ‘Press Statement of the Special Representative of the OSCE Chairperson-in-Office Ambassador Martin Sajdik after the Meeting of the Trilateral Contact Group on 23 August 2017’ (24 August

Both Ukraine and Russia continued accusing each other of violations of international law. In a Security Council meeting dated 20 September 2017, the Ukrainian representative recalled that ‘in 2014 Russia unleashed an armed aggression against Ukraine and occupied part of [Ukrainian] territory. ... It is an undeniable fact that Russia creates, leads, controls and sponsors terrorist operations in Donbas.’³ In another Security Council meeting, Russia claimed that ‘there was and is no proof of those allegations’,⁴ contending instead that ‘there is proof of a number of violations of international law by [Ukraine]’, referring *inter alia* to ‘endless bombardment’.⁵

Meanwhile, the Council of the European Union extended ‘restrictive measures over actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine’ against 149 persons and 38 entities, until 15 March 2018.⁶ On 21 December 2017, the Council prolonged the economic sanctions against Russia for another 6 months due to the lack of implementation of the Minsk agreement.⁷ The EU’s restrictive measures against Russia ‘in response to the illegal annexation of Crimea and Sevastopol’ were prolonged until 23 June 2018.⁸

Terrorist attacks in Spain

On 17 August 2017, 14 people were killed and over 100 injured when a white van mowed down tourists and residents on Barcelona’s famous Las Ramblas boulevard.⁹ The following day, one person was killed and several injured when a car hit pedestrians in the town of Cambrils. Both attacks were linked to an accidental explosion one day earlier in a beach house in Alcanar, killing two suspected terrorists.¹⁰ The ‘Islamic State’ (IS, ISIS, ISIL, also known as Da’esh) claimed that the attacks were carried out by its

2017) www.osce.org/chairmanship/336531; OSCE, ‘Press statement of Special Representative of OSCE Chairperson-in-Office Sajdik after the meeting of the Trilateral Contact Group on 20 December 2017’ (20 December 2017) www.osce.org/chairmanship/363671.

³The representative subsequently showed identification cards of Russian officers and soldiers in order to prove Russian presence in Donbas. See UNSC Verbatim Record, UN Doc S/PV.8051 (20 September 2017) 12/35. In similar vein, see UNSC Verbatim Record, UN Doc S/PV.8040 (5 September 2017) 4/4; UNSC Verbatim Record, UN Doc S/PV.8006 (19 July 2017) 8/35 (including a reference to ‘the occupation of Crimea’). For a similar statement by Lithuania, see UNSC Verbatim Record, UN Doc S/PV.8144 (20 December 2017) 29/67.

⁴UNSC Verbatim Record, UN Doc S/PV.8144 (20 December 2017) 22/67.

⁵*Ibid.*

⁶Council of the EU, ‘EU prolongs sanctions over actions against Ukraine’s territorial integrity until 15 March 2018’ (14 September 2018) www.consilium.europa.eu/en/press/press-releases/2017/09/14/ukraine-sanctions/.

⁷Council of the EU, ‘Russia: EU prolongs economic sanctions by six months’ (21 December 2018) www.consilium.europa.eu/en/press/press-releases/2017/12/21/russia-eu-prolongs-economic-sanctions-by-six-months/.

⁸See Council of the EU, ‘Timeline – EU restrictive measures in response to the crisis in Ukraine’ www.consilium.europa.eu/en/policies/sanctions/ukraine-crisis/history-ukraine-crisis/.

⁹Barcelona and Cambrils attacks: What we know so far’, *BBC News* (17 August 2017) www.bbc.co.uk/news/world-europe-40964242.

¹⁰*Ibid.*

'soldiers' in response to Spain's involvement in the US-led coalition against IS in Iraq, but their links to the organisation were not established.¹¹ The Spanish Prime Minister Mariano Rajoy referred to the events as 'jihadi terrorism'¹² and the UN Security Council condemned the 'barbaric and cowardly terrorist attack' in the strongest terms.¹³

2. Africa

Libya: Joint Declaration, renewed US airstrikes, and accusations against UAE

A Joint Declaration made on 25 July 2017 between Fayez Al Sarraj (Chairman of the Presidential Council of Libya) and Khalifa Haftar (commander of the Libyan National Army) initially seemed like a return to stability for Libya, as both parties declared to

commit to a ceasefire and to refrain from any use of armed force for any purpose that does not strictly constitute counter-terrorism, in compliance with the Libyan Political Agreement and international treaties ...¹⁴

The statement was a breakthrough after peace talks in May in Abu Dhabi had proved unproductive, and it eased the tension between Sarraj's UN-backed Tripoli-based government and the armed troops of Haftar, supported by Egypt and the United Arab Emirates.¹⁵

Nonetheless, in the twilight days of 2017, Haftar called Sarraj's government 'obsolete' at a military graduation ceremony, and hinted at running in the elections in the spring of 2018.¹⁶ In response, the President of the UN Security Council declared that

[t]he Libyan Political Agreement (LPA) ... remains the only viable framework to end the Libyan political crisis and ... its implementation remains key to holding elections and finalising the political transition. ... The Security Council underscores that there can be no military solution to the crisis ... The Council repeats its call on all Libyans to respect the ceasefire, as called for in the Joint Declaration issued after the meeting in Paris on 25 July 2017.¹⁷

¹¹*Ibid.*

¹²Giles Tremlett *et al.*, 'Cambrils: five terror suspects killed as second attack follows Las Ramblas', *The Guardian* (18 August 2017), www.theguardian.com/world/2017/aug/17/van-crashes-into-crowd-of-people-barcelona-las-ramblas.

¹³Security Council Press Statement on Terrorist Attacks in Barcelona, Spain (17 August 2017) Press Release UN Doc SC/12960.

¹⁴France, France Diplomatie, 'Libya – Joint Declaration (Paris)' (25 July 2017).

¹⁵'Libya's PM, eastern commander commit to ceasefire, election', *Reuters* (25 July 2017) www.reuters.com/article/us-libya-security-france/libyas-pm-eastern-commander-commit-to-ceasefire-election-idUSKBN1AA118.

¹⁶Ayman al-Warfalli, 'East Libyan commander Haftar says U.N.-backed government obsolete, hints may run in elections', *Reuters* (17 December 2017) www.reuters.com/article/us-libya-security/east-libyan-commander-haftar-says-u-n-backed-government-obsolete-hints-may-run-in-elections-idUSKBN1EB0FB.

¹⁷UNSC Statement by the President of the Security Council, UN Doc S/PRST/2017/26 (14 December 2017).

September 2017 also saw the United States resume its operations in Libya; it carried out two airstrikes on IS outposts on 24 and 28 September.¹⁸ These were the first US strikes in Libya since president Trump took office, with the previous known US airstrike on Libyan soil dating back to 19 January 2017.¹⁹

Mali: MINUSMA mandate extension, France-Mali incident, and struggling G5 Sahel task force launch

In spite of the presence of a French force of some 4,000 troops and the deployment of some 10,000 UN peacekeepers under the Multidimensional Integrated Stabilization Mission in Mali (MINUSMA),²⁰ Mali continued to struggle to find stability in the second half of 2017.

French forces continued their counter-terrorism operations in the country, with French defence minister Florence Parly announcing in September that France had decided to arm its intelligence and surveillance drones.²¹

An incident nonetheless occurred between France and Mali when a Malian news outlet announced that a French raid against a camp of the Islamist group Ansar Dine in the Abeibara region on 23 October had not only neutralised 15 militants, but also killed 11 Malian soldiers. The Malian Defence Ministry released a statement stating that the ‘Malian soldiers, detained by the terrorists, died’.²² A French source offered a different view of the events, and said the raid was carried out ‘on the basis of detailed intelligence against a camp that included Malians who had joined the Islamist ranks. ... They were not prisoners’.²³ Another French source told Reuters that ‘[w]e have a real trust problem with the Malians’.²⁴ The statements caused a row, with Mali’s President denying the assertions, leading France’s defence minister Florence Parly to guarantee that her services had ‘factual information’ about the desertions.²⁵

¹⁸United States of America, AFRICOM, ‘U.S. Conducts Precision Strikes in Libya’ (24 September 2017) www.africom.mil/media-room/pressrelease/29924/u-s-conducts-precision-strikes-in-libya.

¹⁹Idrees Ali, ‘U.S. air strikes kill 17 Islamic State militants in Libya: U.S. military’, *Reuters* (24 September 2017) www.reuters.com/article/us-usa-libya-strike/u-s-air-strikes-kill-17-islamic-state-militants-in-libya-u-s-military-idUSKCN1BZ0P5.

²⁰UNSC Res 2364, UN Doc S/RES/2364 (29 June 2017), extending MINUSMA’s mandate for another year.

²¹‘France turns to armed drones in fight against Sahel militants’, *Reuters* (5 September 2017) www.reuters.com/article/us-france-drones/france-turns-to-armed-drones-in-fight-against-sahel-militants-idUSKCN1BG2K2.

²²‘French raid last month killed hostage Malian soldiers’, *Reuters* (6 November 2017) www.reuters.com/article/us-mali-france/french-raid-last-month-killed-hostage-malian-soldiers-idUSKBN1D62JM.

²³‘Malian soldiers killed in French strike had joined Islamists: source’, *Reuters* (7 November 2017) www.reuters.com/article/us-mali-france-deserters/malian-soldiers-killed-in-french-strike-had-joined-islamists-source-idUSKBN1D71M8.

²⁴*Ibid.*

²⁵‘Mali’s president contradicts French account of military strike’, *Reuters* (3 December 2017) www.reuters.com/article/us-mali-france/malis-president-contradicts-french-account-of-military-strike-idUSKBN1DX0B0.

Another military initiative in the region finally gathered form when the much-discussed cross-border G5 Sahel Joint Force²⁶ was discussed at a summit involving Niger, Chad, Burkina Faso and Mauritania (the G5 Sahel). France strongly supported the summit and linked the launch of the new force to a possible future termination of its own operation in the country:

[i]t's not wrong to say that it's part of an exit plan because the *Barkhane* mission is not intended to be there [forever], but it's hard to see how we could draw down soon. We need a long-term multilateral strategy so that we're less exposed. The time of doing everything alone in West Africa is over.²⁷

Although there was no shortage of enthusiasm for the task force, a lack of funding proved problematic. Mali's President Ibrahim Boubacar Keita and Niger's Mahamadou Issoufou noted that '[i]t is important that the international community takes note of this and gets together to give us resources to ensure our mission can be accomplished. ... We have only limited means'.²⁸

While the United States expressed its support for the force, high-level officials stressed that the US already funded more than a quarter of the \$7.3 billion UN peacekeeping budget and wanted to know 'what the strategy would be, how they see this playing out, what's involved in it' before committing to funding.²⁹ Meanwhile, Saudi Arabia and the United Arab Emirates committed EUR 130 million (USD 152.75 million) to the force, and Saudi Arabia's foreign minister Adel al-Jubeir additionally said that his country would also 'provide logistics, training, intelligence and air support through the Islamic military coalition to this effort'.³⁰

From 19 to 22 October, the UN Security Council carried out an assessment visit to the Sahel region,³¹ with the G5 Sahel force launching its first operation 'HAW BI' soon thereafter and deploying several hundred soldiers from Mali, Niger and Burkina Faso.³²

²⁶Identical letters dated 8 February 2017 from the Chargé d'affaires a.i. of the Permanent Mission of Mali to the United Nations addressed to the Secretary-General and the President of the Security Council A/71/786-S/2017/113 (27 February 2017).

²⁷John Irish and Emma Farge, 'Heading to Sahel, France's Macron scrambles for exit strategy', *Reuters* (30 June 2017) www.reuters.com/article/us-france-sahel/heading-to-sahel-frances-macron-scrambles-for-exit-strategy-idUSKBN19L0FM.

²⁸'Niger, Mali Leaders Seek Funding for New Anti-jihadist Force', *VOA* (13 September 2017) www.voanews.com/a/niger-mali-seek-funding-anti-jihadist-force/4027849.html.

²⁹Michelle Nichols, 'U.S. wants Sahel force strategy before giving money: officials', *Reuters* (28 October 2017) www.reuters.com/article/us-africa-security-usa/u-s-wants-sahel-force-strategy-before-giving-money-officials-idUSKBN1CX06Z.

³⁰John Irish, 'Saudi-backed military alliance to help G5 Sahel fight: minister', *Reuters* (14 December 2017) www.reuters.com/article/us-africa-security-sahel-saudi/saudi-backed-military-alliance-to-help-g5-sahel-fight-minister-idUSKBN1E81IH.

³¹Letter dated 16 October 2017 from the President of the Security Council addressed to the Secretary-General, UN Doc S/2017/871 (17 October 2017).

³²'G5 Sahel launches military operation in African scrublands', *Reuters* (2 November 2017) www.reuters.com/article/us-africa-security/g5-sahel-launches-military-operation-in-african-scrublands-idUSKBN1D21VS.

Only one month after the G5 Sahel force operations commenced, however, a source close to Emmanuel Macron expressed the French President's dissatisfaction, saying that

Emmanuel Macron believes that it's not going quickly enough and that the terrorists have registered military and symbolic victories, especially in Niger, and [that] it's urgent to reverse this trend. The [objective] will be to accelerate the calendar for the support of the force, and the operational calendar.³³

In the closing weeks of December, Macron remarked that he wanted the force to book its first significant victories against Islamist militants by mid-2018, both to prove its worth and ensure financial support from the United Nations and the United States.³⁴

Niger: fighters from Mali attack Niger, US forces

On 4 October 2017, troops from Niger and US forces were ambushed in the town of Tongo Tongo in Niger, near the border with Mali. Approximately 50 attackers, allegedly coming from Mali, used machine guns and rocket-propelled grenades to kill four US and four Niger soldiers and to wound several others. French troops who were present in the region were asked to support a counterattack.³⁵ Months after the attack, responsibility for it was claimed by IS.³⁶

Initially the US announced that only three of its soldiers had been killed, the fourth body was found two days after the attack.³⁷ A month later, the US and Niger still did not agree on the sequence of events or the nature of the mission.³⁸ The US Department of Defense was heavily criticised in the US Congress for inadequately providing information on the event.³⁹

³³France invites U.S. to Dec. 13 summit on boosting fight against W. African militants', *Reuters* (30 November 2017) www.reuters.com/article/us-africa-france-sahel/france-invites-u-s-to-dec-13-summit-on-boosting-fight-against-w-african-militants-idUSKBN1DU27X.

³⁴Marine Penetier and John Irish, "'Sahel coalition' wants victories against Islamist militants by mid-2018', *Reuters* (13 December 2017) www.reuters.com/article/us-africa-security-sahel/sahel-coalition-wants-victories-against-islamist-militants-by-mid-2018-idUSKBN1E70FQ.

³⁵Boureima Balima, 'French, Nigerien forces operating where three U.S. soldiers killed', *Reuters* (5 October 2017) www.reuters.com/article/us-niger-usa/french-nigerien-forces-operating-where-three-u-s-soldiers-killed-idUSKBN1CA14K.

³⁶'Islamic State affiliate claims deadly attack on U.S. troops in Niger', *Reuters* (13 January 2018) www.reuters.com/article/us-niger-security/islamic-state-affiliate-claims-deadly-attack-on-u-s-troops-in-niger-idUSKBN1F20L3.

³⁷Phil Stewart and Idrees Ali, 'Pentagon says fourth U.S. soldier killed in Niger ambush', *Reuters* (6 October 2017) www.reuters.com/article/us-niger-usa/pentagon-says-fourth-u-s-soldier-killed-in-niger-ambush-idUSKBN1CB2IL.

³⁸Tim Cocks and Idrees Ali, 'A month on, U.S., Niger still disagree on what happened on fatal mission', *Reuters* (3 November 2017) www.reuters.com/article/us-niger-usa-security/a-month-on-u-s-niger-still-disagree-on-what-happened-on-fatal-mission-idUSKBN1D31VH.

³⁹Idrees Ali, 'Top U.S. military officer seeks to address criticism of fatal Niger operation', *Reuters* (23 October 2017) www.reuters.com/article/us-niger-usa/top-u-s-military-officer-seeks-to-address-criticism-of-fatal-niger-operation-idUSKBN1CS206.

Two months after the deadly attack, the government of Niger gave the US permission to use its capital Niamey as a base for armed drone attacks in Niger and, possibly, in neighbouring countries.⁴⁰ According to the US department of Defense, 'the government of Niger and the US stand firm in working together to prevent terrorist organizations from using the region as a safe haven.'⁴¹ In order to assist the operation of the drones, an 800-strong US force working on intelligence, surveillance and reconnaissance was sent to Niger.⁴²

Nigeria – Niger – Cameroon – Chad: Boko Haram attacks and responses

During the reporting period, the Nigerian-based Islamist militant group Boko Haram continued to carry out numerous attacks in Nigeria, and, albeit less frequently than before,⁴³ in neighbouring countries Cameroon, Chad and Niger. Thus, on 3 July 2017, Boko Haram militants reportedly killed nine people and abducted dozens more in the village of Ngalewa, southern Niger.⁴⁴ Most Boko Haram attacks outside Nigeria occurred in northern Cameroon. On 6 August, a suicide bomber killed at least seven people in a town in northern Cameroon.⁴⁵ In the same border region with Nigeria, 15 people were killed and eight taken hostage in a suspected Boko Haram attack with automatic fire.⁴⁶ On 13 September, a girl strapped with a bomb, a technique frequently used by Boko Haram, caused an explosion in a mosque, killing five men.⁴⁷ On 30 October, suspected Boko Haram members killed over 10 villagers in northern Cameroon.⁴⁸

⁴⁰Helen Cooper and Eric Schmitt, 'Niger Approves Armed U.S. Drone Flights, Expanding Pentagon's Role in Africa', *New York Times* (30 November 2017) www.nytimes.com/2017/11/30/us/politics/pentagon-niger-drones.html.

⁴¹*Ibid.*

⁴²'Niger approves use of armed American drones: U.S. official', *Reuters* (30 November 2017) www.reuters.com/article/us-niger-usa-military/niger-approves-use-of-armed-american-drones-u-s-official-idUSKBN1DU327.

⁴³Under Secretary-General Feltman noted in September that '[w]ithout question, Boko Haram's combat capacity has diminished, but to compensate for that, Boko Haram has changed tactics by increasing the use of suicide attacks.' UNSC Verbatim Record, UN Doc S/PV.8047 (13 September 2017) 2/22.

⁴⁴'Suspected Boko Haram militants kill nine, abduct dozens in Niger', *Reuters* (3 July 2017) www.reuters.com/article/us-nigeria-security-niger/suspected-boko-haram-militants-kill-nine-abduct-dozens-in-niger-idUSKBN1900Y1.

⁴⁵'Suicide bomber kills seven in northern Cameroon', *Reuters* (6 August 2017) www.reuters.com/article/us-nigeria-security/suicide-bomber-kills-seven-in-northern-cameroon-idUSKBN1AM0CB.

⁴⁶'Suspected Boko Haram militants kill 15 in Cameroon', *Reuters* (25 August 2017) www.reuters.com/article/us-nigeria-security-cameroon/suspected-boko-haram-militants-kill-15-in-cameroon-idUSKCN1B51TC.

⁴⁷Josiane Kouagheu, 'Girl strapped with bomb kills five in Cameroon mosque', *Reuters* (13 September 2017) www.reuters.com/article/us-nigeria-security-cameroon/girl-strapped-with-bomb-kills-five-in-cameroon-mosque-idUSKCN1B022C.

⁴⁸'Suspected Boko Haram raid kills at least 10 in Cameroon village', *Reuters* (30 October 2017) www.reuters.com/article/us-nigeria-security-cameroon/suspected-boko-haram-raid-kills-at-least-10-in-cameroon-village-idUSKBN1CZ1FZ.

In the beginning of October, Chad withdrew hundreds of its troops from Niger, where they were helping Niger forces in the fight against Boko Haram.⁴⁹ As a result of the Chadian withdrawal, Niger's Diffa region saw an increase of attacks by Boko Haram militants crossing the border from Nigeria.⁵⁰

On 20 December, it was reported that Cameroonian armed forces had crossed the border with Nigeria while chasing Boko Haram militants twice that month, without seeking authorisation from Nigeria.⁵¹ An anonymous Cameroonian official stated that they did not want to let the militants move and attack across the border 'without being troubled'.⁵² The Cameroonian soldiers left Nigeria after being requested to do so by Nigerian security forces. A Nigerian military source said that his country was 'not for war but keeping peace and protecting [its] territorial integrity'.⁵³ The facts were not officially confirmed.

Towards the end of the year, the US agreed to what it called 'a transaction supporting Nigeria's efforts to fight Boko Haram', involving the sale of 12 Super Tucano A-29 planes and weapons to Nigeria for a total amount of 593 million USD.⁵⁴

Central African Republic – Cameroon: spill-over of violence

During the UN General Assembly meeting in September 2017, Central African Republic (CAR) President Touadera called for an increase in the military means of the UN Multinational Integrated Stabilization Mission in the CAR and an expansion of its mandate to the reestablishment of control over natural resources, in order to curb the 'increased security risks related to violence imposed by armed groups'.⁵⁵ A week later, Cameroon sealed its border with the CAR after several of its citizens had been kidnapped and

⁴⁹Boureima Balima and Emma Farge, 'Chad withdraws troops from fight against Boko Haram in Niger', *Reuters* (12 October 2017) www.reuters.com/article/us-niger-security-chad/chad-withdraws-troops-from-fight-against-boko-haram-in-niger-idUSKBN1CH2T0.

⁵⁰*Ibid.* Chad did not provide a reason for the withdrawal, but earlier it had warned that its security commitments would be affected by the US travel ban against Chadian nationals.

⁵¹Paul Carsten and Aaron Ross, 'Exclusive: Cameroonian troops entered Nigeria without seeking authorization, sources in Nigeria say', *Reuters* (20 December 2017) www.reuters.com/article/us-cameroon-separatists-nigeria/exclusive-cameroonian-troops-entered-nigeria-without-seeking-authorization-sources-in-nigeria-say-idUSKBN1EE2L.

⁵²*Ibid.*

⁵³*Ibid.*

⁵⁴'Nigeria says U.S. agrees delayed \$593 million fighter plane sale', *Reuters* (27 December 2017) www.reuters.com/article/us-nigeria-usa/nigeria-says-u-s-agrees-delayed-593-million-fighter-plane-sale-idUSKBN1EL1EN.

⁵⁵Translated from French. See CAR, 'Discours de son excellence monsieur le president de la Republique, chef de l'etat, le Professeur Faustin Archange Touadera, à l'occasion de la 72ème Assemblée Générale de l'ONU', New York (22 September 2017).

taken into the CAR by armed groups.⁵⁶ Three of the victims were reportedly freed after cross-border fighting between Cameroonian soldiers and the rebels.⁵⁷

Uganda – Democratic Republic of Congo: cross-border operation against ADF rebels

On 8 December 2017, a base of the UN Stabilization Mission in the DR Congo (MONUSCO) was attacked by members of the Armed Defence Forces (ADF), an Ugandan-based rebel group.⁵⁸ The attack killed five Congolese soldiers and 15 Tanzanian peacekeepers, wounding another 53 peacekeepers and was condemned by the Security Council.⁵⁹ In response to the attack, representatives of the Ugandan and DRC armies announced a ‘coordinated operation’, clarifying they did not envisage Ugandan troops crossing over into Congolese territory.⁶⁰ This changed when on 22 December, the Ugandan armed forces carried out an attack against a rebel group on Congolese territory, after having received intelligence by the DRC. The attack was referred to by a DRC’s spokesman as ‘a pre-emptive move’.⁶¹

South Sudan – Uganda: cross-border activities

In early July 2017, it was reported that several men wearing South-Sudanese military uniforms had carried out cross-border raids on villages in Uganda in the course of June, stealing cattle and trying to seize refugees.⁶² The Ugandan military confirmed the raids, yet without clarifying who carried them out. South Sudan denied any involvement in the attacks.⁶³

On 17 August 2017, armed Ugandan civilians were reported to have briefly abducted the spokesman of a South Sudanese rebel group, Lam Paul Gabriel,

⁵⁶Moki Edwin Kindzeka, ‘Cameroon Seals Border as Fresh Violence Escalates in CAR’, VOA (28 September 2017) www.voanews.com/a/cameroon-seals-border-car/4047965.html.

⁵⁷*Ibid.*

⁵⁸Fiston Mahambla, ‘Congo and Uganda to launch joint operation against rebel ADF’, *Reuters* (20 December 2017) www.reuters.com/article/us-congo-violence-uganda/congo-and-uganda-to-launch-joint-operation-against-rebel-adf-idUSKBN1EE2QG.

⁵⁹UNSC Verbatim Record, UN Doc S/PV.8129 (8 December 2017) 1/11. A similar attack by the ADF against a MONUSCO base took place on 9 October, killing two Tanzanian peacekeepers. See ‘MONUSCO repels deadly attack by suspected ADF in Mamundioma; Reinforcements deployed to secure the location’ (9 October 2017) <https://monusco.unmissions.org/en/monusco-repels-deadly-attack-suspected-adf-mamundioma-reinforcements-deployed-secure-location>.

⁶⁰Mahambla (n 58).

⁶¹‘Ugandan army attacks rebel camps in eastern Congo’, *Reuters* (22 December 2017) www.reuters.com/article/us-uganda-military-congo/ugandan-army-attacks-rebel-camps-in-eastern-congo-idUSKBN1EG1EK.

⁶²Elias Biryabarema, ‘Raids on Uganda show South Sudan’s war spilling across its borders’, *Reuters* (3 July 2017) www.reuters.com/article/us-uganda-southsudan-violence/raids-on-uganda-show-south-sudan-war-spilling-across-its-borders-idUSKBN1901JX.

⁶³*Ibid.*

from his home near the border with South Sudan, demanding him to stop speaking with the media.⁶⁴ Gabriel accused South Sudan of being behind the events, an allegation that was denied by both Uganda and South Sudan.⁶⁵ Two weeks later, the same rebel spokesman announced that soldiers from the Sudan People's Liberation Army (SPLA) had crossed the border with Uganda and entered the Ugandan towns of Moyo and Koboko.⁶⁶ The SPLA presence in Uganda was confirmed by eye witnesses, yet denied by the Ugandan military.⁶⁷

Also in August, the troops of the Regional Protection Force (RPF) of the UN Mission in South Sudan (UNMISS)⁶⁸ gradually arrived in the country, starting with a first detachment of 120 Rwandan peacekeepers.⁶⁹

Somalia – Kenya: Al-Shabaab attacks and responses

In Somalia, the fight against the radical Islamist al-Shabaab militia continued throughout the second half of 2017. On 30 July, for instance, 23 soldiers of the African Union Mission in Somalia (AMISOM) and one Somali soldier died in heavy fighting with al-Shabaab militants in the Lower Shabelle region.⁷⁰ In order to strengthen the Somali armed forces, Turkey opened a military base in Somalia's capital Mogadishu, with a capacity to train 10,000 Somali soldiers.⁷¹

US air strikes and ground operations in Somalia

On 4 July 2017, the US conducted what it called a 'collective self-defense strike operation against an al-Shabaab troop concentration',⁷² 300 miles southwest of Mogadishu, Somalia. No further information on the trigger for this attack

⁶⁴Jason Patinkin, 'Armed group in Uganda briefly abduct South Sudanese rebel, he says', *Reuters* (19 August 2017) www.reuters.com/article/us-southsudan-uganda/armed-group-in-uganda-briefly-abduct-south-sudanese-rebel-he-says-idUSKCN1AZ0K2.

⁶⁵*Ibid.*

⁶⁶Elias Biryabarema, 'Rebels say South Sudan's use of Uganda territory could spread instability', *Reuters* (30 August 2017) www.reuters.com/article/us-southsudan-uganda/rebels-say-south-sudans-use-of-uganda-territory-could-spread-instability-idUSKCN1BA216.

⁶⁷*Ibid.*

⁶⁸For an overview of the debate to increase the troops of the RPF, see Tom Ruys, Luca Ferro, Nele Verlingen and Carl Vander Maelen (eds), 'Digest of State Practice: 1 July – 31 December 2016' (2017) 4 *Journal on the Use of Force and International Law* 161, 168–70.

⁶⁹'Rwandan Soldiers Arrive in South Sudan Ahead of Thousands More Extra UN Troops', *VOA* (8 August 2017) www.voanews.com/a/rwandan-soldiers-arrive-in-south-sudan-ahead-of-thousands-more-extra-un-troops/3977062.html.

⁷⁰'Twenty-four killed in fighting between Somali, AU troops and al Shabaab, officials say', *Reuters* (30 July 2017) www.reuters.com/article/us-somalia-attacks-official/twenty-four-killed-in-fighting-between-somali-au-troops-and-al-shabaab-official-says-idUSKBN1AF0QG.

⁷¹Abdirahman Hussein and Orhan Coskun, 'Turkey opens military base in Mogadishu to train Somali soldiers', *Reuters* (30 September 2017) www.reuters.com/article/us-somalia-turkey-military/turkey-opens-military-base-in-mogadishu-to-train-somali-soldiers-idUSKCN1C50JH.

⁷²US, US Africa Command, 'U.S. strikes al-Shabaab fighters in Somalia', Public Affairs, Stuttgart, Germany, 5 July 2017, www.aficom.mil/media-room/pressrelease/29725/u-s-strikes-al-shabaab-fighters-in-somalia. See also 'U.S. strikes al Shabaab militants in Somalia: Pentagon', *Reuters* (5 July 2017) www.reuters.com.

was provided, apart from a general statement by the US African Command ('Africom') that 'Al-Shabaab has pledged allegiance to al-Qaeda and is dedicated to providing safe haven for terrorist attacks throughout the world.'⁷³ Another 'self-defense' air strike was launched when Somali troops, accompanied by US advisers, came under direct Al-Shabaab attack in Jilib, on 17 August.⁷⁴

In line with the new parameters approved by President Trump in March 2017,⁷⁵ the US also conducted several other strikes. On 30 July, the US assisted Somali forces in a raid against al-Shabaab, killing Ali Mohamed Hussein, a senior Al-Shabaab member.⁷⁶ The killing was later confirmed by al-Qaeda.⁷⁷ According to US Africom, the attack was 'a direct response to al-Shabaab actions, including recent attacks on Somali forces.'⁷⁸ US Africom reported similar strikes in August,⁷⁹ September,⁸⁰ November⁸¹ and December.⁸² The largest attack was carried out on 21 November in support of a Somali ground offensive⁸³ and killed over a hundred al-Shabaab militants.

[com/article/us-usa-somalia-pentagon/u-s-strikes-al-shabaab-militants-in-somalia-pentagon-idUSKBN19Q2DD](https://www.reuters.com/article/us-usa-somalia-pentagon/u-s-strikes-al-shabaab-militants-in-somalia-pentagon-idUSKBN19Q2DD).

⁷³*Ibid.*

⁷⁴Ryan Browne, 'US troops call in airstrike after they come under fire in Somalia', *CNN* (17 August 2017) <https://edition.cnn.com/2017/08/17/politics/us-troops-somalia-airstrike/index.html>.

⁷⁵Declaring some zones of Somalia 'areas of active hostilities', allowing for offensive strikes in addition to defensive ones. See previous Digest: Tom Ruys, Luca Ferro and Carl Vander Maelen (eds), 'Digest of state practice: 1 January – 30 June 2017' (2017) 4 *Journal on the Use of Force and International Law* 371, 386.

⁷⁶'U.S. says took part in Somali raid that killed al Shabaab commander', *Reuters* (4 August 2017) www.reuters.com/article/us-somalia-security/u-s-says-took-part-in-somalia-raid-that-killed-al-shabaab-commander-idUSKBN1AK19F.

⁷⁷'Al Qaeda says senior commander in Somalia al Shabaab affiliate killed', *Reuters* (26 August 2017) www.reuters.com/article/us-somalia-security/al-qaeda-says-senior-commander-in-somalia-al-shabaab-affiliate-killed-idUSKCN1B60PD.

⁷⁸US, US AFRICA COMMAND, 'U.S. confirms strike against al-Shabaab's Ali Jabal', Public Affairs, Stuttgart, Germany, 4 August 2017, www.africom.mil/media-room/pressrelease/29788/u-s-confirms-strike-against-al-shabaabs-ali-jabal.

⁷⁹US, US AFRICA COMMAND, 'U.S. strikes against al-Shabaab', Stuttgart, Germany, 10 August 2017, www.africom.mil/media-room/pressrelease/29802/u-s-strikes-against-al-shabaab and a similar press release on 17 August.

⁸⁰US, US AFRICA COMMAND, 'U.S. Conducts Airstrike in Support of the Federal Government of Somalia', Stuttgart, Germany, 6 September 2017, www.africom.mil/media-room/pressrelease/29886/u-s-conducts-airstrike-in-support-of-the-federal-government-of-somalia and similar press releases on 8 and 13 September.

⁸¹US, US AFRICA COMMAND, 'U.S. Conducts Airstrike in Support of the Federal Government of Somalia', Stuttgart, Germany, 9 November 2017, www.africom.mil/media-room/pressrelease/30074/u-s-conducts-airstrike-in-support-of-the-federal-government-of-somalia and similar press releases on 12, 15 and 21 November.

⁸²US, US AFRICA COMMAND, 'U.S. Conducts Airstrike in Support of the Federal Government of Somalia', Stuttgart, Germany, 12 December 2017, www.africom.mil/media-room/pressrelease/30188/u-s-conducts-airstrike-in-support-of-the-federal-government-of-somalia and similar press releases on 18, 27 and 28 December. Another air strike was reported on 6 December, but remained unconfirmed by US Africom. 'Air strike reported near Somalia's capital, official says Shabaab targeted', *Reuters* (6 December 2017) www.reuters.com/article/us-somalia-security/air-strike-reported-near-somalias-capital-official-says-shabaab-targeted-idUSKBN1E0283.

⁸³Abdi Sheikh, 'Somalia says it requested U.S. air strike that killed 100 militants', *Reuters* (22 November 2017) www.reuters.com/article/us-usa-military-somalia/somalia-says-it-requested-u-s-air-strike-that-killed-100-militants-idUSKBN1DM1FP.

On each occasion, the US stated that ‘U.S. forces will continue to use all authorized and appropriate measures to protect Americans and to disable terrorist threats.’⁸⁴

In addition to the abovementioned air strikes, the US was also involved in ground operations against al-Shabaab. Such participation was only revealed after an offensive on 25 November 2017 allegedly led to the killing of 10 civilians, including three children.⁸⁵ In spite of media reports revealed ‘strong evidence’ of US involvement in civilian casualties,⁸⁶ US Africom concluded after an investigation that ‘the only casualties were those of armed enemy combatants’.⁸⁷ In mid-December, however, US Africom announced that a new investigation would be opened in order ‘to ensure a full exploration of the facts given the gravity of the allegations’.⁸⁸

US attacks against IS in Somalia

According to a UN Report, the presence of IS militants in Somalia increased from a few dozen in 2016 up to 200 in 2017.⁸⁹ Shortly after an Uzbek immigrant inspired by the Islamic State ploughed a truck into pedestrians and cyclists in New York City, killing eight,⁹⁰ President Trump announced that the US would hit IS ‘10 times harder’.⁹¹ On 3 and 27 November, the US carried out air strikes against members of IS in north-eastern Somalia, allegedly killing several terrorists.⁹² Shortly after the first strike, the US ordered all

⁸⁴See references to US Africom press releases above.

⁸⁵Abdi Seikh, ‘U.S. forces in Somalia raid; three children reported among dead’, *Reuters* (25 August 2017) www.reuters.com/article/us-somalia-security/u-s-forces-in-somalia-raid-three-children-reported-among-dead-idUSKCN1B523H.

⁸⁶See Christina Goldbaum, ‘Strong Evidence that U.S. Special Operations Forces Massacred Civilians in Somalia’, *The Daily Beast* (29 November 2017) www.thedailybeast.com/strong-evidence-that-us-special-operations-forces-massacred-civilians-in-somalia.

⁸⁷US, US AFRICA COMMAND, ‘Aug. 25 civilian casualty allegation assessment result released’, Stuttgart, Germany, 29 November 2017, www.africom.mil/media-room/pressrelease/30134/aug-25-civilian-casualty-allegation-assessment-results-released.

⁸⁸Elizabeth McLaughlin and Luis Martinez, ‘US military orders new investigation after report that special operations killed Somali civilians’, *ABC News* (14 December 2017) <http://abcnews.go.com/International/us-military-orders-investigation-report-army-special-forces/story?id=51788736>.

⁸⁹Katharine Houreld, ‘Islamic State’s footprint spreading in northern Somalia: U.N.’, *Reuters* (8 November 2017) www.reuters.com/article/us-somalia-islamic-state/islamic-states-footprint-spreading-in-northern-somalia-u-n-idUSKBN1D828Z.

⁹⁰Devlin Barrett, Matt Zapotosky and Mark Berman, ‘New York truck attack suspect charged with terrorism offense as Trump calls for a death sentence’, *Washington Post* (2 November 2017) www.washingtonpost.com/news/post-nation/wp/2017/11/01/new-york-attack-probe-expands-to-uzbekistan-as-possible-militant-links-explored/?utm_term=.74f844ea09c6. Although White House press secretary Sarah Huckabee Sanders said that ‘I believe we would consider this person to be an enemy combatant’ and US President Trump said he was considering sending Saipov to the Guantanamo Bay detention facility, the attacker (Sayfullo Saipov) was charged with crimes in a US civilian court.

⁹¹‘New York attack: Trump vows to ‘hit IS 10 times harder’, *BBC News* (3 November 2017) www.bbc.com/news/world-us-canada-41860808.

⁹²US, US AFRICA COMMAND, ‘U.S. conducts airstrikes against ISIS in Somalia’, Stuttgart, Germany, 3 November 2017, www.africom.mil/media-room/pressrelease/30046/u-s-conducts-airstrikes-against-isis-in-somalia; ‘U.S. carries out first strikes against Islamic State in Somalia’, *Reuters* (3 November 2017) www.reuters.com/article/us-usa-somalia-military/u-s-carries-out-first-strikes-against-islamic-state-in-somalia-idUSKBN1D323S; US, US AFRICA COMMAND, ‘U.S. Conducts Airstrike in Support of the Federal

of its non-essential diplomatic staff to leave the Somali capital of Mogadishu, saying it received a 'specific threat' against its personnel.⁹³

Kenya: al-Shabaab attacks and response

Al-Shabaab militants killed at least three Kenyan police officers during a raid on a border village in the northeast of Kenya on 5 July 2017.⁹⁴ Two days later, al-Shabaab reportedly beheaded nine civilians in an attack on the village of Jima in southeastern Kenya.⁹⁵ In response, the Kenyan Defence Force launched retaliatory airstrikes against an al-Shabaab base in the Boni forest, near the Somali border.⁹⁶ On 13 July, a senior Kenyan government official was reportedly taken hostage by al-Shabaab together with five others, in the coastal district of Lamu. Two hostages were killed during the army-led rescue operation.⁹⁷ One month later, another five Kenyan policemen were killed in a suspected al-Shabaab ambush in Garissa County.⁹⁸ On 18 August, al-Shabaab members beheaded three civilians in Maleli, Lamu County.⁹⁹ In the same county, four men were beheaded by al-Shabaab militants in two attacks on 6 September. On 3 September, another three Kenyan policemen were reportedly killed by alleged al-Shabaab members in the south of Mombasa.¹⁰⁰

Government of Somalia', Stuttgart, Germany, 27 November 2017, www.africom.mil/media-room/pressrelease/30119/u-s-conducts-airstrike-in-support-of-the-federal-government-of-somalia; 'U.S. military says conducted air strike against ISIS in Somalia', *Reuters* (27 November 2017) www.reuters.com/article/us-somalia-security/u-s-military-says-conducted-air-strike-against-isis-in-somalia-idUSKBN1DR2DD.

⁹³'U.S. warns of threat to diplomatic staff in Somali capital', *Reuters* (4 November 2017) www.reuters.com/article/us-us-somalia-security/u-s-warns-of-threat-to-diplomatic-staff-in-somali-capital-idUSKBN1D40RS.

⁹⁴Joseph Akwiri, 'Somali militants kill three police in raid on Kenyan border town', *Reuters* (5 July 2017) www.reuters.com/article/us-kenya-attack/somali-militants-kill-three-police-in-raid-on-kenyan-border-town-idUSKBN19Q1VK.

⁹⁵'Al-Shabaab beheads 9 civilians in attack on Kenya village', *News 24* (8 July 2017) www.news24.com/Africa/News/al-shabaab-beheads-9-civilians-in-attack-on-kenya-village-20170708. Similar events occurred on 18 August and 6 September, beheading three and four civilians respectively. See 'Suspected al shabaab attackers kill three in Kenya's Lamu: official', *Reuters* (18 August 2017) www.reuters.com/article/us-kenya-attacks/suspected-al-shabaab-attackers-kill-three-in-kenyas-lamu-official-idUSKCN1AY0VJ; Joseph Akwiri, 'Suspected al Shabaab militants behead four in Kenya's Lamu County: official', *Reuters* (6 September 2017) www.reuters.com/article/us-kenya-security/suspected-al-shabaab-militants-behead-four-in-kenyas-lamu-county-official-idUSKCN1BH1BY.

⁹⁶Joseph Akwiri, 'Kenyan military says it launches strikes against al Shabaab forest base', *Reuters* (10 July 2017) www.reuters.com/article/us-kenya-violence/kenyan-military-says-it-launches-strikes-against-al-shabaab-forest-base-idUSKBN19V1WG.

⁹⁷'Two killed in hostage rescue operation after militant attack in Kenya', *Reuters* (13 July 2017) www.reuters.com/article/us-kenya-violence/two-killed-in-hostage-rescue-operation-after-militant-attack-in-kenya-idUSKBN19Y272.

⁹⁸Humphrey Malalo, 'Suspected Somali militants kill five Kenyan police officers: sources', *Reuters* (15 August 2017), www.reuters.com/article/us-kenya-attacks/suspected-somali-militants-kill-five-kenyan-police-officers-sources-idUSKCN1AV1S3.

⁹⁹'Suspected al-Shabab attackers behead 3 in Kenya's Lamu', *Al Jazeera* (18 August 2017) www.aljazeera.com/news/2017/08/suspected-al-shabab-attackers-behead-3-kenya-lamu-17081810001888.html.

¹⁰⁰Joseph Akwiri, 'Gunmen kill two policemen at church on Kenya's coast', *Reuters* (3 September 2017) www.reuters.com/article/us-kenya-security/gunmen-kill-two-policemen-at-church-on-kenyas-coast-idUSKCN1BE0NC.

Djibouti: Chinese troops arrive at military naval base

On 12 July 2017, China started shipping its military personnel to Djibouti, where it had begun constructing its first overseas military naval base the year before.¹⁰¹ According to the State news agency Xinhua, the base would be used for ‘escorting, peace-keeping and humanitarian aid in Africa and west Asia’, as well as for ‘military cooperation, joint exercises, evacuating and protecting overseas Chinese and emergency rescue’ and ‘jointly maintaining security of international strategic seaways.’¹⁰² Chinese President Xi asked the troops to ‘promote international and regional peace and stability’.¹⁰³

3. Middle East

Iraq: government declares victory over IS; Kurdish referendum triggers military response from Iraq and Turkey

Following a nine-month offensive by Iraqi forces, backed by air support from US-led coalition forces participating in Operation Inherent Resolve, the Iraqi authorities succeeded in retaking the city of Mosul from the so-called ‘Islamic State’ (IS, ISIS, ISIL, also known as Da’esh) in mid-2017.¹⁰⁴ On 9 July 2017, Iraqi Prime Minister al-Abadi visited the city and declared victory over IS.¹⁰⁵ While the offensive resulted in heavy suffering of, and casualties among, the population of Mosul – with Amnesty International accusing pro-government and coalition forces of disproportionate military attacks¹⁰⁶

¹⁰¹Ben Blanchard, ‘China sends troops to open first overseas military base in Djibouti’, *Reuters* (12 July 2017) www.reuters.com/article/us-china-djibouti/china-sends-troops-to-open-first-overseas-military-base-in-djibouti-idUSKBN19X049.

¹⁰²*Ibid.*

¹⁰³Promote peace, China’s Xi tells soldiers at first overseas base’, *Reuters* (4 November 2017) www.reuters.com/article/us-china-defence/promote-peace-chinas-xi-tells-soldiers-at-first-overseas-base-idUSKBN1D401U.

¹⁰⁴Khaled al-Ramahi and Maher Chmaytelli, ‘Iraq declares end of caliphate after capture of Mosul mosque’, *Reuters* (29 June 2017) www.reuters.com/article/us-mideast-crisis-iraq-mosul/iraq-declares-end-of-caliphate-after-capture-of-mosul-mosque-idUSKBN19K0YZ; ‘Iraq army seizes ruins of Mosul mosque from ISIL’, *Al Jazeera* (29 June 2017) www.aljazeera.com/news/2017/06/iraq-army-seizes-ruins-mosul-mosque-isis-170629101924765.html.

¹⁰⁵Tim Arango and Michael R Gordon, ‘Iraqi Prime Minister arrives in Mosul to declare victory over ISIS’, *New York Times* (9 July 2017) www.nytimes.com/2017/07/09/world/middleeast/mosul-isis-liberated.html.

¹⁰⁶Amnesty International, ‘“At Any Cost” – The Civilian Catastrophe in West Mosul, Iraq’ (11 July 2017) www.amnesty.org/en/latest/campaigns/2017/07/at-any-cost-civilian-catastrophe-in-west-mosul-iraq/ (‘Pro-government forces relied heavily upon explosive weapons with wide area effects such as IRAMs (Improvised Rocket Assisted Munitions) ... The use of unsuitable weapons or failure to take other necessary precautions resulted in needless loss of civilian lives and in some cases appears to have constituted disproportionate attacks. ... Between 19 February and 19 June 2017, attacks launched by Iraqi and coalition forces may have caused the deaths of as many as 5,805 civilians.’). It should be noted that Lt. Gen Stephen Townsend, then-commander of the Combined Joint Task Force of Operation Inherent Resolve, rejected ‘any notion that coalition fires were in any way imprecise, unlawful or excessively targeted civilians’. See Ellen Mitchell, ‘Top US general denies claim of possible war crimes in Mosul fight’, *The Hill* (11 July 2017) www.thehill.com/policy/defense/341539-us-commander-denies-reports-of-possible-coalition-war-crimes-in-mosul-fight. In a similar vein: United States of America, Department

– the retaking of Mosul dealt a heavy blow to IS. Mosul was the largest city in either Iraq or Syria held by the group. It was also the place where IS-leader al-Baghdadi declared himself the leader of an Islamic ‘caliphate’ in 2014.

The victory over IS did not, however, succeed in bringing peace and stability to Iraq. In particular, September saw the tension concerning the push for Kurdish independence come to a head, as both Turkish forces (which had previously been embroiled in escalating clashes with the Kurdistan Workers Party (PKK)) and Iraqi forces sought to quell the movement. Thus, when the regional authorities in Iraq’s Kurdish region announced an independence referendum to take place on 25 September 2017, Turkish soldiers started conducting military drills along the Turkish-Iraqi border in a show of strength from mid-September onwards. The Turkish army also started carrying out airstrikes in the Iraqi Zab region on PKK positions. Scores of militants were killed in the process,¹⁰⁷ as were several Turkish forces.¹⁰⁸

Regardless, the referendum took place and reportedly resulted in over 92% of the Iraqi Kurds voting in favour of independence.¹⁰⁹ The results were swiftly condemned by both the Turkish and Iraqi government. Turkish president Recep Tayyip Erdogan stated: ‘Our armed forces are on the borders with Iraq to do whatever it takes. ... Irrespective of the result, we see this [referendum] as null and void and say it is illegitimate’.¹¹⁰

On 15 October, the Iraqi government accused Kurdish authorities of bringing PKK militants to Kirkuk, and characterised the move as a ‘declaration of war’.¹¹¹ The day after, almost three weeks after the referendum, Iraqi forces launched a large-scale military operation to capture the Kurdish held-city

of Defense, ‘Secretary Mattis Media Availability with General Townsend and Special Envoy McGurk’ (22 August 2017) www.defense.gov/News/Transcripts/Transcript-View/Article/1286209/secretary-mattis-media-availability-with-general-townsend-and-special-envoy-mcgurk/. See also Samuel Oakford, ‘The U.S. Is in Denial about the Civilians It’s Killing in Syria’, *Foreign Policy* (31 August 2017) www.foreignpolicy.com/2017/08/31/the-u-s-is-in-denial-about-the-civilians-its-killing-in-syria/; Human Rights Council, ‘Report of the Independent International Commission of Inquiry on the Syrian Arab Republic’ (8 August 2017).

¹⁰⁷Turkish warplanes kill three Kurdish militants in northern Iraq – army’, *Reuters* (19 September 2017) www.reuters.com/article/uk-turkey-security-iraq/turkish-warplanes-kill-three-kurdish-militants-in-northern-iraq-army-idUUKCN1BU2A5; ‘Turkish jets destroy PKK hideouts in northern Iraq’, *Hürriyet Daily News* (24 September 2017) www.hurriyetdailynews.com/turkish-jets-destroy-pkk-hideouts-in-northern-iraq---118320.

¹⁰⁸Four Turkish security personnel killed in anti-PKK operation’, *The New Arab* (30 September 2017) www.alaraby.co.uk/english/news/2017/9/30/four-turkish-security-personnel-killed-in-anti-pkk-operation.

¹⁰⁹Martin Chulov, ‘More than 92% of voters in Iraqi Kurdistan back independence’, *The Guardian* (28 September 2017) www.theguardian.com/world/2017/sep/27/over-92-of-iraqs-kurds-vote-for-independence.

¹¹⁰Erdogan warns of armed action over Kurdish referendum’, *Al Jazeera* (25 September 2017) www.aljazeera.com/news/2017/09/erdogan-warns-armed-action-iraqi-kurdistan-vote-170925142445627.html.

¹¹¹Iraq says Kurds have brought in PKK fighters in “declaration of war”, *Reuters* (15 October 2017) www.reuters.com/article/uk-mideast-crisis-iraq-kurds-kirkuk/iraq-says-kurds-have-brought-in-pkk-fighters-in-declaration-of-war-idUUKBN1CK0Q1.

of Kirkuk.¹¹² Iraqi government forces regained control over the city on 20 October, albeit that scattered border clashes continued to occur in subsequent days.¹¹³ Meanwhile, Turkish forces also clashed with Kurdish fighters within Syria (see *infra*).

Syrian civil war rages on: third-State involvement and spill-over effects

Overview

After Syria's extremely turbulent first half of 2017,¹¹⁴ the situation in the war-torn country did not stabilise in the second half of the year. Although Raqqa was taken back from IS and some headway was made as to the establishment and enforcement of de-escalation areas, dozens of incidents nonetheless took place involving Russia, the Syrian government forces, Israel, the US-backed coalition, and Turkey.

Declarations of 'victory' over IS

Echoing the declaration of victory over IS by the Iraqi authorities following the recapture of Mosul (see *supra*), the second half of 2017 saw important successes in the fight against IS within Syria. In particular, on 20 October, the Syrian Democratic Forces (SDF), an alliance of Kurdish and Arab militias backed by the United States of America, declared the 'total liberation' of Raqqa, which had been the stronghold of IS for several years.¹¹⁵ Seizing Raqqa was seen as a near-mortal blow to IS, and led to a fierce push of the other parties to drive the terrorist organisation out of its final bastions. Three weeks later, Syrian government forces announced victory in the fight against IS upon retaking Albu Kamal, the last town held by the militant group in Syria. The Syrian army brushed off small pockets of resistance it still encountered in the desert area as negligible.¹¹⁶

¹¹²Saeed Kamali Dehghan *et al.*, 'Iraqi forces claim rapid progress in operation to "impose security" on Kirkuk', *The Guardian* (16 October 2017) www.theguardian.com/world/2017/oct/16/iraqi-army-advances-kirkuk-kurds.

¹¹³David Zucchino, 'Enmity Between Baghdad and Kurds Erupts in Deadly Clashes', *New York Times* (24 October 2017) www.nytimes.com/2017/10/24/world/middleeast/iraqi-kurds-clashes-abadi.html?rref=collection%2Fsectioncollection%2Fworld&action=click&contentCollection=world®ion=rank&module=package&version=highlights&contentPlacement=2&pgtype=sectionfront.

¹¹⁴See Ruys, Ferro and Vander Maelen (eds) (n 75) 388–402.

¹¹⁵Arwa Damon *et al.*, 'Raqqa: US-backed forces declare "total liberation" of ISIS stronghold', *CNN* (20 October 2017) www.edition.cnn.com/2017/10/20/middleeast/raqqa-syria-isis-total-liberation/index.html.

¹¹⁶Angus McDowall and Sarah Dadouch, 'Syria declares victory over Islamic State', *Reuters* (9 November 2017) www.reuters.com/article/uk-mideast-crisis-islamic-state/syria-declares-victory-over-islamic-state-idUKKBN1D91R7.

The victory chorus was joined in early December by Russian president Putin¹¹⁷ (as well as Turkey and Iran in a joint statement)¹¹⁸ and led him to order the Russian military to begin withdrawing from Syria. However, Russia later said it would keep a naval and an air base in Syria, capable of carrying out strikes against ‘terrorists’ if required.¹¹⁹

Peace negotiations and de-escalation areas

Although a general ceasefire for the conflict in Syria could not be reached, July 2017 nevertheless started promisingly when the US, Russia and Jordan agreed to a truce in the southwest of the country. The ceasefire covered the provinces Deraa, Suweida and Quneitra and seemed aimed at preventing a spillover of violence to Jordan in the South and Israel in the West.¹²⁰ United States National Security Adviser H.R. McMaster called the agreement an important step in striving to ‘defeating ISIS, helping to end the conflict in Syria [and] reducing suffering’.¹²¹ The Iranian foreign ministry spokesman was more critical and said that:

The agreement can be fruitful if it is expanded to all of Syria and includes all the area that we discussed in Astana talks for de-escalating the tension. ... Iran is seeking Syria’s sovereignty and security so a ceasefire cannot be limited to a certain location ... No agreement would be successful without taking the realities on the ground into account.¹²²

Several weeks later, Iran reached an agreement with Russia and Turkey during the sixth round of Syrian peace negotiations in Astana to establish ceasefire zones (or ‘de-escalation areas’, as the agreement calls them). The agreement stipulated that it created such areas

¹¹⁷Putin declares “complete victory” on both banks of Euphrates in Syria’, *Reuters* (6 December 2017) www.reuters.com/article/uk-mideast-crisis-syria-putin/putin-declares-complete-victory-on-both-banks-of-euphrates-in-syria-idUKKBN1E028G.

¹¹⁸Republic of Turkey, Ministry of Foreign Affairs, ‘Joint statement by Iran, Russia and Turkey on the International Meeting on Syria in Astana, 21–22 December 2017’ (22 December 2017) www.mfa.gov.tr/astanada-duzenlenen-suriye-konulu-uluslararasi-toplanti-hk-ortak-aciklama_en.en.mfa.

¹¹⁹Denis Pinchuk, ‘Russia will keep bases in Syria to strike at insurgents – Kremlin’, *Reuters* (12 December 2017) www.reuters.com/article/uk-mideast-crisis-syria-russia-withdrawa/russia-will-keep-bases-in-syria-to-strike-at-insurgents-kremlin-idUKKBN1E610E. It should be noted that Russia is also believed to have incentivized private security contractors to join the conflict in Syria by explicitly announcing in July that oil and mining rights would be awarded to corporate actors if they managed to clear Syrian territory from ISIL. Andrew E Kramer, ‘Russia Deploys a Potent Weapon in Syria: The Profit Motive’, *New York Times* (5 July 2017) www.nytimes.com/2017/07/05/world/middleeast/russia-syria-oil-isis.html. Two Russian companies believed to benefit from the policy – which was arranged with the Syrian government – are Evros Polis and Stroytransgaz.

¹²⁰Ceasefire goes into effect in Deraa, Suweida, Quneitra’, *Al Jazeera* (9 July 2017) www.aljazeera.com/news/2017/07/syria-ceasefire-deraa-suweida-quneitra-170709074305852.html.

¹²¹Nicole Chavez and Tamara Qiblawi, ‘Ceasefire brokered by US and Russia begins in Syria’, *CNN* (9 July 2017) www.edition.cnn.com/2017/07/09/middleeast/syria-ceasefire-begins/index.html.

¹²²Iran: U.S.-Russia ceasefire deal should be expanded to cover all Syria’, *Reuters* (10 July 2017) www.reuters.com/article/uk-mideast-crisis-syria-iran/iran-u-s-russia-ceasefire-deal-should-be-expanded-to-cover-all-syria-idUKKBN19V0QO.

in eastern Ghouta, in certain parts in the north of Homs province, in Idlib province and certain parts of the neighbouring provinces (Latakia, Hama and Aleppo provinces) and also in certain parts of southern Syria (based on the Russian Federation initiative as a Guarantor of the Astana process, with the aim to ensure the ceasefire regime, territorial integrity of the Syrian Arab Republic and continue fight against terrorism).¹²³

The three countries reaffirmed their commitment to guaranteeing the ceasefire regime on two more occasions throughout the year.¹²⁴ The eighth round of the Geneva peace negotiations proved less successful.¹²⁵

Responsibility for gas attack of 4 April 2017

The controversy surrounding the use of chemical weapons in Syria's town of Khan Sheikhoun on 4 April 2017¹²⁶ refused to die down in the second half of 2017. In a scathing report, the UN Independent International Commission of Inquiry on the Syrian Arab Republic found convincing evidence that the Syrian air force was responsible for conducting the devastating sarin gas attack, and it labelled the deployment as the war crime of 'using chemical weapons and indiscriminate attacks in a civilian inhabited area'.¹²⁷

The report largely echoed the previous findings in the sixth report of the UN-OPCW Joint Investigative Mechanism (JIM) (and reiterated in its seventh report¹²⁸), which also concluded that the Syrian government forces were responsible for the gas attack.¹²⁹

The Syrian government, for its part, strongly asserted that it 'does not possess any chemical weapons, strongly condemns the use of such weapons in any place, for any purpose and under any pretext, and has never used

¹²³Letter dated 18 September 2017 from the Permanent Representatives of the Islamic Republic of Iran, the Russian Federation and Turkey to the United Nations addressed to the President of the Security Council, UN Doc S/2017/790 (19 September 2017).

¹²⁴Letter dated 22 November 2017 from the Permanent Representatives of the Islamic Republic of Iran, the Russian Federation and Turkey to the United Nations addressed to the Secretary-General, UN Doc A/72/616-S/2017/987 (30 November 2017).

¹²⁵See, e.g. Identical letters dated 17 December 2017 from the Chargé d'affaires a.i. of the Permanent Mission of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2017/1064 (18 December 2017) (complaining that negotiating partners prevented 'any constructive dialogue with the Syrian State by setting preconditions on crucial issues').

¹²⁶For a detailed overview, see Ruys, Ferro and Vander Maelen (eds) (n 75) 396–402.

¹²⁷Human Rights Council, 'Report of the Independent International Commission of Inquiry on the Syrian Arab Republic' (8 August 2017) 16.

¹²⁸United Nations, Organization for the Prohibition of Chemical Weapons (OPCW) Joint Investigative Mechanism, 'Seventh report of the Organisation for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism, UN Doc S/2017/904 (26 October 2017).

¹²⁹United Nations, Organization for the Prohibition of Chemical Weapons (OPCW) Joint Investigative Mechanism, 'Sixth report of the Organisation for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism', UN Doc S/2017/552 (28 June 2017). The Joint Investigative Mechanism is a joint UN Panel investigating the chemical weapons attacks in Syria.

any toxic chemicals since the crisis began',¹³⁰ and repeated this message several times throughout the remainder of the year.¹³¹

Repeated attempts to extend the mandate of the JIM established by resolution 2235 (2015)¹³² were blocked as Russia vetoed draft Security Council resolutions on 24 October¹³³ and again on 16 and 17 November 2017.¹³⁴

Tension and incidents between US-led coalition forces, on the one hand, and Syria and Russia, on the other hand

The coalition of States participating in Operation Inherent Resolve¹³⁵ continued its operations in Syria in full force.¹³⁶ The 29 August saw no less than 51 airstrikes conducted in one day, 46 of which occurred near Raqqa.¹³⁷ A day later, a precision airstrike was carried out, accompanied by a CENTCOM statement that it would not permit militias to relocate: 'The Coalition was not a party to any agreement between the Lebanese Hezbollah, the Syrian regime and ISIS. Russian and pro-regime counter-ISIS words ring hollow when they cut deals with and allow terrorists to transit territory under their control'.¹³⁸ The coalition 'cratered the road heading east between Hamaymah and Abul Kamal to prevent the further transport of ISIS fighters to the border area of our Iraqi partners,' after which individual fighters and vehicles were neutralised.¹³⁹

¹³⁰Identical letters dated 3 July 2017 from the Chargé d'affaires a.i. of the Permanent Mission of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2017/570 (6 July 2017).

¹³¹Identical letters dated 27 November 2017 from the Chargé d'affaires a.i. of the Permanent Mission of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2017/991 (5 December 2017). See also: Identical letters dated 7 November 2017 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2017/935 (14 November 2017): strongly disagreeing with the JIM's seventh report, and claiming that 'because of the extreme politicization of its mandate, the Mechanism did not apply the principle of innocent until proven guilty' and that 'the report is contradictory and vague and that no convincing or irrefutable physical evidence is available'.

¹³²UNSC Res 2235, UN Doc S/RES/2235 (7 August 2015).

¹³³UNSC Verbatim Record, UN Doc S/PV.8073 (24 October 2017) 4–5.

¹³⁴On 16 November, Russia posed its tenth veto concerning the situation in Syria by blocking draft resolution S/2017/962. A Russian draft resolution similarly failed to pass, having received only four votes in favour, seven against, and four abstentions. See UNSC Verbatim Record, UN Doc S/PV.8105 (16 November 2017). A day later, Russia vetoed draft resolution S/2017/970, which was the final bid to renew the mandate of JIM for one month until a compromise could be reached. UNSC Verbatim Record, UN Doc S/PV.8107 (17 November 2017).

¹³⁵For the coalition's official website, see www.inherentresolve.mil/. For additional information and regular updates, see the website of US Central Command, www.centcom.mil/.

¹³⁶The overview of CENTCOM press releases shows the near-continuous airstrikes from 1 July until 31 December: www.centcom.mil/MEDIA/PRESS-RELEASES/?Page=23.

¹³⁷United States of America, CENTCOM, 'August 30: Military airstrikes continue against ISIS terrorists in Syria and Iraq' (30 August 2017) www.centcom.mil/MEDIA/PRESS-RELEASES/Press-Release-View/Article/1294485/august-30-military-airstrikes-continue-against-isis-terrorists-in-syria-and-iraq/.

¹³⁸United States of America, CENTCOM, 'Coalition Statement on ISIS Convoy' (30 August 2017) www.centcom.mil/MEDIA/PRESS-RELEASES/Press-Release-View/Article/1294873/coalition-statement-on-isis-convoy/.

¹³⁹*Ibid.*

In spite of these precision operations, Syria accused the US-led coalition of civilian casualties on numerous occasions,¹⁴⁰ as well as of attacks against infrastructure and economic installations.¹⁴¹

The simultaneous operations by Russia and US-backed forces also caused several incidents between the two. On 25 September, the SDF (an alliance of Kurdish and Arab militias fighting with the American-led coalition against IS) asserted that Russian jets targeted them in the oil-rich province Deir al-Zor, leaving one SDF fighter dead and two others injured.¹⁴²

Russia denied that it had launched the attack, although a few days earlier Maj. Gen. Igor Konashenkov had warned that his troops would attack areas occupied by American units and US-backed fighters if Russian forces would come under fire: 'Any attempts to open fire from areas where SDF fighters are located would be quickly shut down. ...

¹⁴⁰Identical letters dated 30 July 2017 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2017/655 (3 August 2017); Identical letters dated 2 August 2017 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2017/675 (8 August 2017); Identical letters dated 6 August 2017 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2017/684 (8 August 2017); Identical letters dated 17 August 2017 from the Chargé d'affaires a.i. of the Permanent Mission of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2017/717 (16 August 2017); Identical letters dated 23 August 2017 from the Chargé d'affaires a.i. of the Permanent Mission of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2017/732 (24 August 2017); Identical letters dated 21 September 2017 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council; UN Doc S/2017/793 (25 September 2017); Identical letters dated 28 September 2017 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2017/812 (9 September 2017); Identical letters dated 3 October 2017 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2017/834 (5 October 2017); Identical letters dated 24 October 2017 from the Chargé d'affaires a.i. of the Permanent Mission of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2017/893 (31 October 2017); Identical letters dated 12 November 2017 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2017/952 (15 November 2017); Identical letters dated 14 December 2017 from the Chargé d'affaires a.i. of the Permanent Mission of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2017/1052 (15 December 2017).

¹⁴¹Identical letters dated 12 July 2017 from the Chargé d'affaires a.i. of the Permanent Mission of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and President of the Security Council, UN Doc S/2017/603 (14 July 2017); Identical letters dated 3 August 2017 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and President of the Security Council, UN Doc S/2017/673 (8 August 2017); Identical letters dated 27 December 2017 from the Chargé d'affaires a.i. of the Permanent Mission of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2017/1115 (28 December 2017).

¹⁴²'U.S.-backed alliance says Russian jets struck its fighters in east Syria', *Reuters* (25 September 2017) www.reuters.com/article/us-mideast-crisis-syria-sdf/u-s-backed-alliance-says-russian-jets-struck-its-fighters-in-east-syria-idUSKCN1C0118.

Firing positions in those areas will be immediately suppressed with all military means'.¹⁴³

Russia and the US-led coalition also clashed beside the battlefield. After Russia transmitted a damning report about the Syria Civil Defense (also known as the 'White Helmets') to the Secretary-General,¹⁴⁴ the US and its partners replied that the document contained 'false, misleading and inaccurate allegations.' Furthermore, the coalition accused the 'Syrian authorities and allied forces [of attacking] civilians and civilian facilities' and doing so by employing 'the now infamous "follow-on strikes", in which aircraft conduct a second attack as soon as rescue operations begin'.¹⁴⁵

Meanwhile, Russia's continued military operations in Syria received fierce criticism because of an alleged high number of civilian casualties. The Syrian Observatory for Human Rights (SOHR) said that at least 34 civilians died during a Russian air raid on ferries in the Euphrates River in Deir Az Zor.¹⁴⁶ Russia, for its part, accused the SOHR of fabricating stories in favour of extremists.¹⁴⁷ The same denial took place later that month when Russian and Syrian air strikes were accused of killing at least 150 non-combatants in the northwest of Syria.¹⁴⁸

Incidents between Syria and Turkey

Tensions between Syria and Turkey ran high when Turkey decided to ramp up its involvement in the conflict in Syria from 17 July onwards. In the span of a week, Syria decried the operations of Turkish forces in three letters to the UN Security Council, describing them as 'illegal acts that constitute military aggression',¹⁴⁹ actions that 'blatantly violate international law'¹⁵⁰ and 'repeated

¹⁴³David Filipov and Liz Sly, 'Russia threatens retaliatory strikes against U.S. troops and their allies in Syria', *Washington Post* (21 December 2017) www.washingtonpost.com/world/russia-warns-of-retaliation-if-facing-fire-from-us-led-coalition-in-syria/2017/09/21/00e3b81c-9eba-11e7-8ed4-a750b67c552b_story.html?utm_term=.b8f644756e30.

¹⁴⁴Letter dated 10 May 2017 from the Chargé d'affaires a.i. of the Permanent Mission of the Russian Federation to the United Nations addressed to the Secretary-General, UN Doc A/71/910-S/2017/415 (19 May 2017).

¹⁴⁵Letter dated 11 July 2017 from the Permanent Representatives of Canada, Denmark, France, Germany, the Netherlands, New Zealand, the United Kingdom of Great Britain and Northern Ireland and the United States of America to the United Nations addressed to the President of the Security Council, UN Doc S/2017/598 (11 July 2017).

¹⁴⁶Russian air raids kill 34 civilians near Deir Az Zor', *Al Jazeera* (10 September 2017) www.aljazeera.com/news/2017/09/russian-air-strikes-kill-34-civilians-deir-az-zor-170910162742746.html.

¹⁴⁷Russia denies it killed civilians in air strikes on Syria's Idlib', *Reuters* (26 September 2017) www.in.reuters.com/article/mideast-crisis-syria-russia/russia-denies-it-killed-civilians-in-air-strikes-on-syria-idlib-idINKN1C10PC.

¹⁴⁸Opposition says 150 civilians killed in Russian, Syrian raids on Idlib', *Reuters* (27 September 2017) www.reuters.com/article/uk-mideast-crisis-syria-idlib/opposition-says-150-civilians-killed-in-russian-syrian-raids-on-idlib-idUKKN1C233M.

¹⁴⁹Identical letters dated 29 June 2017 from the Chargé d'affaires a.i. of the Permanent Mission of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc A/71/975-S/2017/562 (7 July 2017).

¹⁵⁰Identical letters dated 6 July 2017 from the Chargé d'affaires a.i. of the Permanent Mission of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc A/71/972-S/2017-582 (11 July 2017).

aggressions ... against the sovereignty and territory of Syria'.¹⁵¹ Turkey replied in a letter that it 'categorically refutes the spurious allegations contained in those and other letters to the same effect' and that it 'will not hesitate to exercise its inherent right of self-defence as outlined in Article 51 of the Charter of the United Nations in response to threats to its national security'.¹⁵²

Despite this heated exchange, the only other incident between Turkey and Syria's Assad regime to still occur was in October when Turkey refused the Syrian demand to withdraw its troops from the Idlib province. A Turkish official maintained that the deployment had been implemented in close military coordination with Russian forces, with a view to establishing a de-escalation area as agreed with Moscow and Tehran.¹⁵³

Not long hereafter, on 21 November, the Syrian Kurdish YPG – traditionally an ally of the United States in the fight against IS – accused Turkey of 'aggression' after Turkey sent forces into areas of Syria adjacent to the city of Afrin to counter the growing influence of the YPG militia.¹⁵⁴ A fully-fledged ground offensive by Turkish forces in the Afrin region would follow in January 2018 (more on this in the next Digest of State Practice).

Incidents between Syria and Israel

In a remarkable accident, the words of Israeli prime minister Benjamin Netanyahu were accidentally broadcast to reporters during a closed-door meeting with the prime ministers of Hungary, the Czech Republic, Poland and Slovakia. As a result, journalists could hear Netanyahu state first-hand that Israel had carried out 'dozens and dozens' of attacks¹⁵⁵ against Iranian arms convoys in Syria destined for Hezbollah.

We blocked the border not only in Egypt but in the Golan Heights. ... We built the wall because there was a problem with ISIS and Iran trying to build a terror front there. I told Putin, when we see them transferring weapons to Hezbollah, we will hurt them. We did it dozens of times.¹⁵⁶

¹⁵¹Identical letters dated 11 July 2017 from the Chargé d'affaires a.i. of the Permanent Mission of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc A/71/981-S/2017/595 (14 July 2017).

¹⁵²Letter dated 12 July 2017 from the Permanent Representative of Turkey to the United Nations addressed to the President of the Security Council, UN Doc S/2017/605 (13 July 2017).

¹⁵³Turkish official rebuffs call for Idlib troop pullout', *Al Jazeera* (15 October 2017) www.aljazeera.com/news/2017/10/turkish-official-rebuffs-call-idlib-troop-pullout-171015100957668.html.

¹⁵⁴'Syrian Kurdish YPG accuses Turkey of Afrin aggression', *Reuters* (21 November 2017) www.reuters.com/article/uk-mideast-crisis-syria-turkey/syrian-kurdish-ypg-accuses-turkey-of-afrin-aggression-idUKKBN1DL1EC.

¹⁵⁵Peter Beaumont, 'Netanyahu attack on EU policy towards Israel caught on microphone', *The Guardian* (19 July 2017) www.theguardian.com/world/2017/jul/19/eu-will-wither-and-die-if-it-does-not-change-policy-on-israel-netanyahu.

¹⁵⁶Barak Ravid, 'Israel Struck Hezbollah Targets in Syria Dozens of Times, Netanyahu Reveals in Hot-mic Remarks', *Haaretz* (19 July 2017) www.haaretz.com/israel-news/netanyahu-israel-struck-hezbollah-targets-in-syria-dozens-of-times-1.5431227.

Throughout the second half of 2017, Israel went on to conduct several high-profile military operations in Syria, with jets targeting a military position in Syria's Hama province in early September and killing at least seven soldiers.¹⁵⁷ The military position seemed to be a facility of the Scientific Studies and Research Centre, which the United States has previously designated as Syria's chemical weapons manufacturer.¹⁵⁸ Syria strongly reacted to the act,¹⁵⁹ as did Lebanon, who asserted that its airspace was violated during the operation.¹⁶⁰

Syria also accused Israel of an attack on a military site in Qunaytirah and deplored

that the Security Council has not been able to put an end to these Israeli acts of aggression and condemn them as a blatant violation of the purposes and principles of the Charter of the United Nations [and] the rules of international law ...¹⁶¹

Another incident took place on 1 November, when Israel reportedly conducted an airstrike against a factory near the Syrian city of Homs. Syria launched a missile at the aircraft but it failed to hit its target.¹⁶² This incident too was condemned by Syria in a letter to the UN Security Council.¹⁶³ More incidents followed on 2 and 4 December.¹⁶⁴

The foregoing did not stop Israel from sending several letters to the Council reporting violations of the Agreement on Disengagement between Israeli and Syrian Forces, and of violations of the Alpha line between the two countries. A detailed log book of alleged violations during May and June 2017 was sent, in which Israel asked the United Nations Disengagement

¹⁵⁷Syrian Observatory for Human Rights, 'Israeli missile strikes target missile depots, a research center and a camp west of Hama killing and injuring 7 members of the regime forces at least' (7 September 2017) www.syriaohr.com/en/?p=73750.

¹⁵⁸United States of America, Department of the Treasury, 'Treasury Sanctions 271 Syrian Scientific Studies and Research Center Staff in Response to Sarin Attack on Khan Sheikhouh' (24 April 2017) www.treasury.gov/press-center/press-releases/Pages/sm0056.aspx.

¹⁵⁹Identical letters dated 7 September 2017 from the Chargé d'affaires a.i. of the Permanent Mission of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2017/763 (8 September 2017).

¹⁶⁰Letter dated 8 September 2017 from the Permanent Representative of Lebanon to the United Nations addressed to the President of the Security Council, N Doc S/2017/772 (13 September 2017); Identical letters dated 30 October 2017 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc A/72/553-S/2017/915 (8 November 2017).

¹⁶¹Identical letters dated 22 October 2017 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2017/887 (25 October 2017).

¹⁶²Israeli air strike hits near Syria's Homs', *Reuters* (1 November 2017) www.reuters.com/article/uk-mideast-crisis-syria-israel/israeli-air-strike-hits-near-syrias-homs-idUKKBN1D15W2.

¹⁶³Identical letters dated 2 November 2017 from the Chargé d'affaires a.i. of the Permanent Mission of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2017/923 (3 November 2017).

¹⁶⁴Identical letters dated 5 December 2017 from the Chargé d'affaires a.i. of the Permanent Mission of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2017/1020 (5 December 2017).

Observer Force (UNDOF) to undertake action.¹⁶⁵ Similar logs were transmitted for July through September 2017¹⁶⁶ and October and November 2017.¹⁶⁷

Incidents on the Syria – Lebanon border

The Lebanese militant group Hezbollah and Syrian government forces carried out a joint operation in July against militia fighters on the Syrian-Lebanese border. The Lebanese army was deployed on the outskirts of the town of Arsal, in anticipation of fighters fleeing from Syria into Lebanon.¹⁶⁸ Although Lebanese prime minister Saad al-Hariri had said that the national army would carry out an operation in the Arsal area, he stated that no coordination had taken place between his national army and that of Syria.¹⁶⁹

Israel – Lebanon: repeated airspace violations and extension of UNIFIL mandate

The Lebanese government continued providing the UN with monthly statistical summaries of alleged Israeli violations of ‘Lebanese airspace, territorial waters and territory’ in violation of Security Council Resolution 1701 (2006).¹⁷⁰ Lebanon also sent letters concerning two individual alleged violations of the airspace on 7 and 10 September.¹⁷¹ Israel, for its part, also sent detailed logs of

¹⁶⁵Identical letters dated 27 July 2017 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2017/645 (27 July 2017).

¹⁶⁶Identical letters dated 10 November 2017 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2017/943 (13 November 2017).

¹⁶⁷Identical letters dated 29 December 2017 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2017/1130 (29 December 2017).

¹⁶⁸Laila Bassam and Tom Perry, ‘Hezbollah, Syria army launch offensive at Syrian-Lebanese border’, *Reuters* (21 July 2017) www.reuters.com/article/us-mideast-crisis-syria-lebanon/hezbollah-syria-army-launch-offensive-at-syrian-lebanese-border-idUSKBN1A608S.

¹⁶⁹‘Hezbollah, Syria army launch attack on Lebanon border’, *Al Jazeera* (22 July 2017) www.aljazeera.com/news/2017/07/hezbollah-syrian-army-launch-attack-border-area-170721035924650.html.

¹⁷⁰Identical letters dated 29 June 2017 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc A/71/983–S/2017/599 (20 July 2017); Identical letters dated 3 August 2017 from the Chargé d’affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc A/71/1023–S/2017/702 (14 August 2017); Identical letters dated 22 August 2017 from the Chargé d’affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc A/71/1040–S/2017/755 (11 September 2017); Identical letters dated 3 October 2017 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc A/72/533–S/2017/866 (19 October 2017); Identical letters dated 20 October 2017 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc A/72/554–S/2017/883 (8 November 2017).

¹⁷¹For the incident on 7 September, see Letter dated 8 September 2017 from the Permanent Representative of Lebanon to the United Nations addressed to the President of the Security Council, N Doc S/2017/772 (13 September 2017) and Identical letters dated 30 October 2017 from the Permanent

alleged breaches of Israel's sovereignty,¹⁷² and stated that 'Lebanese violations of resolution 1701 (2006) are daily occurrences'.¹⁷³ It furthermore called into question the Lebanese government's efforts to counteract Hezbollah infrastructures in the south of Lebanon near the Blue Line and decried that the operations of the UN Interim Force in Lebanon (UNIFIL) were being obstructed.¹⁷⁴

Lebanon rejected the Israeli remarks. Instead, it accused the country of spying activities, which 'flagrantly violate the sovereignty of Lebanon and blatantly contradict the obligations of Israel under resolution 1701 (2006)'.¹⁷⁵ Furthermore, it reiterated Israel's repeated alleged violations of the Lebanese sovereignty by sea, land and air.¹⁷⁶

In August 2017, Israel's ambassador to the UN Danny Danon wrote in an op-ed for the *Wall Street Journal* that UNIFIL was failing in fulfilling its assignment on the Israel-Lebanon border. As a result, he argued, Hezbollah was allowed to violate UN Security Council resolutions without repercussions, necessitating a change to UNIFIL's mandate.¹⁷⁷ In spite hereof, the Security Council unanimously renewed Resolution 1701¹⁷⁸ mere days later.¹⁷⁹

Israel – Palestine: continued, yet muted, violence

The second half of 2017 proved to be a relatively calm phase in the conflict between Israel and Palestine. It was only at the end of November that

Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc A/72/553-S/2017/915 (8 November 2017). For the latter, see Identical letters dated 11 September 2017 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc A/72/499-S/2017/773 (12 September 2017).

¹⁷²Identical letters dated 10 November 2017 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2017/942 (13 November 2017).

¹⁷³Identical letters dated 20 July 2017 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2017/617 (20 July 2017).

¹⁷⁴Identical letters dated 20 June 2017 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2017/526 (20 June 2017). Israel asserted in a separate letter that 'Qais al-Khazali, commander of the Iranian-backed Iraqi militia Asa'ib Ahl al-Haq, together with members of Hizbullah, visited the Blue Line at the Fatima Gate' on 3 December, and a week later a video showed a member of the Saraya al-Salam militia and several Hizbullah fighters close to the Israeli-Lebanese border. See Identical letters dated 12 December 2017 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2017/1043 (12 December 2017).

¹⁷⁵Identical letters dated 9 August 2017 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc A/71/1031-S/2017/705 (23 August 2017).

¹⁷⁶*Ibid.*

¹⁷⁷Danny Danon 'Hezbollah Is Running Rings Around U.N. Monitors in Lebanon', *The Wall Street Journal* (20 August 2017) www.wsj.com/articles/hezbollah-is-running-rings-around-u-n-monitors-in-lebanon-1503258487.

¹⁷⁸UNSC Res 1701, UN Doc S/RES/1701 (11 August 2006).

¹⁷⁹UNSC Res 2373, UN Doc S/RES/2373 (30 August 2017).

serious incidents started occurring again. On 30 November, Israel announced that 12 mortars were launched from the Gaza Strip, aimed at its armed forces,¹⁸⁰ and on 7 December it asserted that rockets had been fired from Palestine into Israel, to which it retaliated:

In response to ... projectiles fired at Israel throughout the day ... an IDF tank and an IAF aircraft targeted two military posts in the Gaza Strip. The IDF holds Hamas responsible for the hostile activity perpetrated against Israel from the Gaza Strip ...¹⁸¹

The Israeli military said it then attacked a Hamas training compound in Gaza, although no casualties were reported on either side.¹⁸²

Yemen: US and Saudi operations continue; tension between Saudi Arabia and Iran

The conflict in Yemen did not find any resolution in the second half of 2017, but instead escalated in some of the fiercest fighting yet.

In mid-September, the United States carried out drone strikes on suspected fighters of Yemen's al-Qaeda branch AQAP (al-Qaeda in the Arabian Peninsula), killing eight.¹⁸³ The attacks ratcheted up in intensity in October and November.¹⁸⁴ On 16 October, two drone attacks killed at least 50 al-Qaeda militants in two IS training camps in the Bayda province,¹⁸⁵ while CENTCOM announced that a 20 November strike had neutralised several high-ranking AQAP members.¹⁸⁶ At least 20 other AQAP fighters were killed in October when US drone strikes hit their positions in Yemen.

Saudi-led coalition airstrikes continued too, again attracting criticism for reportedly killing dozens of civilians.¹⁸⁷

¹⁸⁰Israel, Israeli Defense Forces, 'In response to 12 mortars shot from the Gaza Strip, the IDF targeted terrorist positions' (30 November 2017) www.idf.il/en/minisites/press-releases/in-response-to-12-mortars-shot-from-the-gaza-strip-the-idf-targeted-terrorist-positions/.

¹⁸¹'Israel strikes Gaza militant posts after fire rockets fired at Israel-army', *Reuters* (7 December 2017) www.reuters.com/article/uk-usa-trump-israel-rockets-army/israel-strikes-gaza-militant-posts-after-fire-rockets-fired-at-israel-army-idUKKBN1E12FW.

¹⁸²Israel strikes Hamas targets in Gaza after Palestinian rocket attacks', *Reuters* (18 December 2017) www.reuters.com/article/uk-israel-palestinians/israel-strikes-hamas-targets-in-gaza-after-palestinian-rocket-attacks-idUKKBN1EC0S9.

¹⁸³'Five suspected al Qaeda militants killed in Yemen drone strikes', *Reuters* (9 September 2017) www.reuters.com/article/us-yemen-security-drones/five-suspected-al-qaeda-militants-killed-in-yemen-drone-strikes-idUSKCN1BK00A.

¹⁸⁴The Bureau of Investigative Journalism, 'Yemen: Reported US covert actions 2017' (16 October 2017) www.thebureauinvestigates.com/drone-war/data/yemen-reported-us-covert-actions-2017.

¹⁸⁵United States of America, Department of Defense, 'U.S. Forces Conduct Strike Against ISIS Training Camps in Yemen' (16 October 2017) www.defense.gov/News/Article/Article/1344561/us-forces-conduct-strike-against-isis-training-camps-in-yemen/.

¹⁸⁶United States of America, CENTCOM, 'Airstrikes kill AQAP militants in Yemen' (8 December 2017).

¹⁸⁷Saudi-led air strikes kill at least 20 Yemeni civilians – officials', *Reuters* (19 July 2017) www.reuters.com/article/uk-yemen-security/saudi-led-air-strikes-kill-at-least-20-yemeni-civilians-officials-idUKKBN1A40SY; Human Rights Watch, 'Yemen: Coalition Airstrikes Deadly for Children' (12 September 2017) www.hrw.org/news/2017/09/12/yemen-coalition-airstrikes-deadly-children.

Furthermore, an incident between Iran and Saudi Arabia took place when on 4 November 2017 a missile was launched from Yemen to Riyadh. In a letter to the Security Council, Saudi Arabia asserted that it was¹⁸⁸

taking appropriate steps to respond to those terrorist acts, to counter the acts of aggression of the foreign – funded and – backed Houthi-Saleh terrorist militias and to protect the security and safety of the Kingdom of Saudi Arabia, in accordance with the Charter of the United Nations and international law.

On the basis of an examination of the debris of the missiles launched on 4 November and 22 July 2017, Saudi Arabia moreover ‘confirmed ... the role of the Iranian regime in manufacturing the missiles’.¹⁸⁹

That, along with multiple interdictions of weapons originating in Iran and suspected to be on their way to Yemen, is a flagrant violation of Security Council resolutions 2216 (2015) and 2231 (2015). Moreover, Iran’s continued role in smuggling weapons to the Houthis and the direct involvement of Hezbollah in the transfer and operation of weapon technology, including ballistic missile capability, is a clear sign of Iran’s complete disregard for its international obligations and clear evidence of its hostile and reckless behaviour and its support for violence and terrorism threatening the security of the Kingdom of Saudi Arabia, the region and the world.

Iran replied that it

categorically rejects such baseless and unfounded accusations and considers them destructive, provocative and a ‘threat to use of force’ against a United Nations Member State in clear defiance of Article 2 (4) of the Charter of the United Nations.¹⁹⁰

An near-identical incident took place when a missile struck an area south of Riyadh on 19 December.¹⁹¹ During a Security Council debate the next day, Saudi Arabia reported that

approximately 24 hours ago, on 19 December, the capital of Saudi Arabia, Riyadh, was the victim of an attempted attack by a ballistic missile that was wantonly fired from inside Yemeni territory by the rebel Houthi militias, with Iran’s backing. The missile was aimed at residential areas but was intercepted by the Coalition’s air defence forces. ... This abominable act of aggression comes after an attempt on 4 November by rebel Houthi militias to

¹⁸⁸Identical letters dated 7 November 2017 from the Permanent Representative of Saudi Arabia to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2017/937 (15 November 2017).

¹⁸⁹*Ibid.*

¹⁹⁰Letter dated 7 November 2017 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2017/936 (7 November 2017).

¹⁹¹Identical letters dated 22 December 2017 from the Permanent Representative of Saudi Arabia to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2017/1133 (26 December 2017). Stating that ‘Houthi rebel militias have been complicit in firing numerous Iranian ballistic missile attacks inside Yemen and across the border of the Kingdom of Saudi Arabia, in flagrant violation of international law and in what may amount to war crimes’.

target King Khalid International Airport in Riyadh with an Iranian-made ballistic missile.¹⁹²

Qatar blockade

During a joint press conference with US President Donald Trump, Sheikh Sabah Al Ahmad Al Sabah, the emir of Kuwait and main mediator in the Gulf dispute concerning the blockade of Qatar, expressed his satisfaction with the mediation proceedings between Qatar on the one hand, and Saudi Arabia, the United Arab Emirates, Egypt and Bahrain on the other. ‘What is important is that we have stopped any military action,’ Sheikh Sabah said.

That remark, however, did not sit well with the aforementioned four countries, who quickly released a joint statement saying that ‘[t]he military option was not and will not be [used] in any circumstance’.¹⁹³

Bahrain – Iran: pipeline explosion

An incident between Bahrain and Iran took place on 12 November 2017, when Bahrain blamed an explosion at an oil pipeline on terrorism and accused Iran of instigating the attack. ‘The blast is the latest example of a terrorist act carried out by terrorists in direct contact with, and under instructions from, Iran’, a statement quoted Bahrain’s Interior Minister Sheikh Rashid bin Abdullah al-Khalifa.¹⁹⁴ Iran rejected the allegations and denied any involvement.¹⁹⁵

Iran: tension over Iranian missile tests

A continued hotbed of discussion proved to be Iran’s compliance with the Joint Comprehensive Plan of Action (JCPOA) of 14 July 2015 and UN Security Council Resolution 2231, which endorses the Plan and calls for Iran ‘not to undertake any activity related to ballistic missiles designed to be capable of delivering nuclear weapons, including launches using such ballistic missile technology’.¹⁹⁶

At the tail-end of June, Israel asserted that Iran had ‘conducted a clandestine launch test of the Qiam medium-range missile, ... capable of delivering a nuclear payload of 700 kg over a range of more than 750 km’ on 15 November

¹⁹²UNSC Verbatim Record, UN Doc S/PV.8144 (20 December 2017) 40.

¹⁹³Call for GCC dialogue as Trump speaks to Qatar’s emir’, *Al Jazeera* (8 September 2017) www.aljazeera.com/news/2017/09/call-gcc-dialogue-trump-speaks-qatar-emir-170908132013870.html.

¹⁹⁴Bahrain, Bahrain News Agency, ‘Interior Minister: Oil pipeline fire dangerous terrorist act’ (11 November 2017).

¹⁹⁵Iran rejects involvement in Bahrain pipeline blast’, *Al Jazeera* (12 November 2017) www.aljazeera.com/news/2017/11/iran-rejects-involvement-bahrain-pipeline-blast-171112143200198.html.

¹⁹⁶UNSC Res 2231, UN Doc S/RES/2231 (20 July 2015) 99.

2016, and that it had used a Jewish Star of David as a target marking.¹⁹⁷ In the same letter, Israel called out two more launches on 18 and 19 June 2017 of the Zulfiqar missile, which it also described as ‘a Missile Technology Control Regime category one ballistic missile ... capable of delivering a nuclear payload of 500 kg over a range of 700 km’.¹⁹⁸ In its reply, Iran denied that a missile test had taken place on 15 November 2016 but did not deny launches on 18 and 19 June 2017. It did state, however, that ‘Iranian military capabilities, including ballistic missiles, have not been designed to be capable of delivering nuclear weapons and, thus, are outside the purview of the Security Council resolution’.¹⁹⁹

Another incident took place when Iran launched a Simorgh missile into space on 27 July 2017, seemingly as an act of defiance against a US House of Representatives bill that imposed sanctions against Iran (as well as to Russia and North Korea) a mere three days earlier because of its weapon development programmes.²⁰⁰ US State Department spokeswoman Heather Nauert was quoted as saying that ‘[w]e would consider that a violation of UNSC [resolution] 2231. We consider that to be continued ballistic missile development. ... We believe that what happened ... is inconsistent with the Security Council resolutions’.²⁰¹ Iran argued, however, that the launch was ‘part of a scientific and technological activity related to the use of space technology’ and that the Simorgh was ‘designed and developed exclusively for placing satellites into orbit’, thus making it a space launch vehicle instead of a ballistic missile system.²⁰²

In response to both the US House bill and the statements by Nauert concerning the Simorgh, Iran filed a letter wherein it remarked that the US ‘has persistently refrained from good-faith implementation of its obligations’ and ‘has embarked on a malicious policy to prevent Iran from benefiting from the Plan of Action’.²⁰³ In October, Iran strongly decried a US announcement that

¹⁹⁷Identical letters dated 28 June 2017 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2017/555 (28 June 2017).

¹⁹⁸*Ibid.*

¹⁹⁹Letter dated 17 August 2017 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2017/719 (18 August 2017).

²⁰⁰United States of America, House of Representatives, ‘H.R.3364 – Countering America’s Adversaries Through Sanctions Act’ (24 July 2017).

²⁰¹U.S. says Iran rocket test breaches U.N. resolution’, *Reuters* (27 July 2017) www.reuters.com/article/us-iran-satellite/u-s-says-iran-rocket-test-breaches-u-n-resolution-idUSKBN1AC1YY.

²⁰²Letter dated 23 August 2017 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General, UN Doc S/2017/731 (23 August 2017).

²⁰³Letter dated 28 August 2017 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General, UN Doc S/2017/739 (28 August 2017). Similar statements were made in: Letter dated 19 December 2017 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General, UN Doc S/2017/1075 (19 December 2017).

it was considering listing Iran's Revolutionary Guard Corps as a terrorist organisation.²⁰⁴

Israeli Minister of Intelligence Israel Katz warned during a visit to Tokyo on 26 October 2017 that '[i]f international efforts led these days by US President Trump don't help stop Iran attaining nuclear capabilities, Israel will act militarily by itself'.²⁰⁵ This drew a strong response from Iran, stating in a letter that '[Israel's] recurring threats to act militarily against Iran's peaceful nuclear programme is a flagrant violation of the fundamental principles of international law and Article 2 (4) of the Charter of the United Nations'.²⁰⁶

In a letter to the Security Council dated 29 November 2017, Israel drew the Council's attention to a 'deeply disturbing statement made by the Commander of the Iranian Islamic Revolutionary Guard Corps, Major General Mohammad Ali Jafari', who had reportedly expressed Iran's intention to continue arming Hezbollah and to destroy the State of Israel.²⁰⁷ According to the letter:

Iran's activities violate numerous Security Council resolutions egregiously, including resolution 2231 (2015), which explicitly prohibits the supply, sale or transfer of arms and related materiel from Iran; resolution 1701 (2006), which prohibits the sale or supply of arms and related materiel to Lebanon except as authorized by its Government; and resolution 1559 (2004).

4. Asia

North Korean: missile tests; US and DPRK exchange threats

In the second half of 2017, the Democratic People's Republic of Korea (DPRK) dramatically stepped up its missile testing programme. On 4 July 2017, North-Korea launched the Hwasong-14, its first-ever intercontinental ballistic missile (ICBM). After reaching 2,500 km in altitude, it landed into Japan's exclusive economic zone (EEZ).²⁰⁸ Experts stated that the missile,

²⁰⁴Letter dated 13 October 2017 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2017/862 (13 October 2017). Note: while US authorities decided to impose sanctions upon the IRGC, they eventually stopped short of designating it as a terrorist organisation. See Paul D Shinkman, 'Why Trump stopped short of designating the IRGC a terrorist group', *US News* (13 October 2017) www.usnews.com/news/national-news/articles/2017-10-13/trump-stops-short-of-designating-irans-irgc-a-terrorist-group.

²⁰⁵Tim Kelly and Nobuhiro Kubo, 'Israel willing to resort to military action to stop Iran acquiring nuclear weapons – minister', *Reuters* (26 October 2017) www.reuters.com/article/uk-iran-nuclear-israel/israel-willing-to-resort-to-military-action-to-stop-iran-acquiring-nuclear-weapons-minister-idUKKBN1CV0ZS.

²⁰⁶Letter dated 6 November 2017 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2017/934 (7 November 2017).

²⁰⁷Identical letters dated 28 November 2017 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2017/1000 (29 November 2017).

²⁰⁸Michele Nichols, 'U.S. prepared to use force on North Korea "if we must": U.N. envoy', *Reuters* (4 July 2017) www.reuters.com/article/us-northkorea-missiles/u-s-prepared-to-use-force-on-north-korea-if-we-must-u-n-envoy-idUSKBN19P02W.

while not perfectly reliable, could potentially reach US soil.²⁰⁹ While the Russian Federation argued that, according to their assessment, the missile was a mid-range ballistic missile, as opposed to an intercontinental one,²¹⁰ the North Korean News Agency explicitly confirmed the Hwashong-14 missile to be an ICBM.²¹¹ The UN Security Council (UNSC) met the following day, for its seventh time in 2017,²¹² to discuss the North Korea issue. In spite of Russian reservations, the missile launch was condemned in the debate by several individual states, who called upon North Korea to comply with previous UNSC sanctions.²¹³ Nevertheless, no resolution was adopted at this point. On 28 July 2017, North Korea conducted another launch of the Hwasong-14.²¹⁴ Its re-entry vehicle crashed into the sea near Hokkaido, Japan's northernmost island.²¹⁵ On 5 August, the UNSC adopted a new resolution, condemning both July missile launches.²¹⁶ The disagreement on the exact character of the missiles was settled by noting that DPRK had 'stated [that the launches were] of intercontinental ballistic missiles'.²¹⁷ Responding to reports that North-Korea had successfully developed the technology to miniaturise nuclear warheads in order to incorporate them in missiles,²¹⁸ US President Donald Trump stated on 8 August 2017, at a press briefing in Bedminster, New Jersey, that North Korea would be 'met with fire and fury like the world has never seen', if it did not alter its threatening discourse.²¹⁹ In response, Pyongyang mere hours later warned that it would consider conducting missile strikes on the US Pacific territory of Guam.²²⁰ NATO Secretary-General Jens Stoltenberg refused to confirm or deny that an attack

²⁰⁹John Schilling, 'What is true and not true about North Korea's Hwasong-14 ICBM: A technical evaluation', 38 *North* (10 July 2017) www.38north.org/2017/07/jschilling071017/.

²¹⁰UNSC Verbatim Record, UN Doc S/PV.7996 (5 July 2017).

²¹¹*Ibid.*

²¹²For an overview of North Korean practice in 2016 and 2017, see Ruys, Ferro, Verlinden and Vander Maelen (eds) (n 68) 200–1; Ruys, Ferro and Vander Maelen (eds) (n 75) 408–11.

²¹³Michelle Nichols, 'Russia objects to U.N. condemnation of North Korea, says test was not ICBM', *Reuters* (6 July 2017) www.reuters.com/article/us-northkorea-missile-un/russia-objects-to-u-n-condemnation-of-north-korea-says-test-was-not-icbm-idUSKBN19R2CO.

²¹⁴David E. Sanger, Choe Sang-Hun and William J. Broad, 'North Korea Tests a Ballistic Missile That Experts Say Could Hit California', *New York Times* (28 July 2017) www.nytimes.com/2017/07/28/world/asia/north-korea-ballistic-missile.html.

²¹⁵Mike Wall, 'Re-entry vehicle failed during North Korea's 2nd ICBM test, video suggests', *Space* (2 August 2017) www.space.com/37687-north-korea-icbm-test-re-entry-vehicle.html.

²¹⁶UNSC Res 2371, UN Doc S/RES/2371 (5 August 2017).

²¹⁷*Ibid.*, Preamble.

²¹⁸Joby Warrick, Ellen Nakashima and Anna Fifield, 'North Korea now making missile ready nuclear weapons, US analysts say', *Washington Post* (8 August 2017) www.washingtonpost.com/world/national-security/north-korea-now-making-missile-ready-nuclear-weapons-us-analysts-say/2017/08/08/e14b882a-7b6b-11e7-9d08-b79f191668ed_story.html.

²¹⁹Noah Bierman, 'Trump warns North Korea of "fire and fury"', *LA Times* (8 August 2017) www.latimes.com/politics/washington/la-na-essential-washington-updates-trump-warns-north-korea-of-fire-and-1502220642-htmlstory.html; P. J. Crowley, 'North Korea crisis: Where to now after "fire and fury"', *BBC News* (9 August 2017) www.bbc.com/news/world-us-canada-40871754.

²²⁰North Korea "considering missile strike on US Guam base", *BBC News* (9 August 2017) www.bbc.com/news/world-asia-40871416.

on Guam would trigger NATO Article 5, which requires members of the alliance to come to the defence of one other.²²¹

On 25 August, North-Korea launched three Short-Range Ballistic Missiles.²²² The timed launches prompted diverging assessments of the nature of the projectiles by several experts.²²³ The missiles crashed into the sea and did not enter the Japanese EEZ.²²⁴ A few days later, on 29 August 2017, North Korea launched a Hwasong-12 ballistic missile that passed over Northern Japan. The Prime Minister of Japan, Shinzo Abe, condemned the missile launch, stating that the test was ‘an unprecedented, serious and important threat’.²²⁵ The White House warned that ‘all options are on the table’.²²⁶ The Security Council, in its emergency session on 29 August 2017, reiterated its condemnation of North Korea’s behaviour through a presidential statement.²²⁷

Seemingly undeterred by repeated warnings and condemnations from the Security Council, North Korea on 2 September 2017 conducted a hydrogen bomb test in a subterranean military facility.²²⁸ This test constituted North Korea’s first nuclear detonation since 9 September 2016. Notwithstanding Russian scepticism,²²⁹ the UN Security Council adopted a resolution condemning North Korea’s nuclear activity and imposing additional sanctions.²³⁰ After the sanctions were announced, the North Korean government stated the sanctions justified its nuclear programme and vowed to proceed with a ‘faster pace’.²³¹ On 14 September, North Korea issued a statement in which it threatened to ‘sink Japan and turn US to

²²¹NATO’s Stoltenberg says North Korea’s “reckless behaviour” requires global response’, *Reuters* (10 September 2017) www.reuters.com/article/us-northkorea-missiles-nato/natos-stoltenberg-says-north-koreas-reckless-behavior-requires-global-response-idUSKCN1BLOAT?i=0.

²²²North Korea fires three missiles into sea’, *BBC News* (26 August 2017) www.bbc.com/news/world-asia-41058152.

²²³Ankit Panda, ‘What kind of missiles did North Korea launch on August 26?’, *The Diplomat* (28 August 2017) <https://thediplomat.com/2017/08/what-kind-of-missiles-did-north-korea-launch-on-august-26/>.

²²⁴Jesse Johnson and Reiji Yoshida, ‘North Korea fires missile over Japan in sharp escalation of tensions’, *Japan Times* (29 August 2017) www.japantimes.co.jp/news/2017/08/29/national/north-korea-fires-missile-japan-reportedly-breaks-falls-pacific/#.WqJhFdDiaUk.

²²⁵Barney Henderson, Julian Ryall, Neil Connor and Chris Graham, “‘All options are on the table’: Donald Trump says world has received North Korea’s message “loud and clear” after Kim Jong-un fires missile over Japan’, *The Telegraph* (29 August 2017) www.telegraph.co.uk/news/2017/08/28/north-korea-fires-missile-japan-warns-citizens-take-precautions/.

²²⁶US, ‘Statement by President Donald J Trump on North Korea’, *The White House* (August 29 2017) www.whitehouse.gov/briefings-statements/statement-president-donald-j-trump-north-korea/.

²²⁷UNSC Verbatim Record, UN Doc S/PV.8034 (29 August 2017).

²²⁸North Korea nuclear test: Hydrogen bomb “missile-ready”, *BBC News* (3 September 2017) www.bbc.com/news/world-asia-41139445.

²²⁹Vladimir Putin declared on 5 September that ‘ramping up military hysteria in such conditions is senseless; it’s a dead end.’, See Justin McCurry and Tom Phillips, ‘North Korea nuclear crisis: Putin warns of planetary catastrophe’, *The Guardian* (5 September 2017) www.theguardian.com/world/2017/sep/05/south-korea-minister-redeploying-us-nuclear-weapons-tensions-with-north.

²³⁰UNSC Res 2375, UN Doc S/RES/2375 (11 September 2017).

²³¹Kanga Kong, ‘North Korea Slams “Evil sanctions, vows faster nuclear push”’, *Bloomberg* (13 September 2017) www.bloomberg.com/news/articles/2017-09-12/north-korea-vows-to-accelerate-nuclear-push-after-un-sanctions.

ashes and darkness’.²³² The following day, on 15 September 2017, it launched a new ballistic missile over Hokkaido, the northernmost island of Japan. North Korea declared that any further sanctions would provoke more missile launches.²³³ At his first UN General Assembly speech, US President Donald Trump on 19 September 2017 vowed to ‘totally destroy’ North Korea if it threatened the United States.²³⁴ Responding to a 24 September tweet by the US President, North Korea accused Donald Trump of ‘declaring war’ on the state.²³⁵ The White House responded that it had not done so.²³⁶

After a two-month period of relative calm, North Korea again launched a (Hwasong-15) ballistic missile, which crashed into the Sea of Japan.²³⁷ The UN Security Council again condemned the ballistic missile in the strongest terms and further tightened sanctions on North Korea in its Resolution 2397 of 22 December 2017.²³⁸

India and China: Doklam standoff

In mid-June 2017, a military standoff arose between Chinese and Indian forces at the tri-junction between Bhutan, China and India.²³⁹ The position of Bhutan was that Chinese troops and road workers started constructing a ‘motorable road from Dokola in the Doklam area towards the Bhutan Army camp at Zompelri’,²⁴⁰ and that China should refrain from the use of force and respect the status quo until the border dispute was finally settled, as agreed in written bilateral agreements.²⁴¹ India supported Bhutan in its argument. On 30 June, the Indian Ministry of External affairs stated in a press release that China was in violation of the 2012 bilateral understanding concerning the tri-junction.²⁴² On the same day a spokesperson for the

²³²Justin McCurry, ‘We will sink Japan and turn US to “ashes and darkness”, says North Korea’, *The Guardian* (14 September 2017) www.theguardian.com/world/2017/sep/14/north-korea-threat-sink-japan-us-ashes-darkness.

²³³North Korea says sanctions will accelerate nuclear programme’, *BBC News* (18 September 2017) www.bbc.co.uk/news/world-asia-41309774.

²³⁴Donald J. Trump, ‘Statement by H.E. Donald Trump – President of the United States of America’ (19 September 2017) https://gatedebate.un.org/sites/default/files/gastatements/72/us_en.pdf.

²³⁵Zachary Cohen, ‘North Korea accuses Trump of declaring war’, *CNN* (26 September 2017) <https://edition.cnn.com/2017/09/25/politics/north-korea-fm-us-bombers/index.html>.

²³⁶Nolan D McCaskill, ‘White House: “We have not declared war on North Korea”’, *Politico* (25 September 2017) www.politico.eu/article/white-house-hasnt-declared-war-on-north-korea/.

²³⁷James Griffiths, ‘North Korea’s new Hwasong-15 missile: What the photos show’, *CNN* (1 December 2017) <https://edition.cnn.com/2017/11/29/asia/north-korea-hwasong-15-missile/index.html>.

²³⁸UNSC Res 2397, UN Doc S/RES/2397 (22 December 2017).

²³⁹The inception of the standoff was reported in Ruys, Ferro and Vander Maelen (eds) (n 75) 412–3.

²⁴⁰Bhutan, Ministry of Foreign Affairs, ‘Press Release’ (29 June 2017) www.mfa.gov.bt/?p=4799.

²⁴¹*Ibid.*

²⁴²India, Ministry of External Affairs, ‘Recent Developments in Doklam Area (30 June 2017) http://mea.gov.in/press-releases.htm?dtl/28572/Recent_Developments_in_Doklam_Area.

Chinese Ministry of Foreign Affairs stated that Doklam had always been within Chinese jurisdiction.²⁴³

Throughout July and early August 2017, the Chinese government issued various statements and warnings, whereas India struck a rather conciliatory tone in its public outings.²⁴⁴ China argued that its sovereignty over Doklam was established in an 1890 convention between Great Britain and China relating to Sikkim and Tibet, and that Indian P.M. Nehru agreed to that arrangement.²⁴⁵ The Indian press objected to that Chinese interpretation.²⁴⁶ China further posited on 5 July 2017 that it had a consensus with Bhutan with regards to border demarcations, and that India should not interfere.²⁴⁷ Chinese Foreign Minister Wang Yi reiterated on 24 July that Indian troops should leave the Doklam area.²⁴⁸

On 2 August, China released a 15-page official position paper entitled ‘The Facts and China’s Position Concerning the Indian Border Troops’ Crossing of the China–India Boundary in the Sikkim Sector into the Chinese Territory’,²⁴⁹ in which it accused India of using the incident as ‘a pretext’ for interference in China–Bhutan bilateral relations. China restated that India’s actions amounted to a violation of both Chinese and Bhutanese territorial sovereignty.²⁵⁰ Some passages of the document merit being restated in full:

6. Since 18 June [2017], the Indian border troops have illegally crossed the China–India boundary in the Sikkim Sector and entered the Chinese territory. This is an undeniable fact. The incident occurred in an area where there is a clear and delimited boundary. This makes it fundamentally different from past frictions between the border troops of the two sides in areas with undelimited boundary. The Indian border troops’ crossing of the already delimited boundary is a very serious incident, as it violates China’s sovereignty and territorial integrity ...

9. India has cited ‘serious security implications’ of China’s road building as a justification for its illegal crossing of the boundary. According to UN

²⁴³China, Ministry of Foreign Affairs, ‘Foreign Ministry Spokesperson Lu Kang’s Regular Press Conference on June 30, 2017’ (30 June 2017) www.fmprc.gov.cn/mfa_eng/xwfw_665399/s2510_665401/2511_665403/t1474637.shtml.

²⁴⁴India, Ministry of External Affairs, Weekly Media Briefings July–September 2017, www.mea.gov.in/media-briefings.htm?49/Media_Briefings.

²⁴⁵China, Foreign Ministry Spokesperson Geng Shuang’s Regular Press Conference on July 3, 2017 (3 July 2017) www.fmprc.gov.cn/mfa_eng/xwfw_665399/s2510_665401/2511_665403/t1475054.shtml.

²⁴⁶A S Nazir Ahmed, ‘Did Nehru really accept the Sino-British Treaty as final word on the border issue?’, *The Hindu* (4 July 2017) www.thehindu.com/news/national/did-nehru-really-accept-the-sino-british-treaty-as-final-word-on-the-sikkim-border-issue/article19210128.ece.

²⁴⁷No dispute with Bhutan in Doklam: China’, *The Economic Times* (5 July 2017), <https://economictimes.indiatimes.com/news/defence/no-dispute-with-bhutan-in-doklam-china/articleshow/59456533.cms>.

²⁴⁸China, Ministry of Foreign Affairs, ‘Wang Yi: Indian Troops Should Back out Honestly’ (24 July 2017), www.fmprc.gov.cn/mfa_eng/zxxx_662805/t1480089.shtml.

²⁴⁹China, Ministry of Foreign Affairs, ‘The Facts and China’s Position Concerning the Indian Border Troops’ Crossing of the China–India Boundary in the Sikkim Sector into the Chinese Territory’ (2 August 2017) www.fmprc.gov.cn/mfa_eng/wjdt_665385/2649_665393/P020170802542676636134.pdf.

²⁵⁰*Ibid.*

General Assembly Resolution 3314 adopted on 14 December 1974, no consideration of whatsoever nature, whether political, economic, military or otherwise, may serve as a justification for the invasion or attack by the armed forces of a State of the territory of another State. To cross a delimited boundary and enter the territory of a neighboring country on the grounds of so-called 'security concerns', for whatever activities, runs counter to the basic principles of international law and basic norms governing international relations. No such attempt will be tolerated by any sovereign State, still less should it be the normal way of conduct between China and India as two neighboring States. ...

14. Since the incident occurred, China has shown utmost goodwill and great restraint and sought to communicate with India through diplomatic channels to resolve the incident. But no country should ever underestimate the resolve of the Chinese government and people to defend China's territorial sovereignty. China will take all necessary measures to safeguard its legitimate and lawful rights and interests. The incident took place on the Chinese side of the delimited boundary. India should immediately and unconditionally withdraw its trespassing border troops back to the Indian side of the boundary. This is a prerequisite and basis for resolving the incident.

A day after the release of the position paper, China's Foreign Ministry accused India of 'always keeping "peace" on the tip of its tongue', but acting contrary to what it says.²⁵¹ On 10 August 2017, Bhutan denied the claim that it had acknowledged that Doklam is Chinese territory.²⁵² Tensions briefly flared up on 16 August 2017, after a scuffle between Chinese and Indian troops along a different contested border in the western Himalayas on 16 August, after which delegations from both countries met to 'maintain peace and tranquillity'.²⁵³

On 28 August 2017, as India's PM Narendra Modi was set to go to China for the 2017 BRICS summit, China and India announced that they would withdraw their respective troops from the disputed Doklam border region.²⁵⁴ Bhutan expressed its relief in a brief press statement the following day.²⁵⁵ On 9 October 2017, China announced its readiness to maintain peace at the frontiers with India, after Indian Defence Minister Nirmala Sitharaman's visit to

²⁵¹China, Ministry of Foreign Affairs, 'Foreign Ministry Spokesperson Geng Shuang's Remarks on the Indian Border Troops' Illegal Crossing of the China-India Boundary into the Chinese Territory' (3 August 2017) www.fmprc.gov.cn/mfa_eng/xwfw_665399/s2510_665401/2535_665405/t1482345.shtml.

²⁵²Bhutan rejects Beijing's claim that Doklam belongs to China', *The Times of India* (10 August 2017) <https://timesofindia.indiatimes.com/india/bhutan-rejects-beijings-claim-that-doklam-belongs-to-china/articleshow/60001311.cms>.

²⁵³Chinese, Indian Army officials meet after brief clash at Ladakh's Pangong lake; top developments', *The Indian Express* (17 August 2017) <http://indianexpress.com/article/india/ladakh-india-china-pangong-doklam-sikkim-pla-4800536/>.

²⁵⁴Simon Denyer and Annie Gowen, 'India, China agree to pull back troops to resolve tense border dispute', *The Washington Post* (28 August 2017) www.washingtonpost.com/world/india-withdraws-troops-from-disputed-himalayan-region-defusing-tension-with-china/2017/08/28/b92fddb6-8bc7-11e7-a2b0-e68cbf0b1f19_story.html?utm_term=.2fa16842fd6d.

²⁵⁵Bhutan, Ministry of Foreign Affairs, 'Press Statement on Doklam Disengagement' (29 August 2017) www.mfa.gov.bt/?p=4948.

Nathu La.²⁵⁶ Indian and Chinese relations were tested one last time in December, when China claimed that an Indian drone had crashed within Chinese territory. China refused, however, to give an exact location of the incident.²⁵⁷ The Indian Press Information Bureau released a response from the Ministry of Defence, in which it states that Indian border security personnel lost contact with the UAV while it was conducting a routine operation.²⁵⁸

Japan: new Defence White Paper

In August 2017, Japan released its annual Defence of Japan white paper.²⁵⁹ Apart from minor changes, the 2017 paper did not differ significantly in content from the 2016 edition. The paper reiterates the new interpretation of Article 9 of the Japanese Constitution in the wake of the Cabinet decision of 1 July 2014,²⁶⁰ as allowing for the use of force in self-defence subject to the following cumulative conditions:²⁶¹

- When an armed attack against Japan has occurred, or when an armed attack against a foreign country that is in a closer relationship with Japan occurs and as a result threatens Japan's survival and poses a clear danger to fundamentally overturn people's right to life, liberty and pursuit of happiness.
- When there is no other appropriate means available to repel the attack and ensure Japan's survival and protect its people.
- Use of force to the minimum extent necessary.

As to the latter requirement, the White Paper explains that 'as a general rule, the Constitution does not permit troops to be dispatched to the land, sea, or airspace of other countries with the aim of using force; such overseas deployment of troops would exceed the definition of the minimum necessary level of self-defence.'²⁶² In a similar vein, occupation of enemy territory 'would exceed

²⁵⁶Ready to maintain peace with India: China on Sitharaman's visit to Nathu La', *Hindustan Times* (9 October 2017) www.hindustantimes.com/india-news/ready-to-maintain-peace-at-frontiers-with-india-china-on-sitharaman-s-visit-to-nathu-la/story-EVdlopKMXl0rkre9mRlZqM.html; China, Ministry of Foreign Affairs, 'Foreign Ministry Spokesperson Hua Chunying's Regular Press Conference on October 9, 2017' www.fmprc.gov.cn/mfa_eng/xwfw_665399/s2510_665401/2511_665403/t1500122.shtml.

²⁵⁷'China claims Indian drone 'invaded airspace in crash', *BBC News* (7 December 2017) www.bbc.com/news/world-asia-china-42261725.

²⁵⁸India, Ministry of Defence, 'In response to the media article of 07 Dec 17 by Xinhua News Agency' (7 December 2017) <http://pib.nic.in/newsite/pmreleases.aspx?mincode=33>.

²⁵⁹Japan, Ministry of Defence, 'Defense of Japan 2017' (8 August 2017) www.mod.go.jp/e/publ/w_paper/2017.html.

²⁶⁰Abe guts Article 9', *The Japan Times* (2 July 2014) www.japantimes.co.jp/opinion/2014/07/02/editorials/abe-guts-article-9/.

²⁶¹Japan, Ministry of Defence, 'Defense of Japan 2017' (8 August 2017) www.mod.go.jp/e/publ/w_paper/pdf/2017/DOJ2017_2-1-2_web.pdf, 212.

²⁶²*Ibid.*, 213.

the minimum necessary level of self-defense and is not permissible'.²⁶³ Elsewhere the White Paper suggests that an 'anticipated armed attack situation', understood as 'a situation where an armed attack has yet to occur, but circumstances are growing increasingly strained and an armed attack is anticipated', can equally give rise to self-defense.²⁶⁴ The White Paper also envisages the deployment of troops 'to rescue Japanese nationals overseas', yet such operations are ostensibly subject to the 'consent' of the country concerned, or the organisation administering the territory in accordance with a UN resolution.²⁶⁵ Finally, Japan again stressed the seriousness of the North-Korean threat, and renews its apprehension about Chinese incursions into Japanese waters.²⁶⁶

Despite the fact that not much in the white paper had changed over the year, China and South Korea felt compelled to react via statements from their respective ministries of foreign affairs. China was 'strongly dissatisfied with and strongly opposed to' Japan's assessment of Chinese policy.²⁶⁷ According to its Foreign Ministry spokesperson, Japan's paper 'made irresponsible remarks on China's maritime activities and tried to stir up troubles on the South China Sea issue'.²⁶⁸ South Korea, in its turn, 'strongly protest[ed] against the Japanese government's repeated inclusion of unjust claims to Dokdo', and demanded 'an immediate withdrawal of such claims'.²⁶⁹

China/Japan – tension over Chinese military flights over the Miyako Strait

Stating that it would organise even more 'far-sea exercises', the Chinese Ministry of Foreign Affairs downplayed military flights over the Miyako Strait between Japan's Miyako and Okinawa islands.²⁷⁰ China urged Japan to not be alarmed by future flights over the strait and to 'get used to it'.²⁷¹ The Chinese Air Force flew six Xian H-6K long-range bombers through the strategically significant Miyako Strait on 13 July 2017, Japan's Ministry of Defence

²⁶³*Ibid.*

²⁶⁴Japan, Ministry of Defence, 'Defense of Japan 2017' (8 August 2017) www.mod.go.jp/e/publ/w_paper/pdf/2017/DOJ2017_2-3-2_web.pdf, 247.

²⁶⁵*Ibid.*, 242.

²⁶⁶*Ibid.*

²⁶⁷China, Ministry of Foreign Affairs, 'Foreign Ministry Spokesperson Geng Shuang's Remarks on Japan's New Defense White Paper' (9 August 2017) www.fmprc.gov.cn/mfa_eng/xwfw_665399/s2510_665401/2535_665405/t1483608.shtml.

²⁶⁸*Ibid.*

²⁶⁹Republic of Korea (South Korea), Ministry of Foreign Affairs, 'MOFA Spokesperson's Commentary on "Defense of Japan 2017" (Annual White Paper)' (8 August 2017) www.mofa.go.kr/webmodule/htsboard/template/read/engreadboard.jsp?typelD=12&boardid=302&seqno=318873&c=TITLE&t=&pagenum=19&tableName=TYPE_ENGLISH&pc=&dc=&wc=&lu=&vu=&iu=&du.

²⁷⁰China, Ministry of Foreign Affairs, "'No cause for alarm": China downplays military flights over Japanese strait' (7 July 2017) http://eng.mod.gov.cn/news/2017-07/14/content_4785732.htm.

²⁷¹*Ibid.*

stated in a press release.²⁷² In response, the Japan Air Self-Defence Force (JASDF) scrambled a number of its own fighter jets. According to a Japanese press statement, the Chinese airforce excursions did not violate Japanese airspace.²⁷³

China/US – US ‘Freedom of navigation’ operations in the South China Sea and Chinese response

In early July 2017, the US sailed its *USS Stethem* war ship close to Triton Island, part of the contested Paracel islands in the South China Sea. China responded by sending military vessels and fighter jets to the area.²⁷⁴ The Chinese Ministry of Defence issued a statement in which it ‘resolutely opposed the illegal entry of a US missile destroyer into China’s territorial waters off the Xisha Islands’²⁷⁵ (as the Paracel islands are known in Chinese). During a phone call between President Xi of China and US President Trump, Mr. Xi told Mr. Trump that negative factors were affecting US–China relations.²⁷⁶ A month later, on 10 August 2017, the US conducted another ‘freedom of navigation’ operation in the South China Sea, near Nansha Qundao island in the – equally contested – Spratley archipelago.²⁷⁷ The Chinese armed forces sent ships to the *USS McCain* and warned it to leave.²⁷⁸ China stressed that it has ‘indisputable sovereignty over Nansha Qundao and its adjacent waters’.²⁷⁹ According to a press statement of the Defence Ministry, China saw repeated US incursions as an incentive to ‘beef up defence capability’.²⁸⁰

Nevertheless, on 11 October 2017, the missile destroyer *USS Chafee* again made its way through the South China Sea, near the Paracel islands.²⁸¹ China responded with ships and fighter planes to warn the US ship away from the

²⁷²Fransz-Stefan Gady, ‘China flies 6 heavy long-range bombers near Japan’, *The Diplomat* (15 July 2017) <https://thediplomat.com/2017/07/china-flies-6-heavy-long-range-bombers-near-japan/>.

²⁷³*Ibid.*

²⁷⁴*Ibid.*

²⁷⁵China, Ministry of Defence, ‘U.S. warship entering China’s territorial waters “a grave offence”: spokesperson’ (3 July 2017) http://eng.mod.gov.cn/news/2017-07/03/content_4784499.htm.

²⁷⁶South China Sea: China calls USS *Stethem* warship “a provocation”, *BBC News* (3 July 2017) www.bbc.com/news/world-asia-40476521.

²⁷⁷South China Sea: Chinese military tells US ship 10 times to turn around’, *The Guardian* (11 August 2017) www.theguardian.com/world/2017/aug/11/south-china-sea-chinese-military-tells-us-ship-to-turn-around-10-times.

²⁷⁸China, Ministry of Foreign Affairs, ‘Foreign Ministry Spokesperson Geng Shuang’s Remarks on the US Warship’s Unauthorized Entry into the Neighboring Waters of Relevant Islands and Reefs of China’s Nansha Qundao’ (11 August 2017) www.fmprc.gov.cn/mfa_eng/xwfw_665399/s2510_665401/2535_665405/t1484116.shtml.

²⁷⁹*Ibid.*

²⁸⁰China, Ministry of Defence, ‘U.S. warship provocations an incentive for China to beef up defense capability: Chinese DM’ (11 August 2017) http://eng.mod.gov.cn/news/2017-08/11/content_4788553.htm.

²⁸¹Zachary Cohen and Ryan Browne, ‘US Navy Destroyer sails near disputed islands in South China Sea’, *CNN* (10 October 2017) <https://edition.cnn.com/2017/10/10/politics/us-navy-south-china-sea-freedom-of-navigation-operation/index.html>.

area it claims as its sovereign territory.²⁸² It complained in a press statement that the US ‘violated relevant Chinese and international law’.²⁸³

India/Pakistan – mutual accusations of ceasefire violations and border crossings

Throughout the second half of 2017, India and Pakistan exchanged accusations of ceasefire violations, illegal border crossings, and other violations of international law. In a July 2017 press briefing, a spokesperson for the Indian Ministry of External affairs, alleged that, at that point, Pakistan had been involved in 240 border violations in 2017.²⁸⁴ Questioned about the alleged²⁸⁵ use of chemical weapons by India, he stated that claims by Pakistani media were ‘completely baseless and incorrect’.²⁸⁶ On 8 August 2017, India summoned a Pakistani official to the Ministry of External Affairs following the killing of an Indian soldier in a border skirmish in the Krishna Ghati border sector.²⁸⁷ When a ‘terrorist’ organisation ‘infiltrated the Indian border’ and ‘carried out a terror attack in Pulwama’ on 17 August 2017, the Indian Ministry of External Affairs demanded an investigation from Pakistan.²⁸⁸ India called upon Pakistan to

abide by its commitment not to allow its territory or territories under its control to be used for terrorism in any manner and take credible and effective action against the terrorist entities operating from its soil and to prevent cross border infiltration.²⁸⁹

In December 2017, Pakistan repeatedly summoned Indian officials to its Ministry of Foreign Affairs with regards to alleged border and ceasefire violations. On 8 December 2017, it accused Indian soldiers of attacking a funeral prayer ceremony

²⁸²China, Ministry of Foreign Affairs, ‘Foreign Ministry Spokesperson Hua Chunying’s Regular Press Conference on October 11, 2017’ (11 October 2017) www.fmprc.gov.cn/mfa_eng/xwfw_665399/s2510_665401/2511_665403/t1500871.shtml.

²⁸³*Ibid.*

²⁸⁴India, Ministry of External Affairs, ‘Transcript of Weekly Media Briefing by Official Spokesperson’ (20 July 2017) www.mea.gov.in/media-briefings.htm?dtl/28732/Transcript_of_Weekly_Media_Briefing_by_Official_Spokesperson_July_20_2017.

²⁸⁵Shaista Tabassum, ‘India’s use of chemical weapons against Kashmiris’, *The Express Tribune* (5 August 2017) <https://tribune.com.pk/story/1474143/indias-use-chemical-weapons-kashmiris/>.

²⁸⁶India, Ministry of External Affairs, ‘Transcript of Weekly Media Briefing by Official Spokesperson’ (13 July 2017) www.mea.gov.in/media-briefings.htm?dtl/28729/Transcript_of_Weekly_Media_Briefing_by_Official_Spokesperson_July_13_2017.

²⁸⁷India, Ministry of External Affairs, ‘Pakistan High Commission Official summoned and demarche made at the death of an Indian soldier in unprovoked ceasefire violation by Pakistan’ (9 August 2017) www.mea.gov.in/press-releases.htm?dtl/28818/Pakistan_High_Commission_Official_summoned_and_demarche_made_at_the_death_of_an_Indian_soldier_in_unprovoked_ceasefire_violation_by_Pakistan.

²⁸⁸India, Ministry of External Affairs, ‘Pakistan Acting High Commissioner summoned and demarche made on cross border infiltration’ (5 September 2017) www.mea.gov.in/press-releases.htm?dtl/28919/Pakistan_Acting_High_Commissioner_summoned_and_demarche_made_on_cross_border_infiltration.

²⁸⁹*Ibid.*

without any prior provocation.²⁹⁰ Pakistan accused India of violating international humanitarian law and acting contrary to human dignity.²⁹¹ Pakistan stated that in 2017, India had committed over 1,300 ceasefire violations, resulting in 54 civilian casualties and 174 injured.²⁹² Apart from accusing India of violating the Kashmiri right to self-determination,²⁹³ Pakistan complained of violations to the right of assembly, torture, arbitrary arrests, and extra-judicial killings by India in the Jammu/Kashmir region. Finally, on 25 December 2017, Pakistan alleged India to have violated the ceasefire in the Rakhchikri sector along the Line of Control between the two countries, while simultaneously denying any border crossings by Pakistani military personnel.²⁹⁴

5. Americas

United States threatens military action against Venezuela

Against the background of a wave of protests against the government of President Nicolas Maduro and dozens of casualties in protest-related violence,²⁹⁵ US President Trump on 11 August 2017 appeared to threaten military action against Venezuela: ‘The people [of Venezuela] are suffering and they are dying. We have many options for Venezuela including a possible military option if necessary’.²⁹⁶ Venezuela’s Defense Minister Vladimir Padrino called the threat ‘an act of craziness’.²⁹⁷ President Nicolas Madura responded with calls for military exercises to prepare for an ‘imperialist’ invasion.²⁹⁸ Two days of military drills were effectively held later in August. President Maduro wrote on Twitter that ‘[t]he people and the FANB [i.e. the Venezuelan Army] are defending territory and sovereignty’.²⁹⁹ An announcement broadcast on state television stated that ‘[a]gainst the belligerent threats of the United States, all Venezuelans between the ages of 18 and 60 are required to contribute to the integral defence of the nation’.³⁰⁰

²⁹⁰Pakistan, Ministry of Foreign Affairs, ‘Ceasefire violations by India on 7 December 2017’ (8 August 2017) www.mofa.gov.pk/pr-details.php?mm=NTY5Mg.

²⁹¹*Ibid.*

²⁹²*Ibid.*

²⁹³Pakistan, Ministry of Foreign Affairs, ‘Foreign Minister condemns continuing Indian atrocities against innocent Kashmiris in Indian occupied Kashmir’ (16 December 2017) www.mofa.gov.pk/pr-details.php?mm=NTcxNA.

²⁹⁴Pakistan, Ministry of Foreign Affairs, ‘Ceasefire violations by India on 25 December, 2017’ (26 December 2017) www.mofa.gov.pk/pr-details.php?mm=NTc0MA.

²⁹⁵Venezuela crisis: what is behind the turmoil’, *BBC News* (4 May 2017) www.bbc.com/news/world-latin-america-36319877.

²⁹⁶Trump threatens military action in Venezuela’, *Al Jazeera* (12 August 2017) www.aljazeera.com/news/2017/08/trump-threatens-military-action-venezuela-170812023726478.html.

²⁹⁷*Ibid.*

²⁹⁸Venezuela: call for military drills after Trump threat’, *Al Jazeera* (15 August 2017) www.aljazeera.com/news/2017/08/venezuela-call-military-drills-trump-threat-170815060351677.html.

²⁹⁹Venezuela holds military drills after US threat’, *Al Jazeera* (26 August 2017) www.aljazeera.com/news/2017/08/venezuela-holds-military-drills-threat-170826160123226.html.

³⁰⁰*Ibid.*

The US threat to use military force was widely condemned across Latin America, including by Mercosur as well as several individual countries,³⁰¹ with some warning that it was counterproductive and could bolster the position of Maduro.³⁰²

United States-Cuba: row over alleged 'sonic' attacks US diplomats

On 10 August 2017, the United States expelled two Cuban diplomats after several US diplomats suffered severe hearing loss that was thought to be from a covert sonic device. US State Department spokesperson Heather Nauert stated that

[s]ome US government personnel who were working at our embassy in Havana, Cuba ... reported some incidents which have caused a variety of physical symptoms. As a result of that, we've asked two Cubans to leave the United States, and they have.³⁰³

The Cuban government denied the alleged incidents. The foreign ministry said in a statement: 'Cuba has never, nor would ever, allow the Cuban territory to be used for any kind of action against accredited diplomats or their families'.³⁰⁴ At least one Canadian diplomat also suffered similar symptoms and was treated for hearing loss. A spokeswoman for the Canadian foreign ministry said that officials were 'aware of unusual symptoms affecting Canadian and US diplomatic personnel and their families in Havana. The government is actively working – including with US and Cuban authorities – to ascertain the cause'.³⁰⁵

In late September, the United States announced the withdrawal of 60% of its diplomatic staff and all family members from its embassy in Cuba.³⁰⁶ The union representing US diplomats said the attacks had caused 'mild traumatic brain injury' and 'permanent hearing loss'. An anonymous official stated that '[u]ntil the government of Cuba can ensure the safety of US government personnel in Cuba, our embassy will be reduced to emergency personnel so as to minimise the number of US government personnel at risk of exposure'.³⁰⁷ An

³⁰¹Gideon Long, 'Latin America condemns Trump military threat to Venezuela', *Financial Times* (13 August 2017) www.ft.com/content/406fd16e-801f-11e7-a4ce-15b2513cb3ff; 'Venezuela crisis: Latin Americans condemn Trump over "military response"', *BBC News* (12 August 2017) www.bbc.com/news/world-latin-america-40912523.

³⁰²Hugh Bronstein, 'Trump's threat of Venezuela military action could bolster Maduro', *Reuters* (13 August 2017) www.reuters.com/article/us-venezuela-politics/trumps-threat-of-venezuela-military-action-could-bolster-maduro-idUSKBN1AT040.

³⁰³Quoted in 'US expels Cuban diplomats over "medical incidents"', *Al Jazeera* (10 August 2017) www.aljazeera.com/news/2017/08/expels-cuban-diplomats-medical-incident-170810042238933.html.

³⁰⁴*Ibid*; Frances Robles and Kirk Semple "'Health attacks" on U.S. diplomats in Cuba baffle both countries', *New York Times*, 11 August 2017) www.nytimes.com/2017/08/11/world/americas/cuba-united-states-embassy-diplomats-illness.html.

³⁰⁵Canadian diplomat in Cuba also treated for hearing loss', *Al Jazeera* (11 August 2017) www.aljazeera.com/news/2017/08/canadian-diplomat-cuba-treated-hearing-loss-170810214423519.html.

³⁰⁶US cuts Cuba diplomatic staff over mysterious "attacks", *Al Jazeera* (29 September 2017) www.aljazeera.com/news/2017/09/cuts-cuba-diplomatic-staff-mysterious-attacks-170929160350671.html.

³⁰⁷*Ibid*.

official of the Cuban foreign ministry declared the US decision to be ‘hasty’, noting that it would ‘affect bilateral relations’.³⁰⁸ On 3 October, the US expelled 15 Cuban diplomats from the United States. US Secretary of State Rex Tillerson said the decision constituted a reaction to ‘Cuba’s failure to take appropriate steps to protect our diplomats in accordance with its obligations under the Vienna Convention’.³⁰⁹ Bruno Rodríguez Parrilla, Cuba’s foreign minister, said the move was ‘eminently political’ as well as ‘unwarranted and unjustifiable’.³¹⁰

United States: reports of new policy on the use of lethal force outside areas of active hostilities, new AUMF proposal

In late October 2017, it was reported that US President Trump signed a new policy for the use of lethal force outside traditional battlefields.³¹¹ The reported new policy would replace an Obama-era policy,³¹² keeping the requirement of ‘near certainty’ that no civilians would be killed but reducing the requirement for ‘near certainty’ that the target is present to ‘reasonable certainty’. The requirement that a target post a ‘continuing imminent threat’ was also suggested to have been removed. In contrast to the approach of the Obama administration, no redacted version of the policy framework was made public.

Meanwhile, several members of Congress introduced a proposal for a new Authorization for the Use of Military Force (AUMF) resolution tailored to the US’ ongoing operations.³¹³ On 30 October, the US Senate Foreign Relations Committee held a hearing on the AUMF question.³¹⁴ US Secretary of Defense James Mattis and US Secretary of State Rex Tillerson testified.

Disclosure statement

No potential conflict of interest was reported by the authors.

³⁰⁸*Ibid.*

³⁰⁹Gardiner Harris, Julie Hirschfeld Davis and Ernesto Londoño, ‘U.S. expels 15 Cuban diplomats, in latest sign détente may be ending’, *New York Times* (3 October 2017) www.nytimes.com/2017/10/03/world/americas/us-cuba-diplomats.html?rref=collection%2Fsectioncollection%2Famericas&r=0.

³¹⁰*Ibid.*

³¹¹See Charlie Savage, ‘Will Congress ever limit the forever-expanding 9/11 War?’, *New York Times* (28 October 2017) www.nytimes.com/2017/10/28/us/politics/aumf-congress-niger.html; Charlie Savage and Eric Schmitt, ‘Trump posed to drop some limits on drone strikes and commando raids’, *New York Times* (21 September 2017) www.nytimes.com/2017/09/21/us/politics/trump-drone-strikes-commando-raids-rules.html.

³¹²For an overview of key documents on the US policy framework released in the final days of the Obama administration, see Ruys, Ferro, Verlinden and Vander Maelen (eds) (n 68) 201–7.

³¹³Rebecca Kheel, ‘Bipartisan lawmakers introduce new war authorization’, *The Hill* (10 December 2017) www.thehill.com/policy/defense/355150-bipartisan-lawmakers-introduce-new-war-authorization. For a report on prior attempts to adopt a new AUMF resolution, see e.g. Ruys, Ferro and Vander Maelen (eds) (n 75) 417–8.

³¹⁴US Senate Committee on Foreign Relations, ‘Full Committee hearing the Authorization for the use of military force: administration perspective’ (30 October 2017) www.foreign.senate.gov/hearings/the-authorizations-for-the-use-of-military-force-administration-perspective_103017.