Original Research

International Law and Humanitarian Intervention in the Syrian Civil War: The Role of the United States

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Abstract

This article interrogates the legality of American interventions in the Syrian conflict. The Syrian civil war stands as one of the most controversial conflicts of the 21st century, owing to the mass destruction of lives and properties and the multiplicity of interventions which have created numerous strands of the conflict. The United States as one of the intervening powers has shown support for the rebel forces geared at toppling the Assad government. The research adopts the qualitative method and utilizes the case study research design. The research makes use of secondary data as derived from academic journals, books, book chapters, newspapers, and so on and analyzes these data through the use of thematic analysis. The findings of the study reveal that the interventions of the United States are not legal. The study also finds that the United States possesses certain strategic interests in the Syrian conflict which it aims to achieve.

Keywords

civil war, humanitarian interventions, international law, Syria, the United States

Introduction

The Syrian civil war, a protracted conflict, is one of the many issues that plagued the international system in the second decade of the 21st century. At the heart of the conflict is a civil war which emanated from the uprising that swept through the Middle East and North African (MENA) region resulting in ousted dictatorships. The conflict has led to the deaths of more than 400,000 people and the worst humanitarian crisis since the second world war with a total of 7.6 million people displaced and an additional 3.2 million people seeking refuge in neighboring countries (Berti, 2015; Karim, 2017; UNHCR, 2016, cited in Tyyskä, Blower, DeBoer, Kawai, & Walcott, 2017). The conflict is described by Berti (2015) and Karim (2017) as a controversial conflict due to its many facets and strands, some of which are proxy wars between powers (the United States and Russia; Saudi Arabia and Iran), wars against terrorism with the involvement of Islamic fundamentalist and terrorist organizations like the Islamic State of Iraq and Syria (ISIS) and Al-Qaeda. Efforts of the United Nations (UN) in line with Chapters VII, articles 39, 40, and 41 of the Charter have been geared toward resolving the conflict. These efforts have been made in the form of resolutions which have however suffered vetoes at the hands of certain members of the United Nations Security Council (UNSC).

Despite these, states have intervened in the conflict supporting numerous sides The United States stands as one of the frontline intervening powers in the Syrian conflict, with interventions commencing in September of 2014 although the Obama administration made calls for Assad's resignation. Interventions from September 2014 have been carried out with Syria witnessing the presence of American force. The United States in its interventions expresses support for the rebel forces which seek to overthrow the Assad regime (Siddique & McCarthy, 2013). This support has manifested in the donation of military equipment to the rebel forces and the deployment of troops (Gomez, 2017).

A significant number of studies have been conducted on the legality of American interventions in the Syrian conflict. Beskardes (2016), in examining the legality of American-led interventions in Syria, described the actions of the United States as illegal as they contravened the provisions of the

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Charter on humanitarian interventions. In a similar opinion, Van der Vyver (2015) confirmed the illegality of American interventions in the Syrian conflict when juxtaposing them on the International Court of Justice's (ICJ) ruling of the Nicaragua case. Van der Vyver (2015) explained that the interventions are illegal due to the fact that they afford rebel forces weapons to overthrow an elected government. In a contrary opinion, Abratt (2017) asserted that the interventions of the United States in the Syrian conflict is deemed legal due to the fact that it conforms with the dictates of the doctrine of responsibility to protect which admonishes states to protect citizens from human rights violations. Despite the multiplicity of studies, there seems to be no agreement on the legality of American interventions. These studies also do not examine the linkages between the interventions of the United States and its strategic interests in Syria. This study is therefore set out to

1. Investigate the legality of American interventions in the Syrian conflict;
2. Ascertain the strategic interests of the United States in Syria

Method of the Study

This research employs the qualitative method and utilizes the case study research design. The study makes use of secondary data as derived from already published journal articles, book chapters, books, conference proceedings, and unpublished thesis. The study employs thematic analysis to analyze the data retrieved.

The Concept of International Law

The term international law denotes a broad concept that possesses multiple strands covering different areas of international politics. Simultaneously, the concept has received a multiplicity of definitions, signifying the absence of a universally acceptable definition. Despite this, an understanding of the term law is needed. The term law represents a codified set of rules and principles, guarding and guiding the behaviors of man, and backed by the coercive power of legitimate authority. Law encompasses rules, principles, and precepts formulated and implemented by a sovereign or recognized authority (Kwarteng, 2018). A major characteristic of law is that it reflects the peculiarities of the society within which it operates (Shaw, 2008). Invariably, international law refers to the codified sets of rules and principles that guide the actions and relations of states and nonstate actors in the international system. Shaw (2008) further asserted that the term refers to that element that binds, rules, and regulates the behaviors of states in the international system. International law also explains that law which deals with diplomatic relations and military issues between states and matters of territory (Schreuer, 2010). International law is also defined as rules and principles that can either be applied to states on the

foundation of multilateral treaties or customary international law. To Sucharitkul (2010), international law can be viewed as rules recognized by states irrespective of the use, content, or form as long as the consent of states are present.

Although international law is a generally acclaimed term referring to principles guiding state actions, scholars have questioned the existence of international law as law. These debates have centered on matters of enforcement, the lack of a central law making body among other deficiencies (Wolfrum, 2011). A basic characteristic of law, as pointed out by Kwarteng (2018), is an enforcing authority which in most cases relies on the authority vested in the sovereign. Under a domestic law, legal rules of state are enforced with the attachment of punitive measures to serve as deterrents, thereby preventing crime. These punitive measures are carried out by law enforcement agencies in a state as created by the government or the constitution. For example, municipal laws are enforced by officials, including federal marshal, state/local police. However, the absence of such law enforcement mechanisms in the international system has contributed to the controversial nature of international law. In light of this argument, Bradford and Ben-Shahar (2012) explained that enforcement is a challenge in international law, owing to a multiplicity of factors. States in the international system seemingly go against the precepts of international laws outlined in the UN Charter. Article 94, Paragraph 2 of the charter grants the UNSC the authority to ensure the enforcement of international laws (Štulajter, 2017). However, contrary is the case as seen in numerous examples and cases. An example of weak enforcement is seen in Nicaragua oil case (*The Republic of Nicaragua v. the United States of America*). The United States employed the use of force against Nicaragua through armed opposition groups Fuerza Democratica Nicaraguense (FDN) and Alianza Revolucionaria Democratica (ARDE), which had Western backing. The actions of these groups included intrusions on territorial waters, attempts at coercing the Nicaraguan government, attack on oil installations and naval bases (Zainab et al., 2018). Nicaragua filed the case before the ICJ citing the use of force as prohibited by the Charter and breach of state sovereignty. The state also demanded a compensation to the sum of US$3,702,000,000 for damages caused. The United States was found guilty by the ICJ for breaching certain obligations under customary international law but refused to adhere to the judgment of the court and did not pay the compensation as requested. The case was subsequently removed from the court's list (Zainab & 2018). Scholars Bradford and Ben-Shahar (2012) and Štulajter (2017) have sought out reasons for the weak enforcement of international law. Bradford and Ben-Shahar (2012) identified that the absence of an international enforcement body makes the process on enforcement a herculean task. The potency of domestic and/or municipal laws is seen in how they are executed by law enforcement agencies. Corroborating this argument, Duru (2012) articulated that municipal laws are usually executed by a responsible executive through law enforcement agencies such as

the police. This is not the case for international law, which has no replication of such apparatus for enforcement (Bradford & Ben-Shahar, 2012). In a different perspective, Štulajter (2017) identified that the UNSC stands as the only enforcement apparatus of international law as stipulated by Article 94, Paragraph 2 of the UN Charter. This monopoly makes it impossible for international law to be implemented effectively, as the members of the security council may express bias due to the nature of their international relations.

As explained above, international law consists of varying strands which guide diverse affairs. As such, the strand of international law adopted in this study is international humanitarian law (IHL).

IHL

IHL is one of the many strands of international law. Its existence is made necessary by the preponderance of conflict in the international system, where states battle to achieve strategic interests. IHL is necessary in the dramatic situations of war which involve widespread destruction of human lives and properties (Melzer, 2016). IHL refers to the body of rules that seek to bound or limit the humanitarian consequences of armed conflict (Melzer, 2016) The humanitarian consequences of conflicts or wars in this definition include mass violations of human rights and destruction of societies (The International Committee of the Red Cross, 2003). According to Bouvier and Langholtz (2012), IHL refers to the body of laws formulated from treaties or customs which are applicable to situations or armed conflict, specifically aimed at solving humanitarian problems or crises that may arise from such situations of conflict. Complementing the argument of Bouvier and Langholtz (2012), Wagner (2011) established that IHL tries to balance the elements of military necessity and carry out combat in a humane fashion. Within the scope of this discourse, military necessity denotes the measures of military force necessary to achieve a certain goal in a conflict which may be excessive, insufficient, and/or have no bearing on the set goals (Hayashi, 2010; Luban, 2013). Despite the issues of proportionality, the damages of wars to human rights cannot be ignored as belligerents and nonbelligerents are targets of inhumane actions. This goes on to form the central of IHL to protect nonbelligerents from the atrocities of wars.

IHL operates on fundamental principles which are widely held as significant in matters of armed conflict. These are principles of humanity; distinction between civilians and combatants, civilian objects and military objects; proportionality and military necessity which emanates from limitations to superfluous injury and unnecessary suffering (Sassoli et al., 2020). The principle of humanity under IHL prohibits the use of inhumane methods to prosecute wars. On this premise, Schmitt (2000, cited in Vincze, 2017, p. 27) asserted that the principle of humanity prohibits "inhumane methods and means of warfare, and usually applied to human suffering." Another principle centers on distinguishing civilians from belligerents or combatants and their respective objects. IHL sets out rules to guide the affairs of war from targeting civilians as well as noncombatants.

As a body of law, IHL is made up of different ordinances which have over the years added to its current nature and scope. Notable among these are the Geneva conventions which have contributed to a major part of IHL.

The Concept of Humanitarian Interventions

The post–world war, cold war, and the post–cold war eras have witnessed a surge in conflicts. These conflicts take intrastate, sectarian, ethnic forms and witness human rights abuses on an unprecedented scale. Foreign powers have responded to such abuses with military or humanitarian interventions premised on the supposed aim of halting violations of these inalienable rights (Kabia, 2016; Monaghan & Spreen, 2016). While this has occurred, debates on the concept of humanitarian interventions have also been prevalent. In these debates, scholars have questioned the meaning, relevance, and purpose of humanitarian interventions. As a resultant effect, a plethora of explanations exist. Kabia (2016) viewed humanitarian interventions as either forcible or nonforcible actions taken by either state or nonstate actors in situations of human right violations which result from actions of repressive regimes or conflicts. El Taraboulsi-McCarthy et al. (2016) argued that humanitarian interventions occur when states fail to protect and ensure the safety of their citizens in times of conflicts. Intervening powers therefore perform varying functions in conflict as aid donors, service providers, partners to international organizations and conflicting parties (El Taraboulsi-McCarthy et al., 2016).

Despite its resurgence in the cold war and post–cold war era, humanitarian interventions are an old practice that predates the UN Charter era. The foundations of humanitarian intervention are often associated with the Just War doctrine. The Just War doctrine or tradition was developed to identify just grounds for war. Specifically, the doctrine argued that war is justifiable when it is carried out by a sovereign authority, for a just cause and with the right intent (Gisslen, 2018; Patterson, 2009). With its purpose of guiding the conduct of war, the doctrine has evolved to provide specific guidance to activities preceding the conduct of war, during war, and in the aftermath of the war. These form cogent parts of the doctrine and are identifiable with the following nomenclatures: jus ad bellum, jus in bello, and jus post bellum (Moellendorf, 2014). Jus ad bellum covers the right to war. It deals with the justifiable basis of war through assessment of the following criteria: just cause, legitimate authority, right intention, established objectives, last result, and reasonable hope of success (Marr, 2019). In furtherance of this argument, Marr (2019) also established that just and/or legitimate causes of war include the following: to defend against attack, to deter aggression, and to right a severe wrong. Jus in bello,

the second principle in the just war doctrine, deals with the proportionality of force and the means used to pursue the war (Patterson, 2009). Initially, the just war doctrine only provided regulations for armed conflict between states. However, the rise of international law (then known as jus gentium or law of nations) in the 16th century extended the doctrine's reach beyond interstate war. Therefore, tyranny, abuse, and harm against the citizenry therefore became justifiable reasons to intervene militarily in sovereign states (Heraclides & Dialla, 2016).

Humanitarian Interventions and the UN Charter

The U.N. Charter outlines certain procedures guiding humanitarian interventions to ensure world. As such, states receive mandates from the international community through its authorized bodies, notably the UNSC to intervene militarily in a conflict (Kolb, 2004). Hence, the legality of humanitarian interventions is confirmed when such interventions conform to the procedures enshrined in the UN Charter (Foley, 2017). The UN Charter in Chapter VII, articles 39, 40, and 41 spells out certain principles and conditions which must to be fulfilled before states can intervene militarily in other states.

Article 39

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

Article 40

To prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.

Article 41

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the members of the UN to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air,

postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

An examination of Articles 39 to 41 of the Charter identifies that, the first prerequisite for military interventions is to determine the existence of any threat or breach to peace, or any act of aggressions. The phrase threat to peace or breach of the peace is not defined in the Charter. In support of this, Wellens (2003) argued that the concept of threat to the peace seems ambiguous as it covers a wide range of state behaviors. In resolving this, the UNSC (n.d.) articulates that actions that may fall within the caprices of threat to the peace or breach to the peace and acts of aggression include inter- or intrastate conflicts or internal conflicts which possess regional or subregional dimensions, terrorist acts, proliferation, and illegal trafficking of small and light weapons. Based on the afore-mentioned, the Syrian civil war as an internal conflict with ramifications for the Middle Eastern region can be categorized as a breach of peace.

The Responsibility to Protect

The responsibility to protect is one of many doctrines, convention, and so on designed to safeguard human rights through humanitarian interventions. The doctrine acknowledged the universality of human rights and encouraged its "unconditional" defense. It places the responsibility for protecting human rights on the state, and in event that it fails in this, the responsibility falls on the international community. This stance was informed by the events of the 1994 genocide in Rwanda, which was greeted by international inaction in the face of human rights violations (Thakur, 2016). The Rwandan genocide witnessed the deaths of 800,000 Tutsis at the hand of violent Hutus. This and many other atrocities were uninhibited due to the reluctance of states to deploy troops to the state (Rotmann et al., 2014). Another contributing factor to the development of the R2P was the legal implications of North Atlantic Treaty Organization (NATO) intervention in 1999, which was not sanctioned in by the Security Council. This led to controversies surrounding the legality of interventions, which lack Security Council authorization. The fore going prompted then U.N. Secretary General Kofi Annan's advocacy for an international norm in support of interventions to prevent and/or halt human rights violations. This clamor for an international norm to govern interventions led the Canadian government to launch the International Commission for Intervention and State Sovereignty (ICISS; Rotmann et al., 2014). The purpose of the commission was to develop a framework that would guide interventions for the above-named purpose. As such, the ICISS affirmed that interventions are needed when there are situations of grave violations of human rights, which are characterized by loss of life on a large scale with or without genocidal intent, which is a result of deliberate state action or neglect. The doctrine gained popular support from states and

was subsequently accepted in the 2005 World Summit by all heads of states and governments.

Responsibility to Protect and Humanitarian Intervention in Libya

The 2011 NATO interventions in Libya marked the first major implementation of the Responsibility to Protect. The Arab Spring in Libya was trailed by protests clamoring for the resignation of then Libyan leader Muammar Gaddafi. The Gaddafi regime however responded with force leading to the deaths of protesters who were Libyan citizens clamoring for democratic reforms. Their demands were greeted with lethal use of force from pro-Gaddafi forces. Erameh and Idachaba (2017) noted the widespread attacks against the Libyans by the Gaddafi regime. The continuous repressions by the regime gave rise to opposition forces which sought to confront government forcefully. Citing the deplorable situation in Libya, the UNSC passed resolution 1973, authorizing military intervention in Libya. The use of force in the Arab State was drafted under the conception of humanitarian interventions as captured in the R2P doctrine to protect Libyan citizens from human rights violations. The resolution also paid allusions to the concept of humanitarian interventions as enshrined in Chapter VII of the UN Charter and advocated for a no-fly zone over Libya (Garwood-Gowers, 2013).

On March 19, 2011, a coalition of states, including the United States, the United Kingdom, France, Sweden, Qatar, the United Arab Emirates (UAE), Denmark, Italy, Norway, under the auspices of the NATO, began military interventions in Syria (Lutz, 2016; Garwood-Gowers, 2013). The intervention spanned 7 months and consisted of 26,000 air sorties and damaged a total of 6,000 targets (Corten & Koutroulis, 2013). The intervention tagged Operation Unified Protector (OUP) involved air strikes and military attacks against the Gaddafi regime. Simultaneously, the coalition violated the arms embargo by providing weapons to the rebels and opposing forces. Members of the coalition enabled the rebel forces with military equipment and weapons. Birnbaum (2011) pointed out that the French government made provisions of military aid to the rebels. This is aside American missiles, which were confiscated from rebel forces by pro-government troops (Schmitt & Walsh, 2019). Such actions by the NATO coalition exceeded the legal boundaries of resolution 1973 and presented the intervention as an instrument of regime change. Igwe et al. (2017) in agreement asserted that the realpolitik calculations and foreign policy objectives served as guiding factors for the interventions in Libya rather than the moral principles guiding the responsibility to protect. Such factors highlighted that the R2P doctrine could be interpreted and implemented to suite the foreign policy objectives of intervening powers. These events have sparked debates about the limitations of the R2P and ultimately led to clamors for amendment. Among such is

the launching of the Responsibility while Protecting (RWP), which is described as an amendment to ensure conformity with the principles of the R2P (Stuenkel, 2016).

The Syrian Civil War

The Syrian conflict is described as one of the most controversial conflicts of the 21st century, having resulted into the deaths of at least 400,000 people since its inception (Karim, 2017). The conflict is also termed controversial due to the interventions of multiple actors which have led to diverse interpretations of the civil war. The interventions of opposing powers such as Saudi Arabia and Iran, the United States, and the Russian Federation have presented the conflict as a proxy war between these powers (Balanche, 2018). Islamic terrorist groups such as the ISIS and Al-Qaeda have painted the Syrian conflict into a war against terror. The preceding support the claim of the controversial and multifaceted nature of the Syrian war. The origins of the conflict are often traced to the Arab Spring which was a wave of revolutions which took the form of protests against despotism and dictatorial governments in the Middle East. Tunisia, Egypt, Libya, and Yemen witnessed the Arab Spring which resulted in different outcomes. While long-time Presidents of Tunisia and Egypt, Zine EL Abidine Ben Ali and Hosni Mubarak resigned after series of protests and demonstrations, the Arab Spring culminated in civil wars in Libya and Yemen. The Arab Spring in Syria towed a path similar to that of Libya, due to the commencement of a civil war (Juneau, 2013; Lynch et al., 2014).

The Arab Spring in Syria began after school children were arrested and tortured for paining anti-Assad graffiti on school wall which read, "It's your turn now doctor." The statement represented the belief that Assad's fate will be similar to toppled dictators in the MENA region (Aksu Kargin, 2018). This led to protests which began in March 2011 as protesters flooded the streets of Deraa. The protests were characterized by the expression of dissent and displeasures against the regime. The protesters cited situations of human rights abuses, unemployment, unequal distribution of wealth, and corruption, among other issues (Żuber & Moussa, 2018). Protests were however greeted with force by pro-government forces, who opened fire on unarmed protesters. Aside the numerous deaths and injuries, a resultant effect was mass defections in the military. Soldiers and officers unwilling to shoot protesters chanting revolutionary slogans either fled the country or joined rebel groups (Bayoumy, 2011). The continuous attacks from both sides evolved to a full-fledged internal conflict that is described as the Syrian Civil War.

Belligerents in the Syrian Conflict

Syria's multifaceted war is fought by different categories of belligerents, with each using the conflict to achieve set aims

and objectives. The following are the belligerents in the Syrian conflict.

Pro-Government Forces

This category of belligerents fights on behalf of and is loyal to the Assad regime. Its violent reactions to demonstrations in March 2011 sparked the ongoing conflict. Belligerents in this category are primarily the Syrian armed forces which encompass the Syrian army, air force, and air defense command. Jenkins (2014) stated that at the outset of the conflict, the Syrian state possessed 220,000 personnel in the Army and 70,000 more in the Air force and defense command. The prolonged nature of the conflict has however resulted in the shortage of personnel. This has occurred through conflict-related deaths and defections from the military (Gaub, 2017). Pro-Assad forces, which in this case is the Syrian military, receive support from foreign powers such as Russia, Iran, and Hezbollah (Jenkins, 2014). Within Syrian borders, numerous militia groups support Syria's military forces, notably the National Defense Force (NDF) and the Shabiha (Kanikara, 2018; Salih, 2012). The National Defense Force (NDF) is a pro-government militia that supports the Syrian military in the Syrian conflict. The NDF was created by Iran's Quds force to support Pro-Assad forces in the conflict. As an umbrella organization, the NDF accounts for 200,000 personnel, most of which are drawn from numerous religious sects. In return, the NDF enjoys provision of military equipment and finances from the Syrian military (Kanikara, 2018; Khan & Khan, 2017). Externally, the NDF receives support majorly from Iran, Hezbollah, and Russia (Tabrizi & Pantucci, 2016).

The Shabiha is another pro-government force fighting on behalf of the Assad government in Syria. It consists of self-defense groups which are drawn from the Alawite community, which Assad belongs to. The introduction of the Shabiha and other ethnic militia groups into the Syrian conflict has led to the rise of sectarianism. A fall out of this is the difficulty experienced in divorcing politically motivated acts from ethnic ones (Berti & Paris, 2014; Phillips, 2015). As such, there are connotations that the Assad-led government has embarked on series of ethnic cleansings against the Sunnis. On April 27, 2011, 40 Sunnis were killed in Telkalakh by the Shabiha. Other killings by this sect revealed the victims to be Sunnis (Phillips, 2015). Complementing the efforts of the Shabiha is the Jaysh al-Sha'bi, otherwise known as the people's army which defends Alawite, Druze, and Christian strongholds against the rebels.

Opposition Forces

The opposition forces in the Syrian conflict, usually called anti-Assad, anti-government, or rebel forces, comprises different factions and militias, opposing the Assad forces in the conflict. In attempts to categorize the rebel forces, scholars have made classifications. Ford (2019) dichotomized the rebel forces into two distinct classifications, Syrian nonjihadi opposition and Syrian jihadi opposition. Each classification consists of different militia and paramilitary groups. The Geneva International Center for Justice (2017) corroborated this claim by recognizing the moderate and religious fronts. A fall out of this however is the lack of a centralized authority structure to coordinate attacks. Supporting this argument, Sofer and Shafroth (2013) asserted that the numerous divisions have plagued the rebel forces. Specifically, the opposition forces in the Syrian conflict include the Syrian National Council (SNC), the Free Syrian Army (FSA), the Syrian Liberation Front (SLF), Syrian Islamic Front, and other independent rebel groups (Carpenter, 2013; Sofer and Shafroth, 2013).

The SNC presents itself as the umbrella organization of the rebel forces in the Syrian conflict (White et al., 2013). The SNC's formation in October 2011 was a response to the need to unite rebel forces to respond efficiently to the pro-government forces in the conflict. Groups and representatives signatory to the formation of the council include the Damascus Declaration, the Muslim Brotherhood in Syria, Kurdish factions, representatives of the grassroots Local Coordination Committees, and other political parties and platforms, including the Damascus Spring and the National Bloc (Sayigh, 2013). According to Ulutas (2016), the SNC has a large political base which comprises Christians, Alawites, Assyrians, Kurds, and so on. Despite its large base, the council is fraught by certain shortcomings. Notable among this is the fact that the SNC has been unable to lay claims to the monopoly of anti-Assad sentiments and opinions. Put differently, the SNC does not represent the opposition forces in the Syrian conflict. This issue directly feeds into the lack of a centralized authority in the Syrian conflict. Ulutas (2016) pointed out that a disconnect between the council and the groups of people it claims to represent and its overdependence on foreign assistance have weakened the SNC's dominance in the opposition side of the conflict.

The FSA operates an offensive against the Assad-led government and its forces in Syria. According to the FSA is a Sunni-dominated rebel group that was initially formed to defend and champion the cause of the revolution. In its early days, the group possessed just 1,000 fighters. The progression of the war has also seen a rise in the numerical strength of the institution. According to Jenkins (2014), the Sunni-dominated rebel group grew to 50,000 fighters in the conflict. This is largely due to defections from the Syrian military. Although its numerical strength is significant, the group is divided into numerous factions, with each possessing unique goals and approaches to the conflict (Carpenter, 2013; Jenkins, 2014).

Another armed rebel group fighting in the Syrian conflict is the SLF. The SLF was formed in February 2018 in an effort to counter the influence of another rebel group known by the name Hay'at Tahrir al-Sham (Organization for the

Liberation of the Levant; Sulce, 2019). The Hay'at Tahrir al-Sham belongs to the religious branch of the rebel forces which seeks to overthrow the Assad government and establish an Islamic caliphate. Its core Islamic ideological leanings pitches it at longer heads with forces like the SLF (Mapping Militant Organizations, 2018). Predating the existence of the SLF is the Ahrar al-Sham or the Harajat Ahrar al-Sham al-Islamiyya (the Islamic Movement of the Free Men of the Levant) which was a predominantly Sunni group that aimed at toppling the Assad government, replacing it with an Islamic government. The group was formed in 2011, carried out a series of attacks and subsequently merged with the Nour al-Din al Zenki to form the SLF (Sulce, 2019).

American Intervention in the Syrian Conflict: Overview, Nature, and Scope

Syria's civil war is a point of attraction for states in the international system, thus the numerous interventions the conflict has witnessed. Intervening powers pick sides in the conflict and make provisions for logistic, strategic, and financial support. The numerous interventions are perhaps one of the highlights of the conflict. As at 2015, a total of 30,000 foreign fighters had flown to Syria to fight for either sides in the conflict (Giacomini, 2016). One of the major powers intervening in the Syrian conflict is the United States which has exuded support for the rebel groups militarily and otherwise (Sulce, 2019). Although American military intervention in the conflict began in September 2014, the American government began subtle involvements prior to the said date. These involvements found expressions in calls for the resignation of Bashar al-Assad as the President of Syria to the supply of nonlethal and lethal assistance to the rebel forces. Part of this assistance was the covert supply of weapons by the Central Intelligence Agency (CIA) worth US$1 billion dollars to rebel forces. Other efforts included training of rebel personnel, sanctions on the Syrian government, and humanitarian aid (Mazzetti et al., 2017; Sharp & Blanchard, 2013).

Since September 2014, the United States has actively intervened in the Syrian conflict in all manner of efforts principally air strikes. It is widely perceived that America's involvement in the Syrian conflict is due to the use of chemical weapons by the Assad regime in the conflict. In line with this, Yadlin and Golov (2013) argued that prior to the chemical attack in the eastern suburb of Damascus the capital of the war-torn state, the American government had not really considered military interventions in Syria. In congruence, Manfreda (2017) established links between the chemical attacks by the Assad government in Damascus and the military interventions of the United States in the conflict. However, the postures and actions of the United States in the conflict have revealed more reasons for interventions in the conflict than chemical weapons usage. A pointer to American bias was the covert supply of lethal and nonlethal assistance to opposition forces in the conflict. Post September 2014, the

United States utilized military force in support of the Syrian rebels. Mahmood and Mohd (2017) pointed out that the United States supported and trained rebel fighters and conducted strikes against the Syrian military and pro-Assad forces The United States claims that these strikes are targeted at ISIS strongholds in the war-torn country.

Below is a table presenting notable dates in America's intervention in the Syrian conflict.

America's intervention in the Syrian conflict carries a

S/N	Date	Event
1	August 2011	President Obama calls on Assad to resign
2	June 2013	After ascertaining the use of chemical weapons by the Syrian regime, Obama authorizes provision of support for Syrian rebels
3	Summer of 2014	U.S. government asserts that special operation troops are in Syria.
4	September 2014	U.S. commences air strikes against ISIS in Iraq.
5	2015	First batch of U.S. ground troops arrive Syria to recruit, organize, and advise Syrian rebels
6	April 2017	U.S. responds to the use of chemical weapons by the Assad regime by launching 59 cruise missiles into Syria
7	April 2018	U.S., along with Britain and France, launches missile and attacks Damascus, the capital of Syria, in retaliation for the Douma attack
8	December 2018	U.S. government announce the withdrawal of U.S. troops from Syria
9	January 2019	U.S commences withdrawal of troops from Syria

Source. Compiled by the authors.

peculiar nature sharply different from interventions of other powers, notably Russia. Russia's intervention in Syria began in September 2015, a year after American involvement in the conflict commenced. Preceding this, however, the Russian state had expressed support for the Assad-led government and its forces since the early days of the conflict in 2011. This is despite the fact that deliberations on interventions were conducted (Charap et al., 2019). The decision to intervene in the protracted conflict was reinforced by the invitation granted by the Syrian government. Put differently, Syria, inviting Russia to intervene in its conflict gave the latter impetus to involve itself in the conflict (Charap et al., 2019). This singular act has sparked a different dimension of debate regarding the legitimacy of the use of force in the conflict. As opposed to its Western counterpart, the Russian state continually lays claim to a legitimate use of military force being that its operations are based on formal invitation by the

Syrian state. It also employs this as a talking point, criticizing the West for an "illegitimate" use of force on Syrian soil (Allison, 2013; et al., 2019).

The Legality of American Interventions in the Syrian Conflict

The legality of the military interventions of the United States in the Syrian conflict has been debated. Beskardes (2016) explained that the issue of military intervention is one of great concern when considering article 2(4) of the UN Charter which forbids the threat or the use of force on any state. Contributing to the ongoing discourse are the issues of Articles 39, 40, and 41 of the Charter, which points out that the UNSC reserves the prerogative to intervene militarily in any conflict. The debate is compounded by the doctrine of Responsibility to Protect (R2P), which places responsibility on members of the international community to protect citizens of a state, when such a state is incapable of guaranteeing protection. Specifically, the doctrine of R2P seeks to ensure that states do not fail to act against all forms of human rights violations (Global Centre for the Responsibility to Protect, 2008).

The doctrine helps prevent human rights abuses through diverse nonforcible means. Only when diplomatic measures prove ineffective should the international community implement measures such as the threat or the use of economic sanctions, arms embargoes, or threats to refer perpetrators to international criminal prosecution. All of which must be meted out through the UNSC. In the event of the failure of any of the measures, the UNSC consider the use of military force (Global Centre for the Responsibility to Protect, 2008). From the above, it can be asserted that the use of force in the Syrian by the United States conflict does not conform with the procedures enshrined in the UN Charter or the doctrine of responsibility to protect. Therefore, it can be asserted that the action of the United States in the conflict is not legal. Although the United States can make the argument that there had been a failure of the Syrian government in protecting its citizens from human rights abuses, there has been a violation of international law by the United States. The argument of state failure by the U.S. government is weakened by its unilateral interventions, which lacks endorsement or approval from the UN. This violation is pronounced when juxtaposing the tenets of international law as enshrined in the UN Charter with America's release of 59 tomahawk missiles into Syria in April 2017. The actions of the United States contravene the precepts outlined in the UN charter being that for interventions to occur in any conflict, they must be built on the approval of the UNSC. Based on the afore stated, the interventions of the United States are deemed illegal.

American Interests in Syria as Rationale for Intervention

The realist perspective to humanitarian interventions stipulates that interventions are devoid of ethical and moral considerations and, as such, serve as tools for achieving strategic interests (Ngwa, 2017). In harmony with this, Taraboulsi-McCarthy et al. (2016) argued that there are ties between a country's national interest and its decision to engage in humanitarian interventions. These interests directly or indirectly impinge on the state's decision to embark on interventions in another state's conflict. This explanation explains the nature of American interventions in the Syrian conflict as they are seemingly motivated by strategic interests. One of such is the defeat of the ISIS and al-Sham. The political instability that has characterized the Syrian state since the beginning of the conflict in 2011 presented an opportunity for the germination of Islamic fundamentalism and, subsequently, the growth of terrorists organizations. Between 2013 and 2014, ISIS gained popularity due to its projection of violence through mass executions (Oosterveld et al., 2017). With the rise of this organization, the UN direct edits efforts toward its destruction. This is so that Syria does not become a suitable point for terrorists groups and organizations. The United States through its intervention in the Syrian conflict also aims to protect its strategic partnerships with Israel, Turkey, the Gulf Cooperation Council (GCC), Jordan, Iraq, and Egypt. For the United States, stability in the region is needed to preserve these relations.

A second point of call in the Syrian conflict is regime change. For the United States, the Assad government prior to the conflict had employed force in dealing with dissenting and opposing opinions. Moreso, Bashar al-Assad's rule in Syria, stems from an Assad dynasty which has ruled Syria for more than 30 years. The anti-democratic demeanors of the Assad regime have prompted American interventions in the Syrian conflict which are geared toward ousting the Assad government (Byman et al., 2012). However, the United States is also wary of the unwanted effects of regime change, one of which is political instability postconflict. This position is from antecedents in Libya, in which the NATO interventions and support for rebel groups saw the deposition of Colonel Muammar Gaddafi and led to years of political instability in which the Libyans have not been able to form a coherent government (Amditis, 2012; Byman et al., 2012; Sutherlin, 2013). Note worthy is the fact that the U.S. support for the overthrow of the Assad government is not only to entrench democratic governance but as a stepping stone for eliminating Russian allies in the Middle East. In congruence with this, Alamailes and Yurtsever (2018) argued that Syria occupies an important role in the Middle East as an ally of the Russian state. Instituting a pro-Western government in the place of Assad's government will secure American interest in Syria and weakening Russian influence in the Middle East.

Furthermore, American interests in the Syrian conflict express the intentions to not only confront the Assad government through rebel groups but also to secure large deposits of certain natural resources, notably oil. Similarly, Alamailes and Yurtsever (2018) asserted that the United States is attracted into the Syrian crisis by inherent opportunities for maximizing energy resources. In October 2019, the Trump administration made a reversal on its withdrawal policy and ordered troops present in the war-torn state to secure the

state's oil reserves (Welna, 2019). This is seemingly one of the motives behind the construction of new military bases by the U.S. government in Syria, to increase stronghold on the state's oil reserves (Szénási, 2019).

Conclusions and Recommendations

The Syrian civil war is a protracted conflict that has attracted the attention of state and nonstate actors in the international system. The conflict has also witnessed numerous interventions from these actors, notably the United States, leading to questions about such actions. This study argues that the interventions of the United States of America are not within the confines of legality and, as such, represent a breach of international law. This study recommends that the UN takes a firmer stance toward unauthorized interventions. To do so, the UN must draft sanctions that must be implemented against any member state that goes against the procedures guiding humanitarian interventions. The study also recommends that sanctions must be put in place for nations that flout the precepts and positions of international law.

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