



THE CONFLICT IN SYRIA: RIFLECTIONS AND CRITICAL ANALYSIS

The situation created in Syria and issues related to the conflict, offers a multitude of reflections. Since March 2011, before the strong signals of political instability, the Assad regime has released the full power of its arsenal in order to dampen the insurrectionary and anti-government movements. For fifteen months, government forces have attacked civilians and not military targets, preventing the arrival of humanitarian aid, contrary to the fundamental rules governing a conflict. The different armed groups gathered under the symbol of the Free Syrian Army, trying to coordinate military operations, no matter what its nature was. The conflict changed appearance and intensity, from sporadic acts of protest and armed resistance to a real struggle for permanent control over the territory. Both sides believe they can prevail militarily on the other, refusing all compromise. Violations of humanitarian law and human rights, the prohibition on interference, the struggle for self-determination, self-defense of a State not against another State but against rebels, militarily organized and probably armed by third States and determined to overthrow a legitimate government. Various institutions have been used to try to frame the whole affair, but at present nothing clear and precise was reached unless confined to matters of the victims, on both sides. With reference to the use of chemical weapons, the Security Council has taken time, deciding not to intervene militarily but merely to condemn the Assad government regarding the use of chemical weapons (but did not refer the matter to the International Criminal Court). The General Secretary was limited to draw the Council's attention to two crucial aspects of the conflict: the serious humanitarian situation and the political crisis. After rebuilding the doctrine and jurisprudence on the concept of armed conflict (international or not international), the first question to ask is whether the reaction of Assad falls within a legitimate action of national security (or public policy). The law of nations only recognizes – as need - the existential threats. And the attack against the government, moved by armed rebels, has, in our opinion, the features. With the result that it would be possible to support in principle the legitimacy of Assad reaction. More must be said about the way in which this reaction has developed. The paper offers two more possible interpretations. Self-determination or exercise of the right of resistance. Certainly, we are faced with a rebellion, armed, disorganized military, which has seen the use of chemical weapons by both sides in the conflict, with the sole objective the overthrow of the Assad regime. But this is a very difficult prospect to accomplish. At least in the immediate.