



«WALTZ WITH BASHAR»: LIMITS AND ABUSES OF INTERNATIONAL LAW AT THE INTERSECTION BETWEEN THE SYRIAN CRISIS AND THE FIGHT AGAINST TERRORISM

After almost five years of fighting, with more than 200.000 victims and four millions refugees, the Syrian conflict is rightly considered the symbol of the failure of the international diplomacy before the gravest humanitarian crisis of recent years and of the incapability of the international community (and, on its behalf, of the United Nations) to find – at least so far – a generally agreed solution to allow the restoration of a situation of stability and lasting peace in the country. The uncertainty on the political fate of the Syrian government and, conversely, the gradual strengthening of Isis position within the conquered territories, have further complicated the crisis scenario, characterized by its apparent vagueness which results in an objective difficulty of appreciation on the basis of the relevant international rules. It is in this perspective that the double reference to the «abuses» and the «limits» of International Law must be understood: the paper aims to highlight how, on the one side, the legal argument of the «self-defence against terrorism» is too narrow to justify, short of a formal authorization of UN Security Council, an armed intervention of foreign States in the Syrian territory without the consent of the local government and, on the other side, the international legal system is inadequate to ensure the protection of collective values in certain circumstances, not so much because of the lack of cooperation by the States, but for its «intimate structure». Eventually, the Syrian conflict is a convincing test to determine whether the international legal order presents a sufficiently stable structure, regardless of the actual compliance with its rules by the States. Its outcome, however, appears to be negative, provided that the UNSC res. 2249/2015, while suggesting a «return to Westphalia», implicitly denies the monopoly of SC regarding the legitimate use of armed force, in order to not interfere with the system of alliances currently in place among its permanent members and local actors involved in the conflict.