THE SYRIAN CONFLICT’S IMPACT ON INTERNATIONAL LAW

Written as the decade-long Syrian conflict nears an end, this is the first book-length treatment of how the Syrian war has changed international law. In *The Syrian Conflict’s Impact on International Law*, the authors explain the history of the current conflict in Syria and discuss the principles and process of customary international law formation and the phenomenon of accelerated formation of customary international law known as Grotian moments. They then explore specific examples, including how use of force against ISIS in Syria has changed the law of self-defense against non-state actors, how the allied air strikes in response to Syria’s use of chemical weapons have changed the law of humanitarian intervention, and others. This book seeks to contribute both to understanding the concept of accelerated formation of customary international law and the specific ways the Syria conflict has led to development of new norms and principles in several areas of international law.

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Authors' Biographies

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Dr. Williams’s pro bono government clients throughout the world joined
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Prologue

This is an academic book, but the authors are not strictly academics and our relation to the subject matter is not entirely scholarly. The three of us are the directors of the Public International Law and Policy Group, a Nobel Peace Prize–nominated NGO that for the past nine years has been involved in the Syrian peace process and in the effort to establish accountability for atrocities committed during the Syrian conflict.

For two of us (Scharf and Williams), the origins of this book began in June 2013 at an outdoor cafe on what started out as a sunny, languorous afternoon in one of the great cities of the world, Istanbul. We were enjoying Turkish coffee and baklava near Taksim Gezi Park while we prepared for an unusual meeting with two-dozen Syrian jurists who had braved countless governmental and rebel check points to work with us for a week on the blueprint for a Syrian Tribunal to hold regime officials responsible for war crimes and crimes against humanity.¹

Suddenly, we were surrounded by thousands of college students with cacophonous noise-making devices of every kind, waiving giant red flags emblazoned with the visage of the great Turk secular leader, Ataturk. They were ostensibly protesting Prime Minister Recep Tayyip Erdoğan’s urban development plan for one of the last remaining public parks in the city of fourteen million. But the protests were about more – attacks on freedom of expression, encroachments on secularization, and increasing government repression.

The protesters were followed close behind by hundreds of white-helmeted riot police, clad in black body armor and carrying large translucent shields. Moments later, our eyes began to burn as canisters of tear gas landed nearby,

¹ The blueprint we came up with is reproduced in the Appendix to this book.
spewing gray mist. Behind us we could hear the rush of cannons firing thousands of gallons of pressurized water into the crowd. And then the screams of the students.

We were instantly caught up in a stampede. Our fight-or-flight response kicked in and we ran with the jostling crowd at our top speed for nearly a mile, trying to gain distance from the riot police. Later we would joke that it was like running with the bulls at Pamplona. But, in that moment, our thoughts turned to one thing – survival. It was frightening, even for two individuals who have had a long history of encounters with dangerous situations in our work around the globe.

The next morning, we awoke to press reports of many injuries from the police clash with the protesters at Taksim. When we met with our Syrian counterparts at the hotel conference room, we asked them if they had witnessed the skirmish between the police and protesters the day before. They said that they had not only seen the confrontation, they joined in to show solidarity with the protesters. “Were you frightened?” we asked. “No,” was their emphatic reply. “Compared to being attacked by massive artillery, missiles, barrel bombs, and chemical weapons – this was nothing.”

We dedicate this book to these intrepid Syrian jurists and others like them that we have worked with over the years, some of whom have been forced into exile, some gave their lives in the struggle for their people’s rights, and some continue to fight for justice in their troubled country.