

In bombing Syria, Trump perpetuates the US disregard for the rule of international law

Posted by Joan Russow

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by Joan Russow Global Compliance Research Project April 6, 2017



Yet again US disrespects the rule international law. Under the Charter of the United Nations is an important Chapter; Chapter VI- the peaceful resolution of disputes. Unfortunately, the US usually bypasses Chapter VI and goes to Chapter VII which does, if supported by the UNSC, legitimize an invasion, and when the US does not receive the support of the UNSC, the US acts, independently. In this case, Trump did not even attempt to receive support of the UNSC, and did not wait for an investigation into the claim, about the source of the chemical weapons, made by Russia's

Foreign Minister Sergei

Lavrov

Sergei Lavrov opposed the invasions of Iraq, Afghanistan, and Libya, all of which were condemned by Trump during the election.

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Under the Chemical Weapons Convention, there are provisions for bringing to justice any state or group that has used chemical weapons; none is military intervention; but going to the International Court of Justice is one of the provisions.

SETTLEMENT OF DISPUTES 1. 2. When a dispute arises between two or more States Parties, or between one or more States Parties and the Organization, relating to the interpretation or application of this Convention, the parties concerned shall consult together with a view to the expeditious settlement of the dispute by negotiation or by other peaceful means of the parties' choice, including recourse to appropriate organs of this Convention and, by mutual consent, referral to the International Court of Justice in conformity with the Statute of the Court.

Unfortunately, the US does not recognize the jurisdiction of the ICJ (Kosovo) or the decision (Nicaragua)

The International Criminal Court (ICC), which has not been ratified by the US, is perceived often by the South as being biased because it fails to persecute leaders from the north

In an ideal world, the respecting of the jurisdiction and the decisions of the ICJ would be mandatory and its decisions enforceable.

Trump, instead of striking Syria, could have proclaimed that from now on the US would respect the jurisdiction and decisions of the ICJ and urge all states to do so. Then there would be in place a mechanism for addressing the issue of using prohibited weapons. And he could ratify the Rome Statute of the ICC and urge other states to do so. This could be crossing the diplomatic red line

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As it is, because the US sees itself above international law, Trump is extending what Nixon said. If the president does it ; it is legal now "if Congress supports it; it is legal. In this case, Trump did not even seek approval by Congress.

The US and allies should not forget: Agent orange (Vietnam) phosphorus (Gaza), Depleted uranium and phosphorus Fallujah, Basra, Najaf . In the meantime, perhaps he should respect the wisdom of Ban Ki Moon. When Obama had threatened to strike Syria, the Secretary General said: ``there must be a political solution, cease fire, peace conference and funding for refugees and host states``. Once it has been determined which side used chemical weapons in Syria, then the ICC could be called upon to prosecute the culprit or culprits, along with other states that have used prohibited weapons. Then the US could finish its obligation under the CWC and eliminate the remaining chemical weapons in its arsenal . Syria had stated some time ago that it would ratify the Chemical Weapons Convention (CWC) if Israel would renounce nuclear weapons.. Syria finally did ratify the convention in 9/12/13; Israel has signed but not ratified the convention. in addition The US and Israel should adopt the Declaration on a Nuclear Arms free Zone in Middle East.

Note that the US admits using depleted uranium in Syria

Depleted uranium <http://www.mintpressnews.com/us-admits-use-depleted-uranium-syria/221988/>

