

Posted by Joan Russow
Tuesday, 31 December 2019 14:49 -

2003 US IS AN INTERNATIONAL ROGUE STATE: HYPOCRITICAL STANCES.
CORRUPTIVE PRACTICES, AND ILLEGAL ACTIONS,

FROM THE ARCHIVES

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US THWARTS ATTEMPT TO CALL AN EMERGENCY GENERAL ASSEMBLY SESSION

For some time, there has been a campaign to call for an emergency UN General Assembly session, invoking the 1950 Uniting for Peace Resolution. The United States knows that not only is a large percentage of civil society opposing the invasion of Iraq, but also over 80% of the member states of the United Nations would oppose the military invasion of Iraq.

Yesterday, it was revealed in the newspaper La Tercera that the US had been attempting to prevent an emergency General Assembly session.

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It is well documented that the US has continually shown disdain for the rule of International law-failing to sign and ratify international instruments, and showing for the jurisdiction of International Court of Justice, and more recently for the International Criminal Court.

US ENGAGED IN AN ILLEGAL ACT

Under the Charter of the United Nations, the following purpose is clearly enunciated:

to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and .to unite our strength to maintain international peace and security, and to ensure by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest, and Under the Charter of the United Nations, force is only authorized if sanctioned by the UN Security Council, or under Article 51 of the Charter of the United Nations which affirms:

the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security (Article 51)

The United States, after failing to obtain the sufficient number of votes on the UN Security Council, is claiming that the US had received support for the use of force under the UN Security Council Resolution 1441. In an early draft, many members of the UN Security Council rejected the expression "all necessary means" which would have included the use of force. In UNSC resolution 1441, there was a provision for "serious consequences" to be in place in the event that Iraq had been in material breach of the resolution. Colin Powell has claimed that "serious consequences" is UN code for the use of force. There was a clear understanding, even formally expressed by Russia, France and China, that "serious consequences" did not authorize the automatic use of force and that before any authorization of force would be sanctioned, a further UN Security Council resolution would be necessary.

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In addition, under the Convention of the Law of Treaties, terms in international instruments must be interpreted in their ordinary language meaning; in no way in ordinary language would serious consequences, even in the context of the UN Security Council resolution, be equated automatically with the use of force. One serious consequence could have been to take the issue to the International Court of Justice to enable the judges to carefully assess the legitimacy of the documentation presented. As has been reported recently, not only has there been misrepresentation of documents from US British intelligence, but also there have been forged documents on the purchase of uranium. The US has misused used Article 51 before and redefined what constituted self-defence under Article 51. Again, the interpretation of this Article and its applicability would be best assessed by the International Court of Justice.

Several specialists in International Law have requested the US to go to the International Court of Justice to seek an advisory opinion on the legality of the use of force in Iraq.

As usual, the US is willing to condemn others as rogue states defying the rule of international law, but the US fails to seek the advice from the International Court of Justice which is a specialized organ under the United Nations, and the US has over the years failed to accept both the

jurisdiction and the decisions of the International Court of Justice, Iraq should appear before the International Court of Justice and ask for an emergency decision to prevent the imminent war on Iraq, and if the US invades Iraq, the US should be compelled to appear before the International Court of Justice for engaging in an illegal war in violation of the rule of international law, and the Charter of the United Nations.

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UNDOUBTEDLY BUSH SHOULD ALSO BE COMPELLED BEFORE THE INTERNATIONAL CRIMINAL COURT FOR CRIMES AGAINST HUMANITY. IF THE US CONTINUALLY REFUSES TO RATIFY THE INTERNATIONAL CRIMINAL COURT. HE SHOULD BE TRIED UNDER A INTERNATIONAL UNDER ARTICLE 22 OF THE CHARTER OF THE UNITED NATIONS