

# Intl Community Must Protect Venezuela's Embassy in DC

The 1979 occupation of the U.S. embassy in Tehran shows why Venezuela now requires support in protecting its Washington embassy, says Alfred de Zayas.

*On Thursday morning Kevin Zeese, one of the activists who remained inside the embassy, reported: "The police have broken in and say they will arrest us." Shortly after that he and three others were forcibly removed. –Editors*

By Alfred de Zayas



International Law applies to all states, even if some violate the norms with impunity. Against the arrogance of power, law is impotent, because the international community has yet to create effective mechanisms of implementation. However, the breach does not abrogate international law, which remains in force until a future time when it is vindicated by the political will of governments and by people power.

Since the adoption of the 1961 Vienna Convention on Diplomatic Relations, the United States has committed multiple violations of its provisions. Normally such violations would lead to international adjudication and the obligation to make reparation to the injured state. The outrageous behavior of the United States with regard to the Venezuelan embassy in Washington violates the Vienna Convention, to which the United States is bound, and which has served U.S. interests in the past, when the premises of U.S. embassies and consulates have been targets of terrorism and/or illegally occupation.

The Venezuelan government demanded that the United States comply with the Convention, protect the Venezuelan diplomatic premises and respect the human rights of the activists who protected the building with authorization from the Venezuelan government.

### **Tehran Example**

When on Nov. 4, 1979, Iranian students and militants occupied the U.S. embassy in Tehran, the U.S. promptly brought a case before the International Court of Justice in The Hague, invoking the Optional Protocol to the Vienna Convention, which refers disputes on its application to the world court. The U.S. also requested the indication of provisional measures of protection, which the court granted, holding that there was no more fundamental prerequisite for relations between states than the inviolability of diplomatic premises, and demanding the immediate restoration to the United States of the embassy premises. In its decision on the merits of the case, the court, in its judgment of May, 24, 1980, found that Iran had violated and was still violating obligations owed by it to the United States, that the violation of these obligations engaged Iranian responsibility, and that Iran was bound to make reparation for the injury caused to the United States.

The current situation concerning the Venezuelan embassy in Washington justifies adjudication by the world court, but in 1986 President Ronald Reagan withdrew U.S. recognition of the court's automatic jurisdiction, and in 2018 President Donald Trump denounced the Optional Protocol to the Vienna Convention, precisely to be able to violate it with impunity, without fearing the inconvenience of having to

appear in The Hague and defend the indefensible.

Article 22 of the Convention stipulates:

No. 1: The premises of missions shall be inviolable. The agents of the receiving State (United States) may not enter them, except with the consent of the mission.

No. 2: The receiving State is under a special duty to take all appropriate steps to protect the premises of the mission against any intrusion or damage and to prevent any disturbance of the peace of the mission or impairment of its dignity.

No. 3: The premises of the mission, their furnishings and other property thereon and the means of transport of the mission shall be immune from search, requisition, attachment or execution.

Article 45 stipulates:

If diplomatic relations are broken off between two States... (a) The receiving State must... respect and protect the premises of the mission, together with its property and archives...

The legal situation is therefore clear. But since an adjudication by the International Court of Justice is no longer possible following the unilateral withdrawals by the United States, it is up to the international community to defend the Vienna Convention on Diplomatic Relations and to demand that the United States respect it. Also the United Nations secretary general and the UN General Assembly could make public statements and adopt resolutions reminding the United States that it is not exempt from the application of

customary international law, the UN Charter and the Vienna Convention.

The Rev. Jesse Jackson and the many volunteers in the Venezuelan embassy have demonstrated that people power can reaffirm human rights and hold – even if only temporarily – against abuse of power by governments. It is now for the media to fulfill its obligation to inform the people about the facts and to condemn obvious violations of the international order.

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## Israel's Overlooked Strategic Losses in Wars Against Arabs

After conventional Arab armies failed to deter Israeli invasions, Lebanese and Palestinian volunteers have changed the strategic balance in the Middle East, writes As'ad AbuKhalil.

## 2006 Lebanese War Changed Power Calculus

**By As`ad AbuKhalil**

*Special to Consortium News*



In South Lebanon, the Museum for Resistance, also known as the Mlita Museum, for the town in which it is located, is a wildly popular tourist attraction and a place where you can run into Arabs visiting from around the region.

In it, Hizbullah—the political party with an armed wing that, with Iranian assistance, emerged in response to the Israeli invasion of 1982—celebrates its military successes, displaying weapons captured from the occupation army and replicas of some of its military tunnels.

The museum enshrines an important realization for the country: that while conventional Arab armies failed to deter Israeli invasions, Lebanese and Palestinian volunteers succeeded in holding the mighty Israeli army at bay and have become the real defenders against Israeli attacks and occupation. As such, the museum offers testimony to the current nature of the Arab-Israeli conflict. The U.S. and other Western powers want to disarm Hizbullah while denying the Lebanese Army the weapons to deter Israel. In other words, they want to return Lebanon to its former state of weakness.

The problems this situation poses for Israel are often overlooked given its apparently clear strategic advantage.

Israel's arsenal of weapons of mass destruction is still being protected by Western countries from scrutiny or even criticism. The Obama administration guaranteed Israel a most generous financial assistance program for the next decade.

Israeli's 100-percent occupation of Palestine remains immune from U.N. or other international condemnation. Israeli citizens' settlement building in Palestine territories—despite violating international law—has not caused a rift between Israel and either the European Union or the U.S.

Egypt, meanwhile, remains committed to the peace treaty with Israel and to security coordination with the occupation state, as does Jordan. And Israel does not fear an assault from any Arab state or a combination of Arab states. (Arab threats—largely rhetorical—have only been intended to pacify popular anger.)

But things are not as secure for Israel as they might seem.

### **The Resistance Persists**

A century after the Balfour Declaration, the Arab-Israeli conflict has not ended. Early Zionist thinkers and leaders—influenced by racist European attitudes about the natives—never considered that the Palestinians would continue to resist Zionism for so long. This in itself is a big failure for Zionism as it defies the long-held belief that force is the only language that Arabs understand. At the same time, economic offers and political ploys have not deceived the Palestinians—or Arabs—into accepting the Israeli occupation project either.

The resistance is not only tenacious, its effectiveness reached a new level in 2000. That year, after an escalating pattern of resistance operations that began in 1982—first by secular (communist and Syrian nationalist) groups and later by Hizbullah—the Israeli occupation army was forced to

withdraw from South Lebanon.

Israel's biggest strategic loss came in 2006 during the Lebanese-Israeli War, when armed groups (not part of an Arab conventional army) resisted Israeli assaults and deterred a ground offensive against Arab territory. Unless you have studied the performance of the Palestine Liberation Organization in Lebanon between 1970 and 1982, it's difficult to fathom how seriously this changed the power calculus of Lebanese and Palestinian resistance groups vis-à-vis Israel.

But the significance of that war—and most importantly on Arab perceptions of it—was obscured by Saudi regime propaganda intent on undermining the standing of any resistance, leftist or Islamist, Sunni or Shi'ite. The House of Saud began to promote sectarian hatred and agitation and emphasize the losses for the Arab side to downplay the precedent set by the war. (Examples of this are so pervasive it would be unfair to single out any one broadcaster or publication.)

During the invasions of Gaza, Israel failed again to advance or even to prevent primitive Hamas rockets from firing; all claims to the (fake) successes of the Iron Dome air defense system notwithstanding.

This is a marked contrast to previous confrontations. In 1978, Israel invaded Lebanon and the PLO's resistance was disorganized and largely spontaneous. Four years later, in the face of the 1982 massive Israel invasion, the PLO failed again to formulate a joint resistance plan. Fighting was stiff in some cases, such as at the refugee camp Ayn Al-

Hilwi and the medieval-era [Beaufort castle](#). And later at Khaldah, on the outskirts of Beirut, the PLO did implement a defense plan for Beirut (designed by West Point graduate Abu Al-Walid), which explains why Israel never dared to invade West Beirut until after the evacuation of PLO forces from Lebanon. Overall, however, the PLO resistance record pales in comparison to that of Hamas and Hizbullah, in Gaza and South Lebanon, respectively.

### **Former Psychological Advantage**

Israeli strategy in dealing with the Arabs was based on massive, indiscriminate use of force and the promotion of the Israeli soldier as invincible and terrifying. This produced a psychological advantage that, from 1948 to 1967, sowed fear and resignation.

More recently, however, the image of the mighty Israeli soldier and a fearful Arab resistance has been reversed. In the 2006 war, Israeli soldiers in South Lebanon were terrified by Hizbullah fighters who prevented the enemy army from advancing one inch into Lebanese territory. I grew up in Lebanon in the 1960s and 1970s, when Israel used to bomb and invade at will. This no longer happens because Israel has come to fear Hizbullah.

Another problem for Israel is its once-vaunted intelligence, which has developed a reputation for clumsiness. The failed raid in Gaza (by an elite unit of the Israeli occupation army) is the most recent example. In 2010, Dubai police plastered the faces of top agents of Mossad, the intelligence agency, around the world in the wake of the [assassination of Mahmoud Al-Mabhouh](#), a co-founder of the



military wing of Hamas. Before that, in 1997, there was the botched assassination attempt on Khalid Misha`l', the Doha-based former leader of Hamas, by Mossad agents.

In the 2006 war with Lebanon, Israel's intelligence failures included the famous and (almost) comical kidnapping of a poor man whose only crime was that his name was Hasan Nasrallah, the same as that of the Hizbullah leader. Presumably, Mossad experts on the Arab world assumed there was only one Hasan Nasrallah in all of Lebanon.

Hizbullah and Hamas, meanwhile, have run intelligence operations that the PLO has rarely ever matched. Hizbullah's 2012 kidnapping of Israeli soldiers is an example of careful preparations and reliable intelligence. Hizbullah and Hamas have special operatives monitoring the communications of the Israeli military. Hizbullah has its own Hebrew language school. PLO organizations, by contrast, had so few Hebrew speakers they often had to rely on Hebrew teachers from the Institute of Palestine Studies in Beirut to translate important documents.

The Arab-Israeli conflict is not about to end anytime soon. Trump's "[Deal of the Century](#)" hinges on the belief that [Saudi Arabia's Mohammad bin Salman](#) can convince the Palestinians to give up their cause. This is a conflict that is unlikely to end in compromise, and the Israeli occupation state has made it clear that historical Palestine belongs to the Jewish people and that the Palestinians represent a mere nuisance on the land.

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## International Lawyers: Strike Against Syria Would Be Illegal

*In this statement released Wednesday, a group of international law experts warn that a U.S. military strike on Syria would be illegal if not in self-defense or with U.N. Security Council authorization.*

We are practitioners and professors of international law. Under international law, military strikes by the United States of America and its allies against the Syrian Arab Republic, unless conducted in self-defense or with United Nations Security Council approval, are illegal and constitute acts of aggression.

The unlawful killing of any human being without legal justification, under every legal system, is murder. And an act of violence committed by one government against another government, without lawful justification, amounts to the crime of aggression: the supreme international crime which carries with it the evil of every other international crime, as noted by the International Military Tribunal at Nuremberg in 1946.

The use of military force by a state can be used in self-defense after an armed attack by another state, or, with the approval of the United Nations Security Council. At present, neither instance would apply to a U.S. strike against Syria.

We understand the urge to act to protect innocent civilians. We strongly condemn any and all violence against civilians, whoever the perpetrators. But responding to unlawful violence with more unlawful violence, bypassing existing legal mechanisms, is a road to a lawless world. It is a road that leads to Hell.

Accordingly, we urge the United States and its allies to refrain from illegal conduct against Syria. We must point out that for the last several years, as is now common knowledge, the United States has armed rebels/insurgents to overthrow the current government of Syria. This is illegal under international law.

In 1986, in *The Nicaragua Case*, the International Court of Justice reprimanded the United States for arming and supporting *contra* militias and combatants, and for mining Nicaragua's harbors, as acts which violated the U.N. Charter and international law. Perhaps the Syrian crisis would look differently today if the United States and its allies had consistently respected law for the last several years. They have not.

We take pains to note what should be obvious: our demand that the United States and its allies immediately comport themselves with their international legal obligations is not a justification, excuse, or some type of free pass on the investigation and accountability for international legal violations committed by other actors who may be involved in this sad affair. But our point is a simple one: the only way to resolve the Syrian crisis is through commitment to well-settled principles of international legal norms.

We urge the United States to abide by its commitment to the rule of international law and to seek to resolve its disputes through peaceful means. These means include recourse to the use of established and legitimate institutions designed to maintain international peace and security, such as the U.N. Security Council or the International Court of Justice. Unilateral action is a sign of weakness; recourse to the law is a sign of strength. The United States must walk back from becoming the very monster it now seeks to destroy.

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## Trump Finds Fellow Bully in Bolton

President Donald Trump’s appointment of John Bolton as his national security adviser is his most dangerous move yet, argues Marjorie Cohn.

By Marjorie Cohn

Nothing Donald Trump has done since his inauguration 14 months ago is more dangerous – to the United States, and indeed, to the world – than his selection of John Bolton for National Security Adviser. It is not surprising the president would feel most comfortable receiving advice from a fellow bully.

Trump bullies people on a nearly daily basis, directing his ire at immigrants, Muslims, women, LGBTQ people, the poor and the environment. He hurls Twitter attacks at those who disagree with him.

The president has encouraged police brutality, suggesting in a Long Island speech that law enforcement officers bang suspects’ heads against police car doors. “Please don’t be too nice” when arresting people, Trump advised. “Like when you guys put somebody in the car, and you’re protecting their head, you know, the way you put your hand over” their head, “I said, ‘You can take the hand away, OK?’”

After being told someone might throw tomatoes at him at a campaign rally, Trump urged his supporters to “knock the crap out of them ... I promise you, I will pay for the legal fees.” He stated on Fox News that a Black Lives Matter activist who was attacked at a Trump rally “should have been roughed up.”

Trump’s fellow bully Bolton also engages in abusive behavior. Melody Townsel, working on a USAID project in Kyrgyzstan, became the object of Bolton’s wrath in 1994. Townsel had complained about incompetence, poor contract performance and inadequate funding of the project by a contractor Bolton represented.

In a letter to the Senate Foreign Relations Committee, Townsel wrote that Bolton “proceeded to chase me through the halls of a Russian hotel throwing things at me, shoving threatening letters under my door, and generally behaving like a madman.” Townsel claimed Bolton threatened employees and contractors who refused to cooperate with him. She maintained Bolton’s behavior “wasn’t just unforgivable, it was pathological.”

Carl W. Ford, former Assistant Secretary for Intelligence and Research, and a conservative Republican, called Bolton a “kiss-up, kick-down sort of guy” who “abuses his authority with little people,” characterizing him as a “serial abuser.” Bolton chairs the Gatestone Institute, which publishes hateful, racist anti-Muslim rhetoric, calling refugees rapists and hosts of infectious diseases.

Bolton was such a lightning rod that in 2005, even the GOP-controlled Senate refused to confirm him as US ambassador to the United Nations. To avoid the need for Senate confirmation, George W. Bush named Bolton to the post in a recess appointment.

But Bolton doesn’t just bully individuals. He pushed for the 2003 invasion of Iraq, advocates military attacks on North Korea and Iran, favors Israel’s annexation of the Palestinian West Bank, and falsely claimed that Cuba had biological weapons.

As undersecretary of state for Arms Control and International Security in the Bush administration, Bolton was instrumental in withdrawing the United States from the 1972 Anti-Ballistic Missile Treaty, which heightened the risk of nuclear war with Russia.

Anthony J. Blinken, deputy secretary of state in the Obama administration, wrote in The New York Times, “Mr. Bolton had a habit of twisting intelligence to back his bellicosity and sought to remove anyone who objected.”

Colin Kahl and Jon Wolf, writing in Foreign Policy, described Bolton’s “pattern of warping and misusing intelligence to build the case for war with rogue states; a disdain for allies and multilateral institutions; a blind faith in US military power and the benefits of regime change; and a tendency to see the ends as justifying the means, however horrific.”

When he left his position at USAID in the late 1980s, Bolton’s colleagues presented him with a bronzed hand grenade.

### **Bolton Eschews Diplomacy and Slams the UN**

Bolton sees every international situation as an opportunity to make war, notwithstanding the United Nations Charter that mandates the peaceful resolution

of disputes and forbids military force except in self-defense.

After two world wars claimed millions of lives, countries around the globe – including the United States – came together and established the United Nations system, “to save succeeding generations from the scourge of war.”

Yet in 1994, Bolton famously claimed, “there is no such thing as the United Nations.” He stated caustically, “If the UN Secretariat building in New York lost 10 stories, it wouldn’t make a bit of difference.”

When Bolton officially withdrew the US signature from the International Criminal Court treaty, he declared it “the happiest moment of my government service.”

### **Bolton Led the Charge to Invade Iraq**

Bolton led the charge to invade Iraq and forcibly change its regime in 2003, falsely claiming that President Saddam Hussein had weapons of mass destruction (WMD). In 2002, former UN weapons inspector Scott Ritter affirmed that Hussein had destroyed 90-95% of its WMD; the remaining 5%, Ritter said, “doesn’t even constitute a weapons program . . . just because we can’t account for it doesn’t mean Iraq retains it. There’s no evidence Iraq retains this material.”

To bolster the case for war, Bolton pushed Bush to include in his State of the Union address the false statement that Iraq was seeking uranium from Niger, over the objection of the State Department.

Before the US invaded Iraq, Mohamed ElBaradei, director of the International Atomic Energy Agency, said there was no evidence Hussein had any viable nuclear program. Hans Blix, chief inspector of the UN Monitoring, Verification and Inspection Commission, verified that weapons inspectors had found no evidence of WMD.

In 2002, Bolton orchestrated the ouster of Jose Bustani, head of the Organization for the Prohibition of Chemical Weapons, to prevent him from inspecting and revealing that Hussein had no chemical weapons. When Bustani argued he should stay in the post, Bolton threatened, “You have to be ready to face the consequences, because we know where your kids live.”

No WMD were found after the US invasion of Iraq. Some one million Iraqis were killed and the US-led regime change led to a vacuum of leadership that was filled by ISIS.

A 2006 report prepared under the direction of former Rep. John Conyers (D-Michigan) concluded that “members of the Bush Administration misstated, overstated, and manipulated intelligence with regards to linkages between Iraq

and Al Qaeda; the acquisition of nuclear weapons by Iraq; the acquisition of aluminum tubes to be used as uranium centrifuges; and the acquisition of uranium from Niger.”

Those “misstatements were in contradiction of known countervailing intelligence information, and were the result of political pressure and manipulation.” A key source of that pressure and manipulation was Bolton.

In spite of the horror the US military unleashed on Iraq 15 years ago, Bolton wrote in 2016 that the removal of Hussein was “a military success of stunning scope and effectiveness, achieved in just three weeks.”

After the disastrous US invasion of Iraq, Bolton tried to get the Iran file removed from ElBaradei in order to lay the groundwork for an unjustified attack on Iran.

### **Bolton Wants to Rip Up the Iran Nuclear Agreement**

Bolton favours bombing Iran and changing its regime and he opposes the Iran Nuclear Agreement. He has advocated an Israeli strike on Iran’s nuclear facilities and encouraged the United States to support it.

In the 2015 Joint Comprehensive Plan of Action (JCPOA), Iran agreed to cut back its nuclear program and in return, received billions of dollars of relief from punishing sanctions. Iran has complied with its obligations under the deal, says a bipartisan group of over 100 national security veterans called the National Coalition to Prevent Nuclear Weapons.

Under the US Iran Nuclear Agreement Review Act, the president must decide every 90 days whether Iran remains in compliance with the JCPOA and whether the agreement continues to serve US interests. Trump reluctantly certified Iran’s compliance in April and July 2017. But in October, to the consternation of his secretary of state, secretary of defense, and the chairman of the Joint Chiefs of Staff, Trump refused to certify Iran’s compliance with the agreement. He did not, however, pull out of the deal at that time.

On May 12, Trump will decide whether or not to end US participation in the agreement. Bolton and CIA director Mike Pompeo, Trump’s nominee for Secretary of State, both favor renouncing the deal. If the US breaches the agreement, Iran may well resume the unlimited production of nuclear fuel.

“Bolton is an unhinged advocate for waging World War III,” according to Trita Parsi, president of the National Iranian American Council. “Bolton now represents the greatest threat to the United States,” he added, stating, “Trump may have just effectively declared war on Iran.”

## **Bolton Wants to Attack North Korea**

In February, contrary to the overwhelming weight of legal authority, Bolton argued in a Wall Street Journal op-ed that mounting a first strike on North Korea would comply with international law.

Bolton stated on Fox News, "I think the only diplomatic option left is to end the regime in North Korea by effectively having the South take it over." During another Fox appearance, Bolton declared, "the way you eliminate the North Korean nuclear program is to eliminate North Korea." He maintained that North Korea having nuclear weapons was worse than the "millions" of North and South Koreans who would be killed if the US attacked North Korea.

If Trump destroys the Iran deal, it will send a dangerous message to Pyongyang that his word cannot be trusted. North and South Korea are slated to meet in April and Trump has indicated he will meet with North Korean President Kim Jong-Un. Diplomacy at this moment is critical.

Bolton has provocatively suggested a linkage between Iran and North Korea on nuclear weapons. In January, he wrote in the Wall Street Journal, "Little is known, at least publicly, about longstanding Iranian-North Korean cooperation on nuclear and ballistic-missile technology. It is foolish to play down Tehran's threat because of Pyongyang's provocations. They are two sides of the same coin."

The dangers inherent in following Bolton's favored policies in Iran and North Korea cannot be overestimated.

## **Bolton Falsely Claimed Cuba Had Biological Weapons**

Bolton argued unsuccessfully for the inclusion of Cuba in Bush's "axis of evil" (which consisted of Iraq, Iran and North Korea). Bolton advocated a military attack on Cuba one year before Bush invaded Iraq. After Bolton falsely claimed Cuba was developing a bio-warfare capacity, a congressional investigation found no evidence to support such an allegation.

As Nicole Deller and John Burroughs from the Lawyers' Committee on Nuclear Policy have documented, Bolton is widely credited with the defeat of the Protocol to the Biological Weapons Convention, which would have created an inspection system to protect us against those deadly weapons.

## **Bolton Wants to Give "Pieces" of Palestine to Jordan and Egypt**

Bolton's solution to the Israeli-Palestinian conflict is to give "pieces" of Gaza to Egypt and "pieces" of the West Bank to Jordan since, he thinks,



Palestine is composed of “bits and pieces” of the former Ottoman Empire.

In January, Bolton wrote in The Hill: “Once it becomes clear the two-state solution is finally dead, Jordan should again be asked to exercise control over suitably delineated portions of the West Bank and have the monarchy’s religious role for holy sites like the Temple Mount reaffirmed. Accepting Jordan’s sovereignty would actually benefit Palestinians, as would Egyptian sovereignty over Gaza, by tying these areas into viable, functioning states, not to the illusion of ‘Palestine.’”

Neither Jordan nor Egypt supports this proposal, and Palestinians are vehemently opposed to it. Jewish Voice for Peace stated, “The appointment of Bolton is a complete disaster for the Middle East, the US, and the entire world.”

### **Bolton’s Appointment is “a Disaster for Our Country”**

The National Security Adviser’s job is to inform the president of the different options that affect national security, briefing him on the National Security Council’s findings. Bolton is such an ideologue, he will invariably slant his advice toward waging war. Bolton is so extreme, he reportedly promised Trump he “wouldn’t start any wars” if appointed, according to CNN. In light of Trump’s aversion to reading daily intelligence reports, Bolton will play an even greater role in the formulation of policy.

Unfortunately, National Security Adviser is not a cabinet position, so Bolton doesn’t need Senate confirmation.

Former President Jimmy Carter said in an interview with USA Today that Bolton’s appointment is “a disaster for our country,” adding it may be “one of the worst mistakes” of the Trump presidency.

But as Stormy Daniels and Robert Mueller close in on Trump, the president will seek to create a major distraction. With bully Bolton egging him on, that may well be a military attack on North Korea or Iran. The consequences would prove disastrous.

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# America's Complicated Relationship with International Human Rights Norms

The U.S. has long had a love-hate relationship with international norms, having taken the lead in forging landmark human rights agreements while brushing off complaints over its own abuses, Nat Parry explains.

By Nat Parry

American exceptionalism – the notion that the United States is unique among nations due to its traditions of democracy and liberty – has always been the foundation of the nation's claim to moral leadership. As a country founded on ideals that are today recognized the world over as fundamental principles of international norms, the U.S. utilizes its image as a human rights champion to rally nations to its cause and assert its hegemony around the world.

Regardless of political persuasion, Americans proudly cite the influence that the founding principles laid out in the Declaration of Independence and the Bill of Rights have had on the rest of the world, with 80 percent agreeing that “the United States’ history and its Constitution ... makes it the greatest country in the world” in a 2010 Gallup poll. Respecting these principles on the international level has long been considered a requisite for U.S. credibility and leadership on the global stage.



Much of this sentiment is an enduring testament to U.S.

leadership following World War II, a period in which international legal principles of human rights and non-aggression were established, as well as the four decades of the Cold War, in which the “free world,” led by the United States, faced off against “totalitarian communism,” led by the Soviet Union.

During those years of open hostility between East and West, the U.S. could point not only to its founding documents as proof of its commitment to universal principles of freedom and individual dignity, but also to the central role it played in shaping the Charter of the United Nations and the Universal Declaration of Human Rights.

**Fourteen Points and Four Freedoms**

While the U.S. didn't fully assume its position as moral arbiter until after the Allied victory in World War II, its role in these matters had already been well-established with Woodrow Wilson's professed internationalism. As expressed in his famous "Fourteen Points," which sought to establish a rationale for U.S. intervention in the First World War, the United States would press to establish an international system based on "open covenants of peace, openly arrived at, after which there shall be no private international understandings of any kind but diplomacy shall proceed always frankly and in the public view."

Wilson had seen the First World War as evidence that the old international system established by the Europeans had failed to provide necessary security and stability, and sought to replace the old diplomacy with one based on cooperation, communication, liberalism and democracy.

Speaking on this issue throughout his presidency, he consistently advocated human rights and principles of self-determination.

"Do you never stop to reflect just what it is that America stands for?" Wilson asked in 1916. "If she stands for one thing more than another, it is for the sovereignty of self-governing peoples, and her example, her assistance, her encouragement, has thrilled two continents in this Western World with all the fine impulses which have built up human liberty on both sides of the water."

These principles were expanded upon by subsequent American administrations, and especially by President Franklin Delano Roosevelt. In his January 1941 State of the Union address, Roosevelt spelled out what he called "the Four Freedoms," which later became the foundation for the Universal Declaration of Human Rights.

"In the future days," he said, "which we seek to make secure, we look forward to a world founded upon four essential human freedoms."

He continued: "The first is freedom of speech and expression – everywhere in the world. The second is freedom of every person to worship God in his own way – everywhere in the world. The third is freedom from want – which, translated into world terms, means economic understandings which will secure to every nation a healthy peacetime life for its inhabitants – everywhere in the world. The fourth is freedom from fear – which, translated into world terms, means a world-wide reduction of armaments to such a point and in such a thorough fashion that no nation will be in a position to commit an act of physical aggression against any neighbor – anywhere in the world."

Following the Allied victory over the Axis powers, FDR's widow Eleanor Roosevelt took her late husband's vision and attempted to make it a reality for the world

through the Universal Declaration of Human Rights. Chairing the Commission on Human Rights, a standing body of the United Nations constituted to undertake the work of preparing what was originally conceived as an International Bill of Rights, Eleanor Roosevelt pushed to ensure that FDR's "four freedoms" were reflected in the document.

Under Roosevelt's leadership, the Commission decided that the declaration should be a brief and inspirational document accessible by common people, and envisioned it to serve as the foundation for the remainder of an international bill of human rights. It thus avoided the more difficult problems that had to be addressed when the binding treaty came up for consideration, namely what role the state should have in enforcing rights within its territory, and whether the mode of enforcing civil and political rights should be different from that for economic and social rights.

As stated in its preamble, the Universal Declaration of Human Rights is "a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction."

Much of the language in the Declaration echoed language contained in the founding documents of the United States, including the Declaration of Independence and the Bill of Rights. Whereas the U.S. Declaration of Independence articulates the "unalienable right" to "life, liberty and the pursuit of happiness," the Universal Declaration of Human Rights states that "everyone has the right to life, liberty and security of person."

While the First Amendment to the U.S. Constitution prohibits Congress from "abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble," the UDHR provides that "everyone has the right to freedom of opinion and expression" and that "everyone has the right to freedom of peaceful assembly and association." Whereas the Eighth Amendment forbids "cruel and unusual punishments," the UDHR bars "cruel, inhuman or degrading treatment or punishment."

Although the United States made it clear that it could not support a legally binding UDHR, it readily endorsed the final document as a political declaration, one of 48 nations to vote in favor of the Declaration at the UN General Assembly in December 1948. With no votes in opposition and just eight abstentions – mostly from Eastern Bloc countries including the Soviet Union, Yugoslavia and

Poland – the Declaration served as a defining characteristic of the contrast between East and West in those early days of the Cold War.

### **A Small Problem**

There was of course one small problem. Despite the United States formally embracing “universal human rights” on the international stage, its respect for those rights domestically was considerably lacking. Throughout the country and especially in the South, African Americans endured racist segregation policies and were routinely denied the right to vote and other civil rights.

Lynching, while not as pervasive as its heyday earlier in the century, was still a major problem, with dozens of blacks murdered with impunity by white lynch mobs throughout the 1940s.

In 1947, the National Association for the Advancement of Colored People (NAACP) filed an “Appeal to the World” petition in the United Nations that denounced racial discrimination in the United States as “not only indefensible but barbaric.” The American failure to respect human rights at home had international implications, argued the NAACP. “The disenfranchisement of the American Negro makes the functioning of all democracy in the nation difficult; and as democracy fails to function in the leading democracy in the world, it fails the world,” read the NAACP petition.

The NAACP’s appeal provoked an international sensation, with the organization flooded with requests for copies of the document from the governments of the Soviet Union, Great Britain and the Union of South Africa, among others. According to NAACP chief Walter White, “It was manifest that they were pleased to have documentary proof that the United States did not practice what it preached about freedom and democracy.”

The U.S. delegation to the UN refused to introduce the NAACP petition to the United Nations, fearing that it would cause further international embarrassment. The Soviet Union, however, recommended that the NAACP’s claims be investigated. The Commission on Human Rights rejected that proposal on December 4, 1947, and no further official action was taken.

According to W.E.B. DuBois, the principle author of the petition, the United States “refused willingly to allow any other nation to bring this matter up.” If it had been introduced to the General Assembly, Eleanor Roosevelt would have “probably resign[ed] from the United Nations delegation,” said DuBois. This was despite the fact that she was a member of the NAACP board of directors. While Roosevelt’s commitment to racial justice may have been strong, it was clear that

her embarrassment over the U.S.'s failures to respect the "four freedoms" at home was even stronger.

It was in this context that the United States endorsed the Universal Declaration of Human Rights in 1948. That year also marked the beginning of tentative steps the U.S. began making towards respecting basic rights within its borders.

On July 26, 1948, President Harry Truman signed Executive Order 9981, which ended segregation in the U.S. Armed Forces. The next month, the Democratic Party included a civil rights plank in its platform. "The Democratic Party," read the platform adopted at the 1948 Democratic National Convention, "commits itself to continuing its efforts to eradicate all racial, religious and economic discrimination."

While there was clearly a domestic motivation for embracing the cause of civil rights (presidential adviser Clark Clifford had presented a lengthy memorandum to President Truman in 1947 which argued that the African-American vote was paramount for winning the 1948 election), there was also a strong international component to the Democratic Party's support for civil rights.

### **UN Bragging Rights**

In addition to its civil rights plank, the 1948 Democratic platform included a wholehearted endorsement of the recently established United Nations, and expressed "the conviction that the destiny of the United States is to provide leadership in the world toward a realization of the Four Freedoms." But the Democrats recognized that the U.S. had a long way to go to realizing those four freedoms at home.

"We call upon the Congress to support our President in guaranteeing these basic and fundamental American Principles: (1) the right of full and equal political participation; (2) the right to equal opportunity of employment; (3) the right of security of person; (4) and the right of equal treatment in the service and defense of our nation," the platform stated.

The Democratic platform also proudly pointed to the accomplishment of organizing the United Nations: "Under the leadership of a Democratic President and his Secretary of State, the United Nations was organized at San Francisco. The charter was ratified by an overwhelming vote of the Senate. We support the United Nations fully and we pledge our whole-hearted aid toward its growth and development."

For its part, the Republican Party also embraced the fledgling UN, stating in its 1948 platform that "Our foreign policy is dedicated to preserving a free America in a free world of free men. This calls for strengthening the United

Nations and primary recognition of America's self-interest in the liberty of other peoples." While the Democrats pointed to the president's leadership for helping establish the UN, the Republicans also wanted to make sure that they received due credit. Their party platform listed "a fostered United Nations" as one of the main accomplishments of the Republican Congress, despite "frequent obstruction from the Executive Branch."

As "the world's best hope" for "collective security against aggression and in behalf of justice and freedom," the Republicans pledged to "support the United Nations in this direction, striving to strengthen it and promote its effective evolution and use." The UN "should progressively establish international law," said the Republicans, "be freed of any veto in the peaceful settlement of international disputes, and be provided with the armed forces contemplated by the Charter."

As a major component of the progressive establishment of international law, the Universal Declaration of Human Rights was to be codified into legally binding treaties.

Although the Declaration was endorsed by the U.S. and 47 other countries in December 1948, the two corresponding legally binding covenants to define the obligations of each state required another two decades of work. The International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights were ready for ratification in 1966, some 18 years later.

The United States became a signatory to both covenants on Oct. 5, 1977. It ratified the ICCPR on June 8, 1992, but to this date has not fully subscribed to the ICESCR, one of just seven countries in the world not to ratify the agreement.

### **Cold War Context**

Throughout those years, the U.S. was engaged in an intense ideological battle with the Soviet Union, in which human rights were used as a rhetorical weapon by each side against the other. While American leaders chastised the Soviets for their failures to respect fundamental liberties, including freedom of religion, freedom of speech and freedom of association, the USSR could readily point to the blatant institutionalized racism that plagued American society.

Racial discrimination belied America's rhetoric about democracy and equality, making the U.S. cause of freedom look like a sham especially to people of color in Africa, Asia, and Latin America. The Soviets enthusiastically exploited the issue, imbuing their anti-capitalist propaganda with tales of horrors suffered

by African Americans.

So, in 1954, when the U.S. Supreme Court ruled in the case of *Brown v. Topeka Board of Education* that segregated schools were unconstitutional and ordered that school integration proceed "with all deliberate speed," the case was trumpeted by the American establishment as evidence of the great strides being made toward full equality for all citizens.

At times, racial discrimination in the United States caused such international embarrassment that the State Department would pressure the White House to intervene. In 1957, for example, when a Federal District Court ordered the all-white Central High School in Little Rock, Arkansas, to allow African-American students to attend, Governor Orval Faubus declared that he would refuse to comply with the decree. Several hundred angry and belligerent whites confronted nine African-American students who attempted to enter the school on September 4, 1957.

The National Guard, called up by Faubus, blocked the students from entering the school. Pictures of the angry mob, the frightened African-American students, and armed National Guardsmen were seen all over the world, and the Soviets eagerly seized on the propaganda.

Secretary of State John Foster Dulles informed President Dwight Eisenhower that the Little Rock incident was damaging the United States' credibility abroad, and could cost the U.S. the support of other nations in the UN.

Eisenhower attempted to negotiate a settlement with Faubus, but when that failed, he sent in federal troops. The nine African-American students were finally allowed to attend Central High under the armed protection of the United States military.

The developing international human rights project led to deep ideological divisions in the United States, with some conservatives, especially in the South, concerned that the national government would use international human rights law to promote national civil rights reforms. Arguing that the civil rights question was beyond the scope of Congress's authority and concerned about the constitutional power of treaties, conservatives launched several attempts in the 1950s to amend the U.S. Constitution to limit the government's ability to subscribe to treaties.

Those failed efforts to amend the Constitution were based on the premise that the federal government had no say in the matters of states and localities in regulating race relations, and that since Article VI of the Constitution provides treaties the status of "supreme law of the land," the U.S. would find itself subjected to the whims of the international community on these



matters.

Those fears would prove unfounded, since the U.S. didn't formally subscribe to the International Covenant on Civil and Political Rights until 1977, long after most of the relevant domestic civil rights legislation had been adopted, but the right-wing opposition to U.S. submission to international norms had become thoroughly established as American conservative orthodoxy.

**Nat Parry is co-author of *Neck Deep: The Disastrous Presidency of George W. Bush.***

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## Trump's Syria Attack Trampled Many Laws

**Exclusive:** As the U.S. mainstream media hails President Trump's missile strike on Syria, there has been almost no attention to either the truth about its justification or the myriad of laws violated in its execution, writes Marjorie Cohn.

By Marjorie Cohn

With 59 Tomahawk cruise missiles, each armed with over 1,000 pounds of explosives, Donald Trump went from scoundrel-in-chief to national hero, virtually overnight. The corporate media, the neoconservatives and most of Congress hailed Trump as strong and presidential for lobbing bombs into Syria, reportedly killing seven civilians and wounding nine.

"The instant elevation of Trump into a serious and respected war leader was palpable," wrote Glenn Greenwald. This sends Trump a frightening message: bombing makes you popular.

Two wrongs don't make a right. The use of chemical weapons is illegal, immoral and intolerable. If it was an intentional attack, it constitutes a war crime. Anyone responsible for the horrific April 4 events in the Syrian town of Khan Sheikhoun, which killed over 80 *people*, including at least 20 women and 30 children, should be brought to justice. But Trump's bombing of Syria, a sovereign nation, was illegal, under both U.S. and international law.

Trump and the prevailing U.S. national discourse rushed to judgment about who was responsible for the chemical attack – the Syrian government. An investigation by the Organization for the Prohibition of Chemical Weapons (OPCW), the implementing body for the Chemical Weapons Convention, was ongoing

when Trump launched his missiles into Syria two days after the incident. The OPCW's Fact-Finding Mission was already "in the process of gathering and analysing information from all available sources."

As former U.N. weapons inspector Scott Ritter pointed out, "chemical attacks had been occurring inside Syria on a regular basis . . . with some being attributed to the Syrian government (something the Syrian government vehemently denies), and the majority being attributed to the anti-regime fighters, in particular those affiliated with Al Nusra Front, an Al Qaeda affiliate."

The Assad government has denied responsibility for the Khan Sheikhoun chemical attack, and some U.S. experts are also skeptical of the Trump administration's supposed certainty that the Syrian military was responsible.

Philip Giraldi, former CIA officer and director of the Council for the National Interest, stated on the Scott Horton show that "military and intelligence personnel" in the Middle East, who are "intimately familiar" with the intelligence, call the allegation that Assad or Russia carried out the attack a "sham."

Giraldi said the intelligence confirms the Russian account, "which is that they [attacking aircraft] hit a warehouse where al-Qaeda rebels were storing chemicals of their own and it basically caused an explosion that resulted in the casualties." Moreover, Giraldi noted, "Assad had no motive for doing this."

Journalist Robert Parry concurs: "Assad's military had gained a decisive advantage over the rebels and he had just scored a major diplomatic victory with the Trump administration's announcement that the U.S. was no longer seeking 'regime change' in Syria. The savvy Assad would know that a chemical weapon attack now would likely result in U.S. retaliation and jeopardize the gains that his military had achieved with Russian and Iranian help."

Regardless of who is responsible for the Khan Sheikhoun chemical deaths, however, Trump's response violated both U.S. and international law.

### **Trump's Missile Attack Was Illegal**

Two days after Trump's bombing occurred, the President sent a letter to congressional leaders informing them of his attack on Syria. The War Powers Resolution, passed in the wake of the Vietnam War, requires that the President report to Congress within 60 days of initiating the use of military force.

The resolution, however, allows the President to introduce U.S. Armed Forces into hostilities or imminent hostilities in only three situations: First, after Congress has declared war, which has not happened in this case; second, in "a

national emergency created by attack upon the United States, its territories or possessions, or its armed forces," which has not occurred; third, when there is "specific statutory authorization," which there is not.

The 2001 Authorization for the Use of Military Force (AUMF) authorized the President to use force only against those groups and countries that had supported the 9/11 attacks. The bombing in Syria was not authorized by any other act of Congress. Thus, Trump's missile attack violated the War Powers Resolution.

Regarding international law, the United Nations Charter prohibits the "use of force against the territorial integrity or political independence of any state." There are only two exceptions: when conducted in self-defense after an armed attack, or with the approval of the Security Council.

Syria had not attacked the United States or any other country before Trump ordered the missile strike. "The use of chemical weapons within Syria is not an armed attack on the United States," said Notre Dame law professor Mary Ellen O'Connell. And the Security Council had not approved Trump's attack. It therefore violated the Charter. In fact, under the U.N. Charter, Syrian President Bashar al-Assad would have a valid self-defense claim since the U.S. initiated an armed attack on Syria.

So, Trump committed an illegal act of aggression against Syria when he lobbed his missiles. According to U.N. General Assembly Resolution 3314, an "act of aggression" is the use of armed force by a state against the sovereignty, territorial integrity, or political independence of another state, or in any other manner inconsistent with the Charter. As stated above, Trump's attack constituted an unlawful use of force under the Charter.

Moreover, treaties the United States has ratified, including the Charter, are part of domestic U.S. law under the Supremacy Clause of the Constitution. That means a violation of the Charter also violates U.S. law.

In his report to Congress, Trump wrote that he directed the attack to avert "a worsening of the region's current humanitarian crisis." So-called "humanitarian intervention" is not a settled norm of international law. As stated above, to be lawful, military force can only be conducted in self-defense or with the blessing of the Security Council. Neither was present in this case.

Trump's humanitarian claim also does not pass the straight face test, in light of his Muslim Ban excluding all Syrian refugees from entry into the United States (halted by the courts, for now). Since the conflict in Syria began in 2011, more than 400,000 Syrians have been killed. Five million people are

refugees. If Trump were indeed motivated by humanitarian concerns, Trump would embrace those seeking to escape the carnage in Syria, which he has emphatically not done.

The 1980 Refugee Act grants the President authority to determine how many refugees may be admitted to the United States. The President must consider whether “the admission of certain refugees in response to the emergency refugee situation is justified by grave humanitarian concerns or is otherwise in the national interest.”

When, during the presidential campaign, Trump said he wanted to ban all Syrian refugees from entering the U.S., he was asked if he could then “look children aged five, eight, ten, in the face and tell them they can’t go to school here.” Without skipping a beat, Trump replied, “I can look in their faces and say, ‘You can’t come’. I’ll look them in the face.” Spoken like a true humanitarian.

Trump’s new-found humanitarian concerns, including his lament about the terrible fate of Khan Sheikhoun’s “small children and even beautiful little babies,” also stand in contrast to the horrific death toll from other U.S.-allied bombings in recent weeks. The U.S.-led coalition in Iraq and Syria killed nearly 1,000 non-combatants in March alone, “a record claim,” according to Airwars.org, a non-profit organization that monitors civilian casualties from airstrikes in the Middle East. “These reported casualty levels are comparable with some of the worst periods of Russian activity in Syria,” the group said.

The coalition forces’ use of white phosphorous, a chemical weapon that burns to the bone, has been documented in Mosul, Iraq. And the U.S. Central Command confirmed that it has used depleted uranium, arguably a war crime, against ISIS in Syria.

### **Encouraging Trump to Use Military Force**

Trump is obsessed with being liked. So, smarting from the healthcare loss and attacked by the media, the GOP’s right-wing and Democrats, Trump turned the tables. Now that he’s become Bomber-in-Chief, Trump is liked by nearly everybody – or so it seems. And what lesson will he learn from his missile attack? That being a strong, forceful leader makes people like you. And blowing things up makes you a “strong, forceful leader.”

Members of the Trump administration are sending mixed signals about whether they seek to forcibly change the Assad regime in Syria. That would violate the International Covenant on Civil and Political Rights, which the United States has also ratified.

During the U.N. Security Council meeting following Trump’s missile attack, the

ambassador from Bolivia declared, "The United States has not only unilaterally attacked . . . [it] has become that investigator, has become the prosecutor, has become the judge, has become the jury. Whereas the investigation would have allowed us to establish in an objective manner who is responsible for the attacks, this is an extreme violation of international law."

Trump's missile attack also has put a dangerous strain on U.S. relations with nuclear-armed Russia, which supports the Assad regime in the conflict with various opposition groups, including Al Qaeda's affiliate and its spinoff, Islamic State or ISIS.

Following the April 6 missile strike, Russia suspended a memorandum of understanding designed to minimize collisions between U.S. and Russian aircraft over Syrian airspace. A statement issued by Russia, Iran and Assad's forces said, "What America waged in an aggression on Syria is a crossing of red lines. From now on we will respond with force to any aggressor or any breach of red lines from whoever it is and America knows our ability to respond well."

With his missile attack, Trump has made the world a much more dangerous place. "Make no mistake," Norman Solomon wrote. "With 90 percent of the world's nuclear weapons at the ready in the United States and Russia, pushing to heighten tensions between the two countries is playing with thermonuclear fire."

### **Where Will Trump Bomb Next?**

Meanwhile, Trump is taking provocative measures against nuclear-armed North Korea, deploying an aircraft carrier and several warships to the Korean Peninsula. Trump's show of force is a response to North Korea's recent ballistic missile test.

The Trump administration has indicated it may use pre-emptive strikes to prevent North Korea from developing a missile that could carry a nuclear warhead to the United States. Pre-emptive strikes violate the U.N. Charter, which specifies several non-forceful measures, including diplomacy, to maintain or restore international peace and security. But diplomacy doesn't seem to be in Trump's toolkit.

North Korea warned of "catastrophic consequences of [the United States'] outrageous actions." Pyongyang said, "We will take the toughest counteraction against the provocateurs in order to defend ourselves by powerful force of arms." A foreign ministry spokesman said North Korea "is ready to react to any mode of war desired by the US."

When Secretary of State Rex Tillerson appeared on ABC's "This Week," he cited the U.S. strike on Syria as a not-so-veiled warning to North Korea: "The message

that any nation can take is if you violate international norms, if you violate international agreements, if you fail to live up to commitments, if you become a threat to others, at some point, a response is likely to be undertaken.”

By logical extension, Trump’s missile attack on Syria makes the United States vulnerable to retaliation from other countries that see the U.S. violating international law and committing acts of aggression.

What can be done to stop the Trump administration’s illegal use of military force in Syria and its dangerous provocation of Russia and North Korea?

Medea Benjamin, co-founder of CodePink, suggests doing things that will be “positive for the Syrian people.” She advocates immediately lifting the ban on Syrian refugees, providing the U.N. with its requested \$5 billion to deal with the humanitarian crisis, and demanding that the Trump administration work with Russia toward a ceasefire and a political solution.

**Marjorie Cohn is professor emerita at Thomas Jefferson School of Law, former president of the National Lawyers Guild, and a member of the advisory board of Veterans for Peace. Her most recent book is *Drones and Targeted Killing: Legal, Moral, and Geopolitical Issues*. Visit her website at <http://marjoriecohn.com/> and follow her on Twitter at <https://twitter.com/marjoriecohn>.**

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## US Impunity Erodes World Justice

The International Criminal Court charges only Africans with human rights crimes while granting impunity to U.S. officials and their allies, undermining what had been a noble idea of universal justice, writes Nicolas J S Davies.

By Nicolas J S Davies

In the past week, Burundi and South Africa have joined Namibia in declaring their intention to withdraw from the jurisdiction of the International Criminal Court (ICC). They are likely to be followed by a parade of other African countries, jeopardizing the future of an international court that has prosecuted 39 officials from eight African countries but has failed to indict a single person who is not African.

Ironically, African countries were among the first to embrace the ICC, so it is a striking turnaround that they are now the first to give up on it.

But it is the United States that has played the leading role in preventing the

ICC from fulfilling the universal mandate for which it was formed, to hold officials of all countries accountable for the worst crimes in the world: genocide; crimes against humanity; and war crimes – not least the crime of international aggression, which the judges at Nuremberg defined as “the supreme international crime” from which all other war crimes follow.

As the ICC’s founding father, former Nuremberg prosecutor Benjamin Ferencz, lamented in 2011, “You don’t have to be a criminologist to realize that if you want to deter a crime, you must persuade potential criminals that, if they commit crimes, they will be hauled into court and be held accountable. It is the policy of the United States to do just the opposite as far as the crime of aggression is concerned. Our government has gone to great pains to be sure that no American will be tried by any international criminal court for the supreme crime of illegal war-making.”

The U.S. has not only refused to accept the jurisdiction of the ICC over its own citizens. It has gone further, pressuring other countries to sign Bilateral Immunity Agreements (BIA), in which they renounce the right to refer U.S. citizens to the ICC for war crimes committed on their territory.

The U.S. has also threatened to cut off U.S. aid to countries that refuse to sign them. The BIAs violate those countries’ own commitments under the ICC statute, and the U.S. pressure to sign them has been rightly condemned as an outrageous effort to ensure impunity for U.S. war crimes.

### **Resistance to U.S. Impunity**

To the credit of our international neighbors, this U.S. strategy has met with substantial resistance. The European Parliament overwhelmingly passed a resolution stating that BIAs are incompatible with E.U. membership, and urged E.U.- member states and countries seeking E.U. membership not to sign them.

Fifty-four countries have publicly refused to sign BIAs, and 24 have accepted cut-offs of U.S. aid as a consequence of their refusal. Of 102 countries that have signed a BIA, only 48 are members of the ICC in any case, and only 15 of those countries are on record as having ratified the BIAs in their own parliaments.

Thirty-two other ICC members have apparently allowed BIAs to take effect without parliamentary ratification, but this has been challenged by their own country’s legal experts in many cases.

The U.S. campaign to undermine the ICC is part of a much broader effort by the U.S. government to evade all forms of accountability under the laws that are supposed to govern international behavior in the modern world, even as it

continues to masquerade as a global champion of the rule of law.

The treaties that U.S. policy systematically violates today were crafted by American statesmen and diplomats, working with their foreign colleagues, to build a world where all people would enjoy some basic protections from the worst atrocities, instead of being subject only to the law of the jungle or "might makes right."

So current U.S. policy is a cynical betrayal of the work and wisdom of past generations of Americans, as well as of countless victims all over the world to whom we are effectively denying the protections of the U.N. Charter, the Geneva Conventions, the U.N. Convention on the Rights of the Child and other multilateral treaties that our country ignores, violates or refuses to ratify.

Avoiding the jurisdiction of international courts is only one of the ways that the U.S. evades international accountability for its criminal behavior. Another involves an elaborate and well-disguised public relations campaign that exploits the powerful position of U.S. corporations in the world of commercial media.

### **Major Propaganda Funding**

The U.S. government spends a billion dollars per year on public relations or, more bluntly, propaganda, including \$600 million from the Pentagon budget. The work of its P.R. teams and contractors is laundered by U.S. newspapers and repeated and analyzed ad nauseam by monolithic, flag-waving TV networks.

These profitable corporate operations monopolize the public airwaves in the U.S., and also use their financial clout, slick marketing and the support of the U.S. State Department to maintain a powerful presence in foreign and international media markets.

Foreign media in allied countries provide further legitimacy and credibility to U.S. talking-points and narratives as they echo around the world. Meanwhile, Hollywood fills cinema and TV screens across the world with an idealized, glamorized, inspirational version of America that still mesmerizes many people.

This whole elaborate "information warfare" machine presents the United States as a global leader for democracy, human rights and the rule of law, even as it systematically and catastrophically undermines those same principles. It enables our leaders to loudly and persuasively demonize other countries and their leaders as dangerous violators of international law, even as the U.S. and its allies commit far worse crimes.

### **Double Standards in Syria/Iraq**



Today, for instance, the U.S. and its allies are accusing Syria and Russia of war crimes in east Aleppo, even as America's own and allied forces launch a similar assault on Mosul. Both attacks are killing civilians and reducing much of a city to rubble; the rationale is the same, counterterrorism; and there are many more people in the line of fire in Mosul than in east Aleppo.

But the U.S. propaganda machine ensures that most Americans see one, in Mosul, as a legitimate counterterrorism operation (with Islamic State accused of using the civilians as "human shields") and the other, in east Aleppo, as a massacre (with the presence of Al Qaeda's Syrian affiliate, the former Nusra Front, virtually whited out of the West's coverage, which focuses almost entirely on the children and makes no mention of "human shields").

The phrase "aggressive war" is also a no-no in the Western media when the U.S. government launches attacks across international borders. In the past 20 years, the U.S. has violated the U.N. Charter to attack at least eight countries (Yugoslavia, Afghanistan, Iraq, Pakistan, Yemen, Somalia, Libya and Syria), and the resulting wars have killed about two million people.

A complex whirlwind of conflict and chaos rages on in all the countries where the U.S. and its allies have lit the flames of war since 2001, but U.S. leaders still debate new interventions and escalations as if we are the fire brigade not the arsonists. (By contrast, the U.S. government and the Western media are quick to accuse Russia or other countries of "aggression" even in legally murky situations, such as after the U.S.-backed coup in 2014 that ousted the elected president of Ukraine.)

Systematic violations of the Geneva Conventions are an integral part of U.S. war-making. Most are shrouded in secrecy, and the propaganda machine spins the atrocities that slip through into the public record as a disconnected series of aberrations, accidents and "bad apples," instead of as the result of illegal rules of engagement and unlawful orders from higher-ups.

The senior officers and civilian officials who are criminally responsible for these crimes under U.S. and international law systematically abuse their powerful positions to subvert investigations, cover up their crimes and avoid any accountability whatsoever.

### **Pinter's Complaint**

When British playwright Harold Pinter was awarded the Nobel Prize for Literature in 2005, he bravely and brilliantly used his Nobel lecture to speak about the real role that the U.S. plays in the world and how it whitewashes its crimes. Pinter recounted a meeting at the U.S. Embassy in London in the 1980s in

which a senior embassy official, Raymond Seitz, flatly denied U.S. war crimes against Nicaragua for which the U.S. was in fact convicted of aggression by the International Court of Justice (ICJ). Seitz went on to serve as Assistant Secretary of State, U.S. Ambassador to the U.K., and then Vice-Chairman of Lehman Brothers.

As Pinter explained: "this 'policy' was by no means restricted to Central America. It was conducted throughout the world. It was never-ending. And it is as if it never happened.

"The United States supported and in many cases engendered every right wing military dictatorship in the world after the end of the Second World War. I refer to Indonesia, Greece, Uruguay, Brazil, Paraguay, Haiti, Turkey, the Philippines, Guatemala, El Salvador, and, of course, Chile. The horror the United States inflicted upon Chile in 1973 can never be purged and can never be forgiven.

"Hundreds of thousands of deaths took place throughout these countries. Did they take place? And are they in all cases attributable to US foreign policy? The answer is yes they did take place and they are attributable to American foreign policy. But you wouldn't know it.

"It never happened. Nothing ever happened. Even while it was happening it wasn't happening. It didn't matter. It was of no interest. The crimes of the United States have been systematic, constant, vicious, remorseless, but very few people have actually talked about them. You have to hand it to America. It has exercised a quite clinical manipulation of power worldwide while masquerading as a force for universal good. It's a brilliant, even witty, highly successful act of hypnosis."

If in 2016 the world seems to be more violent and chaotic than ever, it is not because the United States lacks the will to use force or project power, as both major party candidates for President and their military advisers appear to believe, but because our leaders have placed too much stock in the illegal threat and use of force and have lost faith in the rule of law, international cooperation and diplomacy.

After a century of commercial dominance, and 75 years of investing disproportionately in weapons, military forces and geopolitical schemes, perhaps it is understandable that U.S. leaders have forgotten how to deal fairly and respectfully with our international neighbors. But it is no longer an option to muddle along, leaving a trail of death, ruin and chaos in our wake, counting on an elaborate propaganda machine to minimize the blowback on our country and our lives.

Sooner rather than later, Americans and our leaders must knuckle down and master the very different attitudes and skills we will need to become law-abiding global citizens in a peaceful, sustainable, multipolar world.

**Nicolas J S Davies is the author of *Blood On Our Hands: the American Invasion and Destruction of Iraq*. He also wrote the chapters on “Obama at War” in *Grading the 44th President: a Report Card on Barack Obama’s First Term as a Progressive Leader*.**

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## The Tangle of US-Israeli Double Standards

For decades, U.S. administrations have engaged in linguistic gymnastics to avoid applying international law to Israel. Now, with the fig leaf of the two-state solution gone, President Obama must confront this tangle of double standards and double talk, says Marjorie Cohn.

By Marjorie Cohn

As Israeli voters went to the polls, Prime Minister Benjamin Netanyahu declared he would oppose the creation of a Palestinian state. In what The New York Times called a “racist rant,” he also proclaimed, “right-wing rule is in danger” because “Arab voters are streaming in huge quantities to the polling stations.”

James Besser, Washington correspondent for Jewish newspapers for 24 years, wrote that Israeli voters, “more clearly aware of Netanyahu’s intent than ever,” have chosen “the apartheid path.”

Netanyahu’s remarks were met with outrage in the United States and around the world. The Obama administration reacted by saying the United States would “reassess” its policy toward Israel. And, significantly, White House Chief of Staff Denis McDonough told a J Street conference that “an occupation that has lasted for almost 50 years must end, and the Palestinian people must have the right to live in and govern themselves in their own sovereign state.”

Netanyahu’s words create a golden opportunity for Barack Obama to radically transform his policy of uncritical support for Israel’s ongoing violations of the law.

Israel took over the West Bank (including East Jerusalem) by military force in 1967 and has held it under military occupation ever since. Security Council Resolution 242, passed in 1967, refers to “the inadmissibility of the

acquisition of territory by war” and calls for “withdrawal of Israel armed forces from territories occupied in the recent conflict.” Yet Israel continues to occupy the Palestinian territories it acquired in the “Six-Day War.”

Since 1967, Israel has transferred more than a half million of its own citizens into these territories. Israel continues to build settlements in the West Bank, which is occupied Palestinian territory. A state that is occupying territory that is not its own cannot build settlements on that territory and transfer its own citizens into them.

Under the Rome Statute for the International Criminal Court (ICC), such action constitutes a war crime. Article 8.2(b)(viii) of the statute defines “the transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies” as a war crime.

The ICC can investigate and prosecute these crimes. Yet, in order to prevent such investigation and prosecution, the United States has consistently opposed Palestine becoming a party to the Rome Statute. Congress passed a law that would automatically discontinue the United States’ \$400 million annual aid to the Palestinian Authority (PA) if Palestine were to bring charges against Israel in the ICC. Palestine will join the ICC on April 1. If Palestine files charges in the ICC, Obama should find indirect ways to provide funding to the PA to prevent its collapse.

Under the National Emergencies Act, the president has the power to declare an emergency response to a foreign policy crisis. Obama should designate the Israeli settlements an emergency. He could then regulate or prohibit any foreign exchange transaction that directly or indirectly contributes to the expansion of the illegal settlements.

Dozens of organizations designated as 501(c)(3) nonprofits by the Internal Revenue Service (IRS) funnel tens of millions of dollars annually to illegal Israeli settlements. Funding illegal activities violates IRS guidelines. The IRS should undertake a thorough investigation of the activities of these organizations.

### **War Crimes During Operation Protective Edge**

In July 2014, Israel invaded Gaza and killed more than 2,000 Palestinians, the majority of them civilians. Nearly 10,000 Palestinians were wounded, more than 2,000 of them children. Tens of thousands of Palestinians lost their homes and infrastructure was severely damaged. Numerous schools, United Nations (UN) places of refuge, hospitals, ambulances and mosques were intentionally targeted.

Israel used the “Dahiya doctrine” to apply “disproportionate force” and cause

“great damage and destruction to civilian property and infrastructure, and suffering to civilians populations,” as defined in the 2009 UN Human Rights Council (Goldstone) report. These acts constitute evidence of war crimes under Article 8 (2)(a) of the Rome Statute.

Flavia Pansieri, the UN deputy high commissioner for human rights, said that human rights violations “fuel and shape the conflict” in the occupied Palestinian territories, adding that, “[h]uman rights violations in the West Bank, including East Jerusalem, are both cause and consequence of the military occupation and ongoing violence, in a bitter cyclical process with wider implications for peace and security in the region.”

Nevertheless, the United States has opposed the investigation and prosecution of these crimes in the ICC. The United States has joined Israel in boycotting the UN Human Rights Council’s investigation of international law violations during the July 2014 attack (known as Operation Protective Edge). The U.S. government should support this process and the ICC investigation.

The United States provides Israel with \$3.1 billion in military assistance each year. Under the Arms Export Control Act (AECA), countries that receive U.S. military aid can only use weapons for legitimate self-defense and internal security. Israel did not act in self-defense during Protective Edge and its actions went far beyond protecting internal security. Obama should suspend future deliveries of the weapons described in the AECA.

Moreover, under the Leahy Law, military units that commit human rights abuses cannot receive U.S. training or weapons, and individuals who commit human rights abuses are denied U.S. visas. The U.S. State Department’s annual report has documented Israeli violations.

And the Foreign Assistance Act of 1961 prohibits assistance to any country “which engages in a consistent pattern of gross violations of internationally recognized human rights.”

Obama should enforce these laws.

### **Illegal Barrier Wall**

Israel constructed a wall that encroaches on Palestinian land. The International Court of Justice (ICJ, or the World Court) – the legal arm of the UN system – concluded that the construction of that wall and its associated regime impedes the liberty of movement of the inhabitants of the occupied Palestinian territory as guaranteed under Article 12 (1) of the International Covenant on Civil and Political Rights.

The ICJ also determined that the wall impedes the right to work, to health, to education and to an adequate standard of living as required by the International Covenant on Economic, Social and Cultural Rights. The ICJ ruled that Israel should dismantle the wall, make reparation for the damage it has caused and return the land, orchards, olive groves and other immovable property it seized to construct the wall – or compensate the aggrieved persons for the damage suffered.

The U.S. government should tell Israel to dismantle the wall in accordance with the ICJ's ruling.

After 50 years of denial about Israel's arsenal of nuclear weapons, the U.S. Defense Department has finally admitted that Israel has nuclear weapons. The Foreign Assistance Act of 1961, as amended, prohibits U.S. military assistance to countries that acquire or transfer nuclear reprocessing technology outside of international nonproliferation regimes; yet this law has been honored in its breach.

While the United States prods other countries to sign the Non-Proliferation Treaty (NPT), requiring international inspections, Israel refuses to sign the NPT, thereby avoiding inspections. Obama should enforce the law.

The United States has a policy of opposing all resolutions in the UN Security Council that condemn Israel's illegal colonization of Palestinian territory, or that define the parameters of a two-state solution.

Indeed, the United States vetoed a resolution in February 2011 that would have condemned the building of Israeli settlements in Palestinian territory. And in November 2014, the United States opposed a draft resolution demanding Israel's withdrawal from the West Bank within three years.

Obama has put all of his eggs in the "peace process" basket. But now that Netanyahu has stripped away all pretense of negotiating for a Palestinian state, Obama must drop his opposition to such resolutions in the council.

A senior White House official told The New York Times that the Obama administration might lend its support to a resolution "embodying the principles of a two-state solution that would include Israel's 1967 borders with Palestine and mutually agreed swaps of territory." The 1967 borders are those that existed before the "Six-Day War," in which Israel took the West Bank, Gaza, the Golan Heights, the Sinai Peninsula and Jerusalem.

The U.S. Constitution requires that the president "take care that the laws be faithfully executed." Netanyahu has dropped any pretense of good faith. It is high time for the U.S. government to halt its longstanding policy of turning a

blind eye to Israel's many violations of the law. Obama has a constitutional duty to enforce the law.

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## Eroding Principles of Human Rights

After World War II, there was hope that core principles of international law and human rights would become universal, but increasingly these standards have suffered from selective application and propagandistic manipulation, causing a loss of credibility in these key precepts, as Lawrence Davidson notes.

By Lawrence Davidson

The traditional criterion for state legitimacy was very simple. If a state and its government could hold and govern territory, it was legitimate, at least in the eyes of other governments. The form of government and its behavior did not matter in this definition – Stalin's USSR, Mussolini's Italy, Hitler's Germany – these regimes held territory and ruled as surely as did the ones in Britain, France and the United States. And, in each others' official eyes, one state was as legitimate as the next.

This outlook began to change in 1945. Just before and then during World War II, fascist behavior in general and Nazi behavior in particular was so shocking that many post-war governments became convinced that state legitimacy required well-defined codes of national behavior enshrined in international law.

Therefore, right after the war, human rights became a recognized standard by which to judge states and their governments. This new standard, which was implied in the Nuremberg trials, was soon articulated in such documents as the International Declaration of Human Rights and endorsed by the United Nations. It was simultaneously reinforced by a worldwide process of decolonization that focused the international community on issues of human rights, particularly as they touched on the practice of racism and apartheid.

Most importantly, this process led growing segments of civil society to support human rights law as a standard by which to judge state legitimacy. In one case, pressure from civil society worldwide was applied on apartheid South Africa

throughout the 1970s and 1980s with sufficient force to help change not only the nature of that country's government, but its national culture and therefore the character of the state itself. By 1994, South Africa was no longer an apartheid state.

### **New Attack on Human Rights**

Recently things have not gone so well. There has been a tendency for the lessons learned about the importance of human rights to fade with time, particularly from the institutional memories of state bureaucracies. The proclivity of all state apparatuses to behave in a Machiavellian way has reasserted itself, particularly in the foreign policies of Western democratic states and their subsequent alliances with all manner of horrid right-wing dictatorships the world over.

This complicity with oppressive regimes produced inevitable anti-Western sentiment culminating in the Sept. 11, 2001 attacks on New York and Washington, D.C. Subsequently the United States declared a "war on terror," and this effort seems to excuse everything that the U.S. government has done, from indefinite detention and torture to assassinations and invasions.

To accommodate this revival of amoral statecraft, there is now an effort to rewrite international law in a way that restricts or eliminates the human rights standard of behavior for state legitimacy. The end game here is to get the international community to recognize as "legal" actions by certain great powers and their allies that include the intrusion into the territory of other states and peoples in order to change governments, control populations, capture or kill wanted individuals, and destroy installations and other property.

This is carried out by various means ranging from invasion, enforced apartheid regulations and assassination. At the forefront of this effort are the policies and actions of the United States and its prime ally, Israel.

### **Rationalizations**

How is this effort to override international human rights law rationalized? Essentially, what the governments of the United States and Israel – as well as their neoconservative and Zionist supporters – say is that all of their enemies can be classified as terrorists, and because terrorists do not adhere to the standards set by international law, they (the U.S. and Israel) are forced to adopt wartime measures in combating these enemies.

The cornerstone of this approach is the practice of "extraterritorial targeted killing." Just listen to the well-known Zionist lawyer Alan M. Dershowitz, who has proclaimed that "at the moment our legal system is playing catch-up with



military technology." What he finds "imperative" is that drone attacks and the like be made legal by, for instance, allowing someone in the government to obtain a warrant that allows an assassination (and its "collateral damage") to take place.

Dershowitz is referring to the U.S. government but, the precedent having been set, his scenario for "legal" murder could be adopted by any government – certainly the Israelis have elevated "targeted killing" to a high art.

There is nothing in international law that substantiates this position, and it certainly violates core tenets of international human rights law as well as aspects of the Geneva Conventions. Nor can this behavior be passed off as part of a "just war," for it fails to meet several accepted qualifications for such a venture as comparative justice and last resort.

Nonetheless, an array of criminal practices have been put into practice under the assumption that "if you do something long enough, it becomes accepted standard practice." In other words, in Washington and Tel Aviv, the hope is that what starts out as a corruption of the law eventually becomes the law.

### **Standing Up for the International Law**

There is now a struggle going on that will determine both the viability of international human rights law and the role of civil society in defining state legitimacy. Should states that adopt practices such as "extraterritorial targeted killing" or adhere to the racist practices of apartheid continue to be regarded as legitimate, or should they be seen as criminal "rogue states" by virtue of their violation of international human rights law?

In this struggle those who stand in support of human rights should not be underestimated. They are serious, numerous, worldwide in scope, and well organized. But, they are not governments; they are elements of the general population. They are civil society.

This contest may have still greater implications. It may really come down to the fate of the rule of law itself. If we allow international law, and particularly international human rights law, to be marginalized or even done away with, we will return to same international conditions that destroyed the League of Nations, facilitated the rise of the fascists, Nazis and Stalinists, and allowed for the prolonged existence of apartheid South Africa.

In each case the lack of effective international human rights law helped lead to a drastic deterioration in the domestic rule of law in countries like Italy, Germany, Russia and South Africa. And, today we can see signs of deterioration of the rule of law in countries such as Israel and, to a lesser but still real

extent, the United States.

There is a lot at stake here and we can be thankful that even as the majority of people blithely go about their daily affairs, a growing minority has become aware of what their governments are doing and its implications for everyone's future. We should be thankful and supportive – actively supportive.

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## Obama's Novel Lawyering to Bomb Syria

**Exclusive:** The U.S. government likes international law when it serves Washington's purposes, but not when it constrains U.S. desires to use military force. Then, the rules are bent, ignored or subjected to novel lawyering, as President Obama is doing with airstrikes into Syria, reports Robert Parry.

By Robert Parry

The Obama administration has devised an extraordinary legal justification for carrying out bombing attacks inside Syria – that the United States and its Persian Gulf allies have the right to defend Iraq against the Islamic State because the Syrian government is unable to stop the cross-border terror group.

"The Syrian regime has shown that it cannot and will not confront these safe havens effectively itself," said the U.S. letter delivered by Ambassador Samantha Power to United Nations officials. "Accordingly, the United States has initiated necessary and proportionate military actions in Syria in order to eliminate the ongoing ISIL [Islamic State] threat to Iraq, including by protecting Iraqi citizens from further attacks and by enabling Iraqi forces to regain control of Iraq's borders."

Yet, beyond the danger to world order if such an expansive theory is embraced by the international community (does anyone remember how World War One got started?), there is the hypocrisy of the U.S. government and many of those same Gulf allies arming, training and funding Syrian rebels for the purpose of preventing the Syrian military from controlling its territory and then citing that lack of control as the rationale to ignore Syria's sovereignty.

In other words, the United States, Saudi Arabia, Qatar, Jordan and other enemies of Syria covertly backed the rebels inside Syria and watched as many of them including thousands of the U.S.-preferred “moderates” took their newly acquired military skills to al-Qaeda affiliates and other terrorist organizations. Then, the U.S. and its allies have the audacity to point to the existence of those terror groups inside Syria as a rationale for flying bombing raids into Syria.

Another alarming part of the U.S. legal theory is that among this new “coalition of the willing” the U.S., Saudi Arabia, the United Arab Emirates, Qatar, Bahrain and Jordan only Jordan shares a border with Syria. So, this novel principle would mean that distant countries have the right to destabilize a country from afar and then claim the destabilization justifies mounting military attacks inside that country.

Such a theory if accepted as a new standard of behavior could wreak havoc on international order which is based on the principle of national sovereignty. The U.S. theory also stands in marked contrast to Washington’s pious embrace of strict readings of international law when denouncing Russia just this summer for trying to protect ethnic Russians in eastern Ukraine from brutal assaults by the U.S.-backed coup regime in Kiev.

In Ukraine, the Obama administration rejected any and all mitigating circumstances, such as the overthrow of an elected president and the coup regime’s use of artillery, airstrikes and even neo-Nazi militias to suppress eastern Ukraine’s ethnic Russian population. In the Ukraine case, the Obama administration insisted that national sovereignty was inviolable despite the fact that the Feb. 22 coup had violated Ukraine’s constitutional order and had produced a human rights disaster.

An entirely different set of rules were applied to Syria, where President Barack Obama decided that Syrian President Bashar al-Assad “must go” and where Obama authorized the CIA to provide arms, training and money for supposedly “moderate” rebels. Other U.S. “allies,” such as Saudi Arabia and Qatar, supported some of the more extreme anti-Assad groups.

Israel’s right-wing Likud government also was eager for “regime change” in Syria as were America’s influential neoconservatives who saw Assad’s overthrow as a continuation of their strategy of removing Middle East leaders regarded as hostile to Israel. Saddam Hussein’s Iraq was the first on the list with Syria and Iran to follow. In those cases, the application of international law was entirely optional.

Before President George W. Bush’s invasion of Iraq in 2003, the U.S. government came up with another convenient argument, claiming the war was an act of

American self-defense because otherwise Hussein might give his “weapons of mass destruction” to al-Qaeda for use against U.S. targets. As it turned out, Hussein had no WMDs and was a bitter enemy of al-Qaeda, which didn’t exist in Iraq until after the U.S. invasion.

The overthrow and subsequent execution of Hussein turned Iraq into a cauldron of bloody chaos, pitting Shiites against Sunnis and creating a fertile environment for a group of brutal Sunni extremists who took the name “al-Qaeda in Iraq.”

### **Getting Assad**

But Official Washington is slow to learn lessons. In 2011, the Obama administration’s “liberal interventionists” threw their weight behind a Sunni-led uprising to oust Assad, who runs a harsh but largely secular government with key support from Alawites, Shiites, Christians and other minorities who feared Sunni extremism.

As with Iraq, Syria’s sectarian violence drew in many Sunni extremists, including jihadists associated with al-Qaeda, particularly the Nusra Front but also “al-Qaeda in Iraq” which rebranded itself the Islamic State of Iraq and Syria or simply the Islamic State. Eventually, al-Qaeda leaders rejected the Islamic State because it had become a rival of the Nusra Front and because its brutality was too graphic even for al-Qaeda.

Despite the growing radicalism of Syrian rebels, Official Washington’s influential neocons and the “liberal interventionists” continued the drumbeat for ousting Assad, a position also shared by Israeli leaders who went so far as to indicate they would prefer Damascus to fall to al-Qaeda extremists rather than have Iranian ally Assad retain control. [See Consortiumnews.com’s [“Israel Sides with Syrian Jihadists.”](#)]

Whenever there was a chance to push Obama into ordering a U.S. military assault on Assad’s government, “the Assad-must-go crowd” pressed the argument. For instance, a still-mysterious Sarin gas attack outside Damascus on Aug. 21, 2013, was immediately blamed on Assad’s forces. The neocons and the “liberal interventionists” demanded an air war to punish the Syrian government and possibly open the way for a rebel victory.

This pressure on Obama mounted despite strong doubts within the U.S. intelligence community that Assad’s forces were responsible. Some evidence pointed to rebel extremists trying to create a provocation to bring the U.S. military into the war on their side.

Partly because of those doubts, President Obama backed away from a military strike at the last minute and accepted a compromise arranged by Russian

President Vladimir Putin to get Assad to surrender his entire chemical weapons arsenal. Since then, additional evidence has emerged raising doubts about the government's complicity and pointing more toward the rebels. [See Consortiumnews.com's "[The Collapsing Syria-Sarin Case.](#)"]

Nevertheless, much of the mainstream U.S. news media, including the foreign-page editors of the New York Times who have increasingly fallen under the spell of neocon ideology, have taken to citing the Syrian government's guilt for the Sarin gas attack as flat fact, rather than a point in serious dispute. It seems no journalism standards need apply when demonized figures, such as Assad or Putin, are facing accusations.

### **Israel's Shift**

Yet, with al-Qaeda-connected terrorists controlling part of the Israeli border along the Golan Heights, the Israeli government began to reverse its position on demanding Assad's removal. As the Israeli investigative Web site, [Debka Files](#), reported on Sept. 9, citing military and intelligence sources:

"The Israeli government has radically changed tack on Syria, reversing a policy and military strategy that were long geared to opposing Syrian President Bashar Assad. This reversal has come about in the light of the growing preponderance of radical Islamists in the Syrian rebel force fighting Assad's army in the Quneitra area since June. Al Qaeda's Syrian Nusra front is estimated to account by now for 40-50 percent – or roughly, 4,000-5,000 Islamists – of the rebel force deployed just across Israel's Golan border.

"Nusra Front jihadis fighting alongside insurgents on the various Syrian battlefronts made a practice of surreptitiously infiltrating their non-Islamist brothers-at-arms, a process which the latter's foreign allies, the US, Israel, Saudi Arabia, Qatar and Jordan, either ignored or were unaware of. These tactics began to pay off in the past month, when large numbers of moderate rebels suddenly knocked on the Nusra Front's door and asked to join."

I have confirmed this Israeli shift with my own sourcing. But it's unclear whether Israel's change of heart will cause any second thoughts among U.S. neocons who typically conform their policy recommendations to Israeli interests. However, on the Syrian case, the neocons and their "liberal interventionist" friends might be too dug in on ousting Assad to adjust.

Indeed, all of Official Washington seems incapable of admitting that its wishful thinking about Syrian "moderates" may have caused another major strategic error in the Mideast. The unrealistic "group think" about "moderates" contributed to a power vacuum in Syria that has pulled in some of the most vicious Islamic

extremists on earth and turned parts of Syria into a new base of operation for international terrorism.

For his part, President Obama recognized the folly of training Syrian “moderates” just last month he dismissed the notion as a “fantasy” that was “never in the cards” as a workable strategy but he nevertheless resurrected it last week as a key part of his new Syrian initiative. He won solid congressional majorities in support of spending some \$500 million on the training scheme.

The most charitable view of Obama’s strange flip-flop is that he feared being accused of aiding Assad if the U.S. bombing campaign against the Islamic State indirectly strengthened Assad’s hold on Damascus. So, Obama tacked on what he knew to be a useless appendage, a tough-sounding plan to “ramp up” the “moderate” rebel forces.

Similarly, Obama’s harsh rhetoric about refusing to coordinate the airstrikes with the Syrian government may be more a concession to the sensibilities of the neocons and the “liberal interventionists” than a reality.

I was told last week that U.S. intelligence had used Russian government go-betweens to clear the airstrikes with the Syrian government which gave quiet permission for the bombing campaign in parts of Syria. I was further told on Monday that U.S. military officials and their Syrian counterparts have met face-to-face to ensure that the U.S.-led airstrikes would encounter no Syrian air defenses.

That tacit approval from the Syrian government could be a sound legal basis for the airstrikes, much as other governments, such as Yemen and Pakistan, have tolerated or even encouraged U.S. air attacks on domestic enemies associated with al-Qaeda and other militant groups.

Yet, Obama may find it politically impossible to state the truth that a “realist” approach to foreign affairs sometimes requires working with disreputable governments. So, instead of simply saying that Syria has no objection to these bombing raids, Obama has invented a dangerous new legal theory to justify the violation of a country’s sovereignty.

**Investigative reporter Robert Parry broke many of the Iran-Contra stories for The Associated Press and Newsweek in the 1980s. You can buy his new book, *America’s Stolen Narrative*, either in print here or as an e-book (from Amazon and barnesandnoble.com). For a limited time, you also can order Robert Parry’s trilogy on the Bush Family and its connections to various right-wing operatives for only \$34. The trilogy includes *America’s Stolen Narrative*. For details on this offer, click here.**

