

Rogue State USA: Missile Threats Make Any Syria Treaty Illegal

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During this momentary lull of US threats on Syria, this is the time for Americans to call on Obama to stop our country from acting as a rogue state. When you have momentum, use it. If not now, when?

The citizens of the world must make it clear that the USA has no right to make threats of force against nations that have not threatened the United States. Any treaty that results from a threat is unenforceable. Do we really want an agreement with Syria that is null and void?

Article 2, Section 4 of the UN Charter makes it plain. "All members shall refrain in their international relations from the [threat](#) or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purpose of the United Nations."

This rule is so strong that it explains why Obama recently announced that he will not seek a Security Council authorization of the threat of the use of force in Syria. Under international law, the necessary conditions do not exist for the Security Council to take any such action in this setting.

Article 53 of the UN Charter mandates that a nation cannot use force against another in a situation other than individual self-defense unless it is necessary to maintain collective peace and security, and unless said force is approved by the Security Council. The Obama administration cannot use threats of force to back up its credibility or to punish Syria for past acts. Neither one of those acts maintain collective peace and security, which is what is needed to even request Security Council approval.

It is common for people to argue that threats are what bring people to the bargaining table. It is one thing to promise to protect your interests – it's another thing to threaten to fire missiles at the other side. The [Vienna Convention on the Law of Treaties](#) makes it clear that if threats of using force are made during diplomatic negotiations, then [any resulting treaty is invalid](#): "A treaty is void if its conclusion has been procured by the threat or use of force in violation of the principles of international law embodied in the Charter of the United Nations." Although the US Senate has not ratified the Vienna convention, many of its provisions are considered to be customary international law.

The US itself has argued to the World Court that the prohibition of the threat of use of force

is a principle of customary international law. The World Court has held on several occasions that Article 2(4) of the UN Charter retains its full force and effect as applicable international law.

Under [the law of state responsibility](#), the state that has unlawfully made threats of force has the duty to halt the conduct, and provide appropriate assurances and guarantees of non-repetition. If economic damage has resulted, the state responsible for making threats of force must make full reparations.

This is the moment to ensure that Obama takes missile strikes off the table. Otherwise, he could wind up with a chemical weapons agreement with Syria that is unenforceable. Threats of war have been condemned by the entire world community. What we need now is some dogged follow-up.

Constitutional law professors and their students might consider circulating a petition directed to the nation's most powerful constitutional law professor to halt this pattern and practice of illegal threats to wage war. Any world leader who is serious about peace should call for a halt to any and all threats of preemptive missile attacks. The Friends Committee on National Legislation has [all the information you need](#) to contact your member of Congress. Any peace groups that focus on being effective will take this issue head-on.

Instead of threatening war, why not threaten to begin an international arms embargo?

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