

Canada's Military Mission: Why Bombing Syria Breaks the Law

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By bombing Islamic State targets in Syria, Canada is breaking international law and is in violation of the United Nations Charter, says a former Canadian ambassador.

There are a number of reasons why Canada's military mission in Iraq should be extended and there seems to be wide public support for doing so. However, there is one more powerful reason why that extension should not involve [the bombing of Islamic State targets in Syria](#).

The reason is that by doing so Canada is breaking international law and is in violation of the United Nations Charter. Cynics may react to this by saying, "So what?" They may argue that our responsibility to stop the horrors committed by this terrorist group overrides our obligations to follow the rule of law. The cynics would be wrong.

The principles of territorial integrity and state sovereignty are basic principles that have governed the relations between states since the Treaty of Westphalia in 1648. While the treaty has been violated many times in the intervening years, usually by acts of aggression by the more powerful countries, they remain the essential components of international law.

After the cataclysmic events of two world wars and the use of the atomic bomb against Japan, the framers of the United Nations incorporated the principles of territorial integrity and state sovereignty into the United Nations Charter. The charter was seen as the primary safeguard of peace and security in a nuclear age. The Helsinki Final act of 1975 reinforced these principles by adding to them the principle of the inviolability of borders.

These are fundamental principles and they have universal application. They cannot be set aside because of special cases or because they present an obstacle to the policy objectives of a powerful nation. The message is simple and clear: sovereignty cannot be violated without United Nations Security Council authority.

When a democratic nation such as Canada breaks international law and acts against the UN Charter it not only loses its moral standing in the world but sets a dangerous precedent to be followed by other countries, especially those who do not boast of their respect for law and order. It becomes even more serious when a democratic country violates international law more than once as Canada will have done if we bomb the Islamic State in Syria.

Fifteen years ago this month Canada joined NATO countries (Greece excepted) in the bombing of Serbia, thus violating international law, the UN Charter and NATO's own Article 1 prohibiting NATO from using force to resolve international disputes and to act always in accordance with the UN Charter. Later, Canada again broke the law by following the U.S. in recognizing the unilateral declaration of Kosovo's independence from Serbia (there was no referendum).

The illegal bombing of Serbia and the recognition of Kosovo were justified on the grounds that genocide and ethnic cleansing were taking place in Kosovo by Serbian security forces. These charges were later proven by the United Nations to be highly exaggerated. Forensic experts were unable to find any evidence of mass killings and the refugee exodus out of Kosovo took place after the bombing started.

Nevertheless, NATO's support of the Albanians in Kosovo continues to be heralded in the West as a model of how humanitarian intervention should work. Not everyone agrees.

The current President of Russia, Vladimir Putin, warned that recognizing Kosovo's independence would set a bad precedent and would encourage others desiring independence to ignore international law and follow the Kosovo example. He indicated that he, too, might like to see a number of Russian minority groups in the former Soviet Union become independent.

President Putin's warnings were ignored. His incorporation of Crimea into Russia should not have come as a surprise.

We hear very little today about NATO's intervention in the Balkans and Canada's role in the bombing of Serbia. However, it was then that the western democracies first violated the UN Charter and international law. A precedent was set and the framework of international security suffered a serious breach. It was set back again with the United States invasion of Iraq and will be again if we take part in the bombing of Syria.

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