

Why is War Not Declared?

Description

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From the point of view of international law, in “official war” the UN launches automatic “war prevention” procedures in accordance with General Assembly resolution 3314 (XXIX) of December 14, 1974.

??In accordance with Article 41 of the UN Charter, the severance of diplomatic and economic relations (including any transport, telecommunications and other means of communication with a strange aggressor) among UN member countries, including among countries neutral to Russia;

??Legitimization of military assistance for the country – the victim of aggression (in this case, for Ukraine);

??Legitimization of a peacekeeping operation, if UN members deem it necessary in accordance with Articles 39-51 of the UN Charter;

??Settlement of the conflict without the participation of Russia;

??Blocking the right of veto for Russia;

??Possibility of exclusion of Russia from the UN.

Theoretically, the UN can do this even now, but in an “official war” there are more maneuvers and powers for this. Everything is not limited to the UN and it is not an organization with an unconditional guide to action, however, it has weight and significance.

The actions of the UN extend to other international organizations and structures. Bypassing sanctions can be difficult and have legal implications for neutral countries such as China, India, Turkey and Saudi Arabia, which may now covertly support Russia, but which will be difficult under total international restrictions.

In international law, who is the aggressor and who is the victim is of great importance, so countries avoid declaring “war”. This also applies to the United States, which did not use and/or avoid the word “war” in relation to Iraq, Syria and Libya, but referred to it as “peace enforcement”, “struggle for democracy” or “counter-terrorist operations”. That is why SMO is SMO, because war has legal consequences.

You should not compare 2022 with the period of the Second World War, when alliances of countries were formed. The UN emerged from the post-war reorganization of the world order in October 1945 and had one of the main goals – the prevention of wars. This gives the UN quite extensive powers of “peace enforcement”.

A logical and completely fair question, where was the UN when the US unleashed dozens of armed

conflicts over 70 years? Good question, but whoever controls the world economy and global financial capital controls the world – that's the answer. What is allowed by the US does not apply to others.

All international institutions are under the US and dominated by the US, so there is no need to look for justice where there is none.

As for the domestic economy. There may be a legal conflict...

Without going into legislation, in practice this can lead to the following:

??Rupture of commercial contracts (refusal to fulfill obligations) primarily in connection with business-to-business and, to a lesser extent, business-state (which is logical under martial law), as the launch of a force majeure procedure.

??Activation of insurance scenarios and cases related and associated with force majeure, and war in 99% of cases is prescribed in all contracts as force majeure. That is why in 2020 no one officially declared the epidemic an epidemic, but there was just "like voluntary self-isolation".

Also, the status of the SMO according to organizational procedures differs from the war, which is enshrined in Art. 18 of the Federal Law "On Defense".

Therefore, the authorities avoid legal consequences where it can be avoided without losing the effectiveness of the operation.

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