

US isolated at conference on war crimes

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22 July 1998

A United Nations conference in Rome voted overwhelmingly July 17 to establish an international criminal court with jurisdiction over genocide, aggression and other war crimes, despite intense opposition by the delegation from the United States. The final proposal was adopted by a vote of 120 to 7, with 21 countries abstaining. The US was joined in opposition only by China, Israel and several Arab states.

The isolation of the American delegation was underscored in another vote, on an amendment which would have barred the prosecution of soldiers and government officials of countries which did not sign the treaty. This effort to place American soldiers outside the court's jurisdiction was defeated by 113 to 17, with 25 abstentions.

The last days of the five-week conference were marked by increasingly bitter conflicts between the United States and its major military allies--and economic rivals--Britain, Germany, Japan and Canada. A 60-nation group, spearheaded by these powers, pushed for expanding the temporary tribunals established to investigate ethnic massacres in Bosnia and Rwanda into a permanent institution.

The Clinton administration, under pressure from both the Pentagon and congressional Republicans, was adamant in opposing establishment of any permanent war crimes tribunal. The US delegate to Rome, Ambassador James Scheffer, also sought to limit the court's jurisdiction to genocide, excluding such crimes as atrocities against a civilian population which were not so systematic and extensive.

There was little attempt to disguise the US demand for complete impunity for its military personnel. State Department spokesman James Rubin said the new court didn't 'comply with and comport with our special global responsibilities.'

US Secretary of Defense William Cohen made no

bones about the likelihood of US soldiers engaging in actions which would provoke legal action under a treaty banning genocide and war crimes. He said that US soldiers would become 'a magnet for frivolous and politically motivated accusations,' although there are extensive procedural safeguards against such a possibility, including a provision that a majority of the permanent members of the UN Security Council can veto it.

The Clinton administration and the Pentagon issued a series of heavy-handed warnings to its nominal allies, threatening retaliatory measures ranging from cutoff of financial assistance to withdrawal from military alliances.

The most extraordinary threat was contained in 'talking points' prepared for Cohen and leaked to delegates at the Rome conference. Directed against Germany, which was pressing for the new tribunal to have jurisdiction over every country, including the US, the memo warned, 'Should the universal jurisdiction proposal be adopted by the Rome Conference, we would have to consider the implication for our overseas presence, including our commitment of forces in Europe.'

The US delegation rejected all attempts at compromise, spurred on by the threat from North Carolina Senator Jesse Helms, chairman of the Senate Foreign Relations, who declared that any treaty which permitted US soldiers to be tried in foreign courts would be 'dead on arrival' in Congress.

South Korea, a US client state, pushed a measure that would have given the court jurisdiction over cases whenever it was sought by any one state involved in the alleged war crime--either the state of the victims, the state where the crimes were committed, the state where the war crime suspect had taken residence or was imprisoned, or the home state of the suspect. All variations were dismissed by the US.

The diplomatic maneuvers did succeed in splitting the US and French, which had joined forces initially because their soldiers are the most actively engaged in overseas military operations. The French delegation agreed to back the treaty after adoption of an amendment that would allow any country to exempt its soldiers from prosecution for the next seven years.

Israel joined the US in opposition to the new tribunal because of an amendment, sponsored by Egypt, which was aimed at Israeli settlements on the West Bank and Gaza Strip. The amendment, adopted overwhelmingly, classified as a war crime, 'The transfer, directly or indirectly, by the occupying power of parts of its own civilian population into the territory it occupies.'

One event which took place during the Rome conference demonstrates the extreme sensitivity of the Clinton administration to chauvinist opinion. At the insistence of the Pentagon, an Italian court was compelled to allow an American military court to hear charges against the American fliers responsible for the death of 20 people earlier this year when they flew too low and cut the cables on a ski lift in the Italian Alps. The US government refused to turn the fliers over to the authorities in Italy, where the criminal negligence took place.

The Rome conference demonstrates the utopian character of attempts to put an end to genocide and other war crimes through international agreements between the states which commit or sponsor such atrocities. While a few individuals with links to small or weak states may be prosecuted--Bosnian Serbs or Hutu refugees from Rwanda--none of the major imperialist states, who have been responsible for the vast majority of the crimes of the twentieth century, will allow their agents and officials to sit in the dock.

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