

Washington demands impunity

US pushes Europe to the brink on international court

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Tensions between the US and Europe are at their highest since the end of the Cold War following Washington's provocative action in the United Nations Security Council, where it used its veto power on Monday to block an extension of the UN "peacekeeping" mission in Bosnia and threatened to boycott or scuttle similar operations internationally.

The Bush administration has chosen to push its European allies to the brink in its demand for absolute immunity for US military personnel and civilian officials from prosecution for war crimes by the newly established International Criminal Court (ICC).

The direct link between the US insistence that its global interventions be accountable to no international body and the violent and predatory character of those interventions was underscored on the eve of the veto by news of yet another massacre of Afghan civilians. The latest atrocity was the aerial bombardment of a wedding party that killed or wounded hundreds—most of them women and children.

Evidence continues to mount of US participation in the mass execution of thousands of Taliban prisoners last November and December. US military forces, meanwhile, are conducting operations in the Philippines, Yemen, Colombia, the former Yugoslavia and several other countries, while preparing for a full-scale invasion of Iraq.

Washington has served notice on the world that it does not intend to have its hands tied by even the most remote threat that US war crimes in any of these areas, or others not yet determined, could result in international court proceedings.

The July 1 veto's impact was postponed for three days as European diplomats scrambled to find a compromise formula that would provide Washington the guarantee it seeks and maintain US support for 18 separate UN operations around the globe. The US provides barely 700 of the 45,000 soldiers, police and civilian personnel involved in these operations (only 46 Americans participate in the 1,500-member police training mission in Bosnia, while several thousand US troops are participating in a separate NATO-led occupation force). But Washington foots more than 25 percent of the bill for UN "peacekeeping" efforts, and a US withdrawal from these missions would almost certainly mean a cutoff of this funding and their potential collapse.

"With our global responsibilities, we are and will remain a special target, and cannot have our decisions second-guessed by a court whose jurisdiction we do not recognize," said John Negroponte, US ambassador to the UN, in explaining his use of the veto.

Negroponte has first-hand knowledge of such "second guessing." He is a veteran of the illegal CIA-backed war against Nicaragua in the 1980s, when he served as US ambassador to Honduras, overseeing "contra" operations in that country. During that period, Nicaragua succeeded in winning a ruling from the World Court at The Hague finding the US guilty of criminal aggression, prompting Washington to withdraw from

that court.

The veto provoked outrage in Europe and warnings that Washington and the member states of the European Union are on a collision course. "It's another movement of division between Europe and the US that we have to avoid at all cost," declared European Commission President Romano Prodi.

Foreign Minister Per Stig Moeller of Denmark, which has just taken over the rotating presidency of the European Union, also condemned the US action. "I deeply regret this dramatic step that threatens UN peace operations in general," he declared.

The US position constituted "an enormous disappointment to everyone in the world who wants some basic rules of decency that apply to all rulers everywhere at all times," said Clare Short, Britain's international development secretary.

British officials in particular voiced frustration over the US position, because the treaty establishing the International Criminal Court has been drafted in such a way that it provides ample protection against US troops or officials ever being brought to trial for war crimes. Prime Minister Tony Blair described as "inconceivable" the fear stated by President George W. Bush that US soldiers would be "drug [sic] into the court."

"We understand the concerns of the United States, they are legitimate concerns, but our belief is they will be met," said Blair, who has with increasing difficulty attempted to play the role of mediator between Europe and America.

Changes to the court's charter that were dictated by US negotiators virtually ensure that only leaders and military personnel of vanquished and impoverished countries will ever be brought to trial. The United Nations Security Council, where the US exercises a veto, is empowered to stop any case for 12 months. Moreover, the international court can be halted indefinitely from bringing any case to trial merely by the judiciary within the country of the accused beginning its own legal inquiry.

These provisions make it exceedingly likely that any defendants brought before the new court would resemble those now being tried by two ad-hoc judicial panels formed under UN auspices. The first is Yugoslavia's former leader Slobodan Milosevic. The Yugoslav government, following the US-backed overthrow of Milosevic, consented to his trial.

The second is a group of former Hutu officials in Rwanda, who were defeated by a US-backed force after organizing massacres in that country.

Britain and France, which have their own foreign military involvements and global imperialist designs, are not about to open themselves up to war crimes charges in an international court. Their difference with the US, however, is that they see an international court with a pretense of objectivity and universality as a useful foreign policy instrument.

Washington's demands—for example, that all its "peacekeepers" be given blanket immunity and that the UN Security Council vote on any

charges before they are even submitted to the court—would effectively hand Washington veto power over any case involving US war crimes.

The arrogant US assertion that it is above international law by no means began with this week's veto. Earlier this year, the Bush administration took the step—unprecedented in the post-World War II era—of repudiating the treaty establishing the court, which had been signed by Clinton. Likewise, it has unilaterally withdrawn from the Anti-Ballistic Missile Treaty and refused to ratify the Kyoto treaty on the environment.

What has clearly emerged is a pattern of unilateralism, in which Washington makes it clear that it will ally itself with other powers only to the extent that the latter subordinate themselves to the pursuit of US strategic interests and cede unquestioned control to the American military.

The Bush administration has no interest in permitting any new institutions that raise even the suggestion that the global assertion of American military power be bound by an international legal code. For this reason, the US has worked to undermine and destroy the international court before it can get off the ground.

This position is backed by the Republican right, which has cast the United Nations itself as a conspiracy aimed at hobbling US power. Following the drafting of the treaty establishing the International Criminal Court, the Republican-controlled House of Representatives went so far as to pass legislation referred to in Europe as the "Netherlands Invasion Act," authorizing the use of military force to "rescue" any US personnel who might be brought to The Hague for trial.

Washington's use of the UN veto to oppose the court is also aimed at the UN "peacekeeping" operations themselves. The right wing of the Republican Party, which holds sway in the Bush administration, has long held these missions in contempt, denouncing the preceding Clinton White House for a supposed predilection for "nation building" and a "Mother Teresa" foreign policy.

Likewise, the Pentagon brass has chafed at UN-led assignments, insisting that the appropriate work of the US military is to fight and win wars, not mediate conflicts.

The *Financial Times* of London published a commentary July 2 under the headline "US Takes Chance to Target Peacekeeping." It quoted an unnamed official who has "closely followed the creation of the ICC" as saying, "Donald Rumsfeld [US Defense Secretary] and John Bolton [US under-secretary for arms control and international security] are smiling like the cat who swallowed the canary. They've got two of their demons in sight."

Again citing the unnamed official, the commentary continued: "He added that hardline conservatives, such as Mr. Bolton, Mr. Rumsfeld and Condoleezza Rice ... believe they can 'kill peacekeeping and the ICC with one stone.'"

In 2000, Condoleezza Rice, now Bush's national security advisor, spelled out her outlook in an article in *Foreign Affairs* magazine: "The president must remember that the military is a special instrument. It is lethal and it is meant to be. It is not a civilian police force. It is not a political referee. And it is most certainly not designed to build a civilian society."

These views have brought Washington and London to loggerheads in Afghanistan, where the Bush administration has opposed any extension of so-called peacekeeping forces beyond the capital of Kabul, relying instead on the kind of aerial bombardments that claimed scores of civilian lives earlier this week. British government officials have warned that unless something is done to actively police the outlying provinces, the country will quickly slide back into civil war.

The International Criminal Court is only the latest flashpoint in what has become an increasingly acrimonious relation between Europe and America. US unilateralism has extended to trade relations and, with Europeans facing tariffs on their steel exports to America and preparing a battery of stiff countermeasures.

In the "war on terrorism," which briefly produced an appearance of EU solidarity with Washington, European officials are now openly contemptuous of Bush's policy, seeing it as merely a pretext for flexing American military muscle and pursuing US economic and geopolitical interests around the globe. European governments have expressed serious concerns over US violations of the Geneva Conventions in its treatment of prisoners held at the Guantanamo Bay Naval Base in Cuba and elsewhere.

They have also disassociated themselves with Bush's recent demand that Palestinian leader Yasser Arafat step down as a precondition for new US-brokered Middle East peace negotiations. Since Bush delivered his ultimatum, several high-ranking European ministers have made defiant trips to Ramallah to appear with the Palestinian Authority president.

No European power has endorsed US preparations for military action against Iraq for the purpose of effecting a "regime change." Likewise, most European governments are pursuing normal relations with Iran, a country that Bush branded as part of the "axis of evil." Europe has its own interests in this region, which supplies much of its oil needs, and is loath to see the US tighten its military stranglehold there.

Finally, there are significant disagreements on strategic defense, with European governments openly questioning the resurrection of a "Star Wars"-style missile defense system, and Washington condemning Europe's plans for the Galileo satellite system, which the US views as a rival to its own Global Positioning System and a potential military threat.

The *Financial Times*, a sober defender of global corporate interests, gave clear expression to European frustration with Washington while suggesting that the outcome of the growing rift may well be Europe's pursuit of a more independent military policy.

"The EU must not abandon its principles," the paper editorialized July 2. "It has rightly declared its faith in the court as an advance in international justice. The US threat does not change that belief. If it means Washington pulling out of peacekeeping operations and the EU bearing a bigger burden, then so be it. Justice has its price."

The "justice" that concerns the European ruling elite is not some abstract and universal code of international law, but rather access to strategic resources and world markets that it fears will be closed off by US military and political domination.



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