

After bullying fails, US blinks on global court

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After months of threats and bullying, the Bush administration has apparently backed down in its confrontation with Western Europe over the newly formed International Criminal Court (ICC).

Diplomatic sources predicted a compromise agreement within the United Nations Security Council either at the end of this week or the beginning of next. The arrangement would reportedly uphold at least a semblance of the court's authority, while heading off a threatened US veto of so-called peacekeeping missions carried out under the auspices of the UN.

The compromise centers on a 12-month deferral of the court's authority over UN peacekeepers who are citizens of the US and other countries that have not ratified the treaty establishing the international court. Initially, the US had demanded that this exemption be automatically extended every year unless the Security Council voted otherwise. Universal opposition to this proposal, which effectively gave Washington a veto against any case charging its troops or officials with war crimes, forced the Bush administration to back down.

At the end of last month, American Ambassador to the UN John Negroponte vetoed the renewal of the UN mandate for its policing operation in Bosnia in an attempt to bully the European powers into accepting Washington's ultimatum on US immunity. In May, the Bush administration had taken the unprecedented action of "unsigned" the treaty creating the ICC, notifying the UN that it had no intention of ever ratifying the agreement.

These acts of diplomatic brinkmanship were accompanied by bellicose rhetoric from US officials, who equated the court's creation with a conspiracy against US sovereignty and a threat to US military personnel all over the world. "Our diplomats and our soldiers could be drug [sic] into court," declared Bush. Negroponte added that Washington was not about to be

"second-guessed by a court whose jurisdiction we do not recognize."

Behind the US attempt to scuttle the ICC is the Bush administration's belief that the unilateral use of American military might is the paramount means of achieving US strategic interests worldwide.

Given the continuing revelations of US war crimes in Afghanistan as well as the preparations for an unprovoked invasion of Iraq, Washington has reason to worry about any court that purports to hold all nations to the standards of international law. The State Department expressed particular concerns over the court's claim to jurisdiction over cases involving charges of "aggression."

Despite extensive guarantees negotiated by US diplomats virtually assuring that no troops or officials of the US or any other major power would ever be called into the dock at the ICC, rising tensions between Europe and America also gave Washington reason to be wary of handing its nominal allies a potential weapon.

The partial retreat by the Bush administration came after it became painfully clear that virtually every government on the face of the earth opposed the US position. Not only the Europeans denounced Washington's arrogant insistence that its policies are above the law, but also Canada and Mexico and Costa Rica, speaking on behalf of other Latin American states, condemned this position.

Canada's ambassador to the UN Security Council Paul Heinbecker called for a public session of the Security Council in which representatives of nearly 40 countries chastised Washington.

Heinbecker himself lashed out at the US proposal to permanently exempt US personnel from the court's jurisdiction, declaring that Washington's "proposed resolution perversely implies that in upholding the most basic norms of humanity, the ICC is somehow a threat to international peace and security."

The Canadian ambassador continued by implicitly drawing a rather unflattering comparison between Bush's position and those of some infamous former heads of state. "We have just emerged from a century that saw the works of Hitler, Stalin, Pol Pot, Idi Amin and Slobodan Milosevic, and the Holocaust and the Rwandan genocide," he said. "Surely, we have all learned the lessons of this bloodiest of centuries, which is that impunity from prosecution for grievous crimes must end."

The US climb-down has deepened the Bush administration's internal crisis, provoking the ire of the fascistic right wing of the Republican Party—a key political base—and disquiet within the Pentagon, which ferociously opposed the court's formation.

In a recent column, right-wing commentator Patrick Buchanan denounced what he called "the American cave-in."

"A closer look at this diplomatic rout suggests that the Eurocrats and UN diplomats are more resolute in their zeal for the New World Order than are the president's men in protecting US sovereignty," Buchanan wrote.

Despite the heated warnings of Buchanan and others on the Republican right, there is little in the formation of the ICC to provoke fear of creeping "world government" or even of US soldiers ever standing trial at The Hague for massacring prisoners or bombing civilians, as they have Afghanistan.

Washington's negotiators ensured that sufficient loopholes were provided to stave off virtually any prosecution of a major power. Under a veneer of universal jurisdiction, the ICC is designed as a permanent tribunal for those regimes that run afoul of world corporate interests—the ones that are habitually referred to as "failed" or "rogue" states in the language of imperialist diplomacy.

Nonetheless, US resistance to the court served to advance the Bush administration's contention that in the name of the "war on terrorism" Washington is entitled to use preemptive military force against any regime that stands in the way of its aims, and cannot be bound by international agreements or conventions.

Faced with growing European dissension over its militarist policy, as well as a mounting domestic crisis, the Bush administration felt obliged to avoid a complete rupture with Europe over the court. A major

factor in its calculations was the need for some degree of European support, or at least toleration, as it prepares for war against Iraq.

The compromise over the ICC, should it pass the Security Council, will by no means lead to amicable relations between Washington and the other major capitalist powers. European officials indicated that a vote in favor of the compromise was not a sure thing on their part because of resentment over America's bullying tactics. One UN diplomat described US methods as "thuggish." For its part, Washington will look for other means to strike back.

A host of trade and financial issues have Europe and America at each other's throats. While Europe has denounced US steel tariffs as blatant protectionism, Washington this week threatened to take legal action against the European Union at the World Trade Organization over laws being drafted in Europe that would require labeling and tracing of genetically modified organisms in food products.

A State Department official denounced the laws as a threat to some \$4 billion in US agricultural exports and warned that they had the "very serious potential" to further disrupt trade relations.

Meanwhile, the two sides are in open conflict over the handling of the situation in Afghanistan, the Israeli-Palestinian conflict and the plans for a war against Iraq.

Proclaimed by its backers as an historic advance for the "international rule of law," the advent of the ICC has succeeded only in bringing to the surface the powerful tensions that have emerged between the major powers. The clash over the court has underscored the explosive global implications of Washington's turn toward unbridled militarism.



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