

UNITED STATES:  
CHAMPION OF THE RULE OF LAW?

Whatever happened to the rule of law? With the existence and wide proliferation of weapons of mass destruction (WMD), the rule of law in international affairs is even more important than it has ever been. Of all countries, the United States would be expected to be the champion of the rule of law, of justice and fairness, of equal treatment for all. Alas, this is not the case. Instead, the US government uses naked power to achieve the ends of its leaders -- often against constitutional restrictions and United Nations processes -- without seeking the consent of the governed and contrary to the wishes of most of the rest of the world.

Recent cases exemplify the point. One is Iraq. Twice in 1998, the US President has been on the verge of taking unilateral military action, with heavy deployment of forces in the Persian Gulf region, poised to strike. The rhetoric is cloaked in terms of international sanctions but the US has no authorization from the UN Security Council (SC) to take such military action. The last UN resolution on this (687, 1991) says that the UNSC -- not the US -- "remains seized of the matter". Without a further UNSC resolution authorizing it, any US military action would be that of a rogue regime.

For more than 8 years the US has supported a UN embargo against Iraq following the Iraqi invasion of Kuwait and the subsequent Gulf War that threw Iraq out of Kuwait. This embargo has been total, including everyday food. Estimates vary, but up to one million children have died in Iraq as a direct result of this embargo. Since the US holds veto power in the UNSC, this embargo will never be lifted unless this one country agrees, even if all other countries in the world would so wish. Rule of law?

Another case has to do with "NATO air strikes" (mainly US) against Serbia because Serbia does not wish its territory to be dismembered by giving independence to a part of it called Kosovo. (That's a familiar scenario; the United States fought for four traumatic years to keep its own country from being dismembered, 1861-65.) A more recent parallel has to do with a US NATO ally, Turkey, wishing not to dismember its country by giving independence to its Kurd population. If it is the "rule of law" to bomb the Serb capital, the same should apply to the Turkish capital.

For over 36 years, the US has maintained a blockade against Cuba contrary to the wishes of a vast majority of the rest of the world. This year, the vote in the UN General Assembly supporting a resolution to end the US blockade was supported 157 to 2 (the US and Israel). Would it be naïve to expect that the "rule of law" would require that the US end the blockade?

Last year, the countries of the world met to negotiate a treaty to ban landmines worldwide. Almost all countries of the world signed the treaty -- except the US and a handful of others. So far, more than 50 signing countries have ratified, so the treaty is now in force. The casualties from landmines are mainly civilians, long after the conflict that led to their being planted has ended. It is a weapon of "retail" destruction but the cumulative numbers make it a WMD. Why will an upholder of the rule of law not sign and ratify such a treaty? Rule of law?

Documents declassified just 2 months ago reveal to what lengths the US was willing to go after the failure of the Bay of Pigs invasion of Cuba by US mercenaries to overthrow that government. The Joint Chiefs in an April 10, 1962 memo urged an invasion by regular US troops, after previously manufacturing a rationale:

- (a) faking an attack on Guantanamo with Miami Cubans masquerading as attackers who "we" would then capture;
- (b) "Sink ship near (Guantanamo) harbor. Conduct funerals for mock victims."
- (c) "Remember the Maine" scenario: an unmanned vessel would be blown up near a major Cuban city. American forces would pretend to rescue members of the crew (nonexistent); "casualty lists in U.S. newspapers would cause a helpful wave of national indignation."

This particular manufactured incident was not carried out but, just two years later, President Johnson successfully carried out such a manufactured incident in the Tonkin Gulf in Vietnam. Rule of law?

The US carried out a decade-long campaign to overthrow the government of Nicaragua by having the CIA form and finance a force known as the Contras. Contrary to international law, the CIA mined a harbor of Nicaragua and produced training manuals for teaching the Contras torture and assassination techniques, not unlike the School of the Americas manuals. When the World Court in The Hague ruled against the US, the US thumbed its nose at the World Court. Rule of Law?

Hardly! Lawlessness is the unchallenged prerogative of unchecked power. When that power continues to be concentrated in fewer and fewer controlling corporate hands, there must be a general awakening by the people to retake power by genuine democratic and popular action.

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Published in the Program  
Veterans for Peace  
Winter Solstice Peace Concert  
December 21, 1998