

Diplomacy is a Disguised War: Obama's Diplomatic "Sleight-of-hand"

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"Since[diplomacy] is a mere temporary substitute [for war], a mere appearance of war's energy under another form, a surrogate effect is almost exactly proportioned to the armed force behind it. When it fails, the recourse is immediate to the military technique whose thinly veiled arm it has been." - Randolph Bourne, 1918, "The State"

It is common to American diplomacy, when faced with an impasse of opposition to its policies, to resort to what American writer Randolph Bourne called the diplomatic "sleight-of-hand" :

"Diplomacy is a disguised war, in which states seek to gain by barter and intrigue, by the cleverness of arts, the objectives which they would have to gain more clumsily by means of war."

For the Iraq war, this "cleverness of arts" comprised falsified evidence of weapons of mass destruction, bribing other countries to support American UN resolutions, wiretapping at the UN, threats of retaliation and excluding the US from international laws. This practice, well-hewed in the run-up to the Iraq war, is once again paying off in spades in the run-up to the war against Libya.

Diplomatic Cover

The need for diplomatic cover for an attack on a sovereign nation that has not attacked any other nation is patent. So in the rush to launch the imperialist onslaught on Libya, the American military knew a simple "no-fly zone" would not do as it was too constrictive. A no-fly zone would not provide the military with sufficient breadth to accomplish its goal in Libya: the overthrow of a sovereign ruler and "full spectrum dominance" of the Libyan nation. While initially Russia and China threatened a veto of any American or Nato attack, US diplomacy - what Bourne called "barter and intrigue" - sufficed in dissuading Russia: it reportedly promised Russia WTO membership if it dropped its veto of a war with Libya.

The US eventually won a UN resolution that was in fact precisely what it desired: a license for all-out war. It allowed the US coalition to "take all necessary measures to enforce compliance", short of "a foreign occupation force". And as if there were any doubt of whether language against "occupation" would prevent a US invasion, Iraq and Afghanistan have already provided an object-lesson: the US maintains neither wars are "occupations". Within a few hours of the war launch, it became clear that in spite of the UN fig leaf of a "no-fly zone", in fact the mission was the overthrow of Qaddafi.

Hilary Clinton recently refused to deny that the US was targeting Qaddafi. The New York Times noted the earlier promises by the administration: "President Obama, Secretary of State Hillary Rodham Clinton and British and French leaders have also talked of a broader policy objective — that Colonel Qaddafi must leave power."

As revealed in Foreign Policy, overthrow of the government is precisely what was decided as early as March 15th, five days before the attack:

"At the end of the Tuesday night meeting, Obama gave U.S. Ambassador to the United Nations Susan Rice instructions to go the U.N. Security Council and push for a resolution that would give the international community authority to use force. Her instructions were to get a resolution that would give the international community broad authority to achieve Qaddafi's removal, including the use of force beyond the imposition of a no-fly zone."

Britain has also joined Obama:

"Downing Street has appeared to side with the defence secretary Liam Fox against the chief of the defence staff Sir David Richards, by saying the removal of Gaddafi through military targeting is lawful under the UN security council resolution, if Gaddafi is threatening civilian lives."

In hindsight, Fidel Castro's warning of exactly one month ago that NATO would invade Libya, derided at the time by American media turns out to be quite prescient.

Plausible Deniability

Ironically though, publicly Obama has denied the intent to kill Qaddafi. However, one need only reflect on the last US attack on Libya in 1983. At that time, U.S. Deputy Secretary of State John Whitehead the day before the U.S. attack on Libya declared,

"We are not out to overthrow Gaddafi[...] The object of all of this is to get him to change his conduct."

The US then launched a massive military attack with 66 aircraft bombing civilian targets, attempting to assassinate Qaddafi, but instead killed his 2-year-old daughter and 100 others.

In times like these, it is wise to remember the words of Otto von Bismark, Chancellor of the German Empire: "Never believe anything until it has been officially denied."

But what of the scourge of international rouses - the war crime tribunal?

Recently, the Obama administration insisted that Qaddafi be investigated for war crimes by the International Criminal Court: the ICC, created by a treaty the administration refuses to recognize, ratify or submit itself to, but nonetheless requires the rest of world be governed by. While this stance sounds impossible to believe, it is not impossible, and Americans, like the Red Queen in Alice in Wonderland, are asked to "sometimes believe as many as six impossible things before breakfast."

Obama had planned well to protect himself and the American military - the administration twisted arms in the UN to exclude the US from prosecution for war crimes and crimes

against humanity Obama and the military will be committing and have already committed (for example, bombing Libyan administrative buildings and Qaddafi's compound) in Libya. As any student of US foreign policy in Iraq and Afghanistan knows, American impunity from war crimes is crucial to bringing freedom and democracy to states charged with war crimes. The leaders and military of the UK, France, Italy, Canada or other 'democratic freedom-fighters' in the coalition against Libya apparently need no such exclusion, as they intend to commit no war crimes. Or perhaps they do intend to, but have no "cleverness of arts" to exempt themselves from the ICC laws. And President Obama knows this will not do for the US.

The history of American opposition to being constrained by international law against war crimes is well known. Most are familiar with the initial opposition to the International Criminal Court (ICC) by President Clinton and two other leaders named Muammar Qaddafi and Saddam Hussein. After years of delays, Clinton finally signed the accord establishing the ICC, but opposed ratification of it. Later President G.W. Bush "unsigned" the treaty, making clear the US would not abide by international war crime laws in its manifold existing wars around the world. However, fewer may realize that there is now ambiguity about whether the US could be prosecuted for new war crimes outside of Iraq and Afghanistan (where they have a free pass), even though Obama has continued Bush's rejection of international ICC law.

In 2003, after the Abu Ghraib tortures by the US, the UN revoked US exemptions from ICC jurisdiction. In defiance, the US then signed over 100 individual agreements with countries across the globe banning them from cooperating with the ICC in any investigations of US war crimes. However, the Libyan crusade is not covered by any of these agreements. Further, by the UN launching investigations into any Gaddafi crimes against humanity, the US could become a target once again of the ICC.

The Obama Solution

It will therefore come as a great relief to those American prosecutors of the war against Libya, and to President Barack Obama himself that he is now excluded from jurisdiction of the ICC, just as was Bush. In February, the United States quietly inserted an escape clause into the resolution referring Libya to the ICC, excluding "those not a party to" the ICC (U.S., Israel and Sudan). The relevant language in Section 6 of UN Resolution 1970 (of 2011) states:

"Nationals, current or former officials or personnel from a State outside the Libyan Arab Jamahiriya which is not a party to the Rome Statute of the International Criminal Court shall be subject to the exclusive jurisdiction of that State for all alleged acts or omissions arising out of or related to operations in the Libyan Arab Jamahiriya established or authorized by the Council."

That is, the United States (and only the US among those attacking Libya) is exempt from war crimes prosecutions in any operations in the Libyan attack. This is clearly a prerequisite for what the US plans for Libya.

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