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The United Nations and the Rule of Law: A Call for US Leadership

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Unitarian Universalists have consistently been leaders in the fight for social and economic justice, for human rights, and for global peace. Your commitment to the principles and purposes of the United Nations is inspiring. Were it shared, in practice, by the United States and other UN-member States, we would have a far safer and more just and peaceful world.

The United Nations was formed to protect human rights, to prevent war, and to maintain respect for treaties and international law.

Largely because of the utter failure of leadership by the United States, and at times because of the United States’s blatant violations of UN principles, the purposes of the United Nations have been severely undermined – sometimes to the point that one is left to wonder whether the United Nations is really making a positive difference where and when it matters the most.

Consider Chapter I, Article I of the United Nations Charter, which sets forth the “purposes and principles” of the United Nations. One of the purposes is described as follows:

To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all . . .¹

In 2004, 800,000 Rwandans were killed in 100 days in a genocide that could have been stopped by the United Nations. Instead of providing the leadership to bring about a constructive response by the UN, the United States turned a blind eye to the genocide, allowing political calculations to trump the fundamental moral and legal obligation to stop the killing.

Essentially the same thing happened in Cambodia from 1975-79, while two million people died and others suffered horrifically under the Khmer Rouge in Cambodia. The United States, the United Nations, and the international community did nothing whatsoever to stop the reign of terror. Senator George McGovern asked, “Do we sit on the sidelines and watch a population slaughtered or do we marshal military force and put an end to it?” He noted, “One would think the international community would at least condemn the situation and move to stop what appears like genocide.” But his call for intervention was rebuffed by nearly everyone in Congress – and the international community continued to look the other way.

During and immediately after the campaign by Saddam Hussein to kill Iraqi Kurds through the use of chemical weapons, the United States was his powerful ally. Among other support of

¹ United Nations Charter, Chapter I, Article 1, paragraph 3.

Hussein, the US doubled Iraq's agricultural credits following the genocidal Anfal campaign, with the excuse by Secretary of State James Baker that, in his words, "Had we attempted to isolate Iraq, we would have also isolated American businesses, particularly agricultural interests, from significant commercial opportunities."

The pattern of US, UN, and international complacency and complicity in massive human rights tragedies was repeated in Bosnia. Presidents George H. W. Bush and Clinton, as well as the United Nations, passively stood by while 200,000 Bosnians were killed and more than two million were forced from their homes.

The Security Council of the United Nations designated Srebrenica, a Muslim town in eastern Bosnia, as a "safe area" and passed a Resolution demanding that the Serbs stop their attacks. Refugees counted on the protection of the United Nations, yet, emboldened by the passivity of the international community, the Serbs, meeting no resistance, rounded up tens of thousands of refugees and executed between 5,000 and 8,000 unarmed Muslim men and boys – the worst war crime since World War II.

A lot has been said by presidents and United Nations officials about the genocide in the Darfur region of Sudan, yet, as the killing and displacement of men, women, and children continues unabated for the sixth year, little has actually been done to stop it. Foot-dragging, finger-pointing, and rhetoric-in-lieu-of-action has been the response of the international community.

More slaves exist on our planet than at any other time in human history. Millions of women and young girls have been forced into sex slavery, while the government corruption that facilitates the slavery continues. Young boys are forced to commit heinous acts as soldiers in Uganda, as the international community fails to find solutions to the armed conflicts in which the boys are forced to engage. And millions of people are held as labor slaves,

with little done by the international community to effectively end the horrendous practice – all in contravention of the United Nations Charter.

Consider also the fundamental peace-keeping purpose of the United Nations as set forth in the United Nations Charter. The Charter begins by noting the determination of the peoples of the United Nations “to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind . . .”² The Charter then states as one of the UN’s purposes “[t]o maintain international peace and security,”³ and requires all members to “refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state . . .”⁴

The United Nations Charter also makes clear that member nations are to comply with “obligations arising from treaties and other sources of international law.”⁵

In complete contravention of the United Nations Charter, and of every applicable treaty and principle of international law, the United States invaded and occupied Iraq. Iraq had not attacked the United States and did not pose an imminent threat of attacking the United States. Therefore, the invasion of Iraq constituted aggressive war – a crime against peace similar to crimes against peace for which men were prosecuted and convicted at Nuremberg following World War II.

The legal proscription against wars of aggression preceded the United Nations Charter. In 1928, the Kellogg-Briand Pact was signed. That treaty, which prohibits the attack of any nation unless

² United Nations Charter, Preface.

³ United Nations Charter, Chapter I, Article 1, paragraph 1.

⁴ United Nations Charter, Chapter I, Article 2, paragraph 4.

⁵ United Nations Charter, preface.

the attack is justified by self-defense, was initiated at the behest of the United States and confirmed by an 85-1 vote of the US Senate. The Kellogg-Briand Pact, which created the notion of crime against peace, is still a binding treaty under international law and is, along with the Constitution and laws passed by Congress, the “supreme law of the land,” pursuant to Article VI of the US Constitution.

Similarly, the international community, including the United States, has explicitly agreed: Torture and other cruel, inhuman, and degrading treatment is prohibited, without exception, and there shall be no defense based upon following orders.

The ban is made clear in the Universal Declaration of Human Rights, in the Geneva Conventions, in customary international law arising from Common Article 3 of the Geneva Conventions, in the Convention Against Torture, and in the International Covenant on Civil and Political Rights.

We know that, as a matter of official US policy, many people around the world have been illegally kidnapped, disappeared, and tortured – yet most of our nation’s elected officials, and most Americans generally, seem not to care that such practices were in gross violation of all applicable treaties to which the US is a party. Our current president, who promised “change” and who gives lip service to the “rule of law,” is leading the way in covering up evidence of torture, blocking the disclosure of photographs depicting the crimes, preventing torture victims from seeking justice in US courts, and even threatening the United Kingdom to stop the British High Court from publicly disclosing descriptions of torture perpetrated by US agents.

In short, during the past few decades, heinous acts causing untold suffering have been committed with impunity – usually without a meaningful effort to end the atrocities and without any

real effort by the international community, including the United Nations, to bring most perpetrators to account. The United States has conducted itself as if none of the UN Charter or treaties to which it is a party pose any obstacle whatsoever to the commission of crimes against peace, crimes against humanity, or war crimes – so long as those crimes are committed by or at the behest of the United States.

To vindicate the purposes and principles of the United Nations Charter, we must face up to, and demand, the truth. We must push for a full investigation and disclosure of the facts relative to crimes against peace, crimes against humanity, and war crimes. And we must push for full accountability. Equal justice is betrayed, and serious crimes are condoned, when powerful or formerly powerful people are excused from accountability for massive violations of the most fundamental international treaty commitments and principles of international law.

I congratulate those who work with the United Nations Office of the Unitarian Universalists for the principled, sustained work they are doing to help bring the UN and its member nations into conformity with the promises they have made. Also, the work of Unitarians like Linda Gustitus, who heads up the National Religious Campaign Against Torture, is so crucial at this pivotal time in our nation's history.

The Unitarian Universalists have consistently stood up for civil and human rights, which has always served to inspire and embolden those who may not be as aware or as principled or as courageous.

Let each of us, collectively and individually, demand far better of the US government and of the United Nations to the cause of peace, human rights, and adherence to the rule of law. World

peace, the rule of law, and the fulfillment of our roles as moral actors hangs in the balance.