

When it comes to human rights around the world, Hillary Clinton is little more than Bush Lite.  
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## **Hillary Clinton on International Law**

Perhaps the most terrible legacy of the administration of President George W. Bush has been its utter disregard for such basic international legal norms as the ban against aggressive war, respect for the UN Charter, and acceptance of international judicial review. Under Bush's leadership, United States has cultivated a disrespect for basic human rights, disdain for reputable international human rights monitoring groups, and a lack of concern for international humanitarian law.

Ironically, the current front-runner for the Democratic nomination for president shares much of President Bush's dangerous attitudes toward international law and human rights.

For example, Senator Hillary Clinton has opposed restrictions on U.S. arms transfers and police training to governments that engage in gross and systematic human rights abuses. Indeed, she has supported unconditional U.S. arms transfers and police training to such repressive and autocratic governments as Egypt, Morocco, Saudi Arabia, Oman, Pakistan, Equatorial Guinea, Azerbaijan, Cameroon, Kazakhstan, and Chad, just to name a few. She has also refused to join many of her Democratic colleagues in signing a letter endorsing a treaty to limit arms transfers to countries that engage in a consistent pattern of gross and systematic human rights violations.

### **Civilian Casualties**

Not only is she willing to support military assistance to repressive regimes, she has little concern about controlling weapons that primarily target innocent civilians. Senator Clinton has refused to support the international treaty to ban land mines, which are responsible for killing and maiming thousands of civilians worldwide, a disproportionate percentage of whom have been children.

She was also among a minority of Democratic Senators to side with the Republican majority last year in voting down a Democratic-sponsored resolution restricting U.S. exports of cluster bombs to countries that use them against civilian-populated areas. Each of these cluster bomb contains hundreds of bomblets that are scattered over an area the size of up to four football fields and, with a failure rate of up to 30%, become *de facto* land mines. As many as 98% of the casualties caused by these weapons are civilians.

Senator Clinton also has a record of dismissing reports by human rights monitors that highlight large-scale attacks against civilians by allied governments. For example, in the face of widespread criticism by reputable human rights organizations over Israel's systematic assaults against civilian targets in its April 2002 offensive in the West Bank, Senator Clinton co-sponsored a resolution defending the Israeli actions that [claimed that](#) they were "necessary steps to provide security to its people by dismantling the terrorist infrastructure in the Palestinian areas." She opposed UN efforts to investigate alleged war crimes by Israeli occupation forces and criticized President Bush for calling on Israel to pull back from its violent re-conquest of Palestinian cities in violation of UN Security Council resolutions.

Similarly, when Amnesty International, Human Rights Watch and other reputable human rights groups issued detailed reports regarding Israeli war crimes during that country's assault on Lebanon in the summer of 2006, Senator Clinton insisted they were wrong and that Israel's attacks were legal. Furthermore, though these groups had also criticized the radical Lebanese group Hezbollah for committing war crimes by firing rockets into civilian-populated areas in Israel, exhaustive investigations have revealed absolutely no evidence that they had used the civilian population as "human shields" to protect themselves from Israeli assaults. Despite this, Senator Clinton, without providing any credible evidence to the contrary, still insists that they in fact had used human shields and were therefore responsible for the death of more than 800 Lebanese civilians.

Senator Clinton has voted to send tens of billions of dollars unconditionally to Baghdad to prop up that regime, apparently unconcerned about the [well-documented reports](#) of death squads being run from the Interior Ministry that have killed many thousands of unarmed Sunni men.

In Senator Clinton's world view, if a country is considered an important strategic ally of the United States, any charges of human rights abuses – no matter how strong the evidence – must be summarily dismissed. Indeed, despite the Israeli government's widespread and well-documented violations of international humanitarian law, Senator Clinton has praised Israel for its "values that respect the dignity and rights of human beings."

## **Illegal Use of Force**

The UN Charter forbids its member states from using military force unless under direct attack or authorized by the UN Security Council. Customary international law allows for pre-emptive war only in cases of an imminent threat, such as troops massing along the border or missiles being loaded onto launchers. Senator Clinton believes that the United States had the legal right to invade Iraq, even though it constituted no threat to the national security of the United States and there had been no authorization by the UN Security Council to use force. Indeed, when the United States launched its invasion of Iraq in March 2003 in defiance of widespread global condemnation of this act of aggression, she voted for a Republican-sponsored resolution categorically declaring that the war was "lawful."

Senator Clinton has tried to rationalize for her support for this illegal war by claiming that the UN authorized member states to take military action against Iraq in November of 1990. However, that resolution (687) only referred to using such means to enforce resolution 678, which demanded that Iraq withdraw its occupation forces from Kuwait. Once Iraqi forces withdrew – which took place more than a dozen years prior to the 2003 invasion – the resolution was moot.

Similarly, her claim that invading Iraq constituted a legitimate act of self-defense is particularly disturbing. Even if Saddam Hussein had been developing chemical and biological weapons as Senator Clinton falsely alleged, Iraq would have been just one of 40 countries to have developed such arsenals and Iraq had no delivery systems left that were capable of attacking other countries, much less the United States. Her belief that the United States somehow has the right to invade another country simply on the suspicion that it might be developing weapons for future use constitutes a radical departure from international legal norms and is a clear violation of the UN Charter. Hillary Clinton, however, believes the United States should not be bound by such restrictions and that the United States has the right to invade any country that the president believes could even potentially be a threat some time in the future.

A politician who supported preventive war in the past might do so in the future as well. Indeed, Senator Clinton has criticized Bush for allowing Europeans to lead the diplomatic efforts with Iran over their nuclear program, insisting that the United States should keep "all options on the table," presumably meaning military force.

## **Attacks on UN Institutions**

Senator Clinton has also been one of the Senate's most outspoken critics of the United Nations, even appearing outside the UN headquarters in New York twice during the past four years at right-wing gatherings to denounce the world body. She has falsely accused the UN of not taking a stand against terrorism, even though terrorism has become – largely at the insistence of the United States – a major UN focus in recent years.

Senator Clinton's hostility to international law and the UN system is perhaps best illustrated by her opposition to the International Criminal Court. In 2002, Senator Clinton voted in favor of an amendment by right-wing Senator Jesse Helms that prohibits the United States from cooperating in any way with the International

Criminal Court, and its prosecution of individuals responsible for serious crimes against humanity, such as those responsible for the genocide in Darfur. In addition, this vindictive law also restricts U.S. foreign aid to countries that support the ICC. Nicknamed the “Hague Invasion Act,” the bill also authorizes the president of the United States “to use all means necessary and appropriate to free members of United States military and certain other allied persons if they are detained or imprisoned by an international criminal court,” including military force.

The International Court of Justice (also known as the World Court, which essentially serves as the judicial arm of the United Nations) has also been a target of Senator Clinton’s hostility toward international law. For example, in 2004, the ICJ ruled by a 14-1 vote (with only the U.S. judge dissenting, largely on a technicality) that Israel, like every country, is obliged to abide by provisions of the Fourth Geneva Convention on the Laws of War, and that the international community – as in any other case in which ongoing violations are taking place – is obliged to ensure that international humanitarian law is enforced. Affronted that an important U.S. ally would be required to abide by its international legal obligations and that the United States should help ensure such compliance, Senator Clinton strongly condemned the decision.

At issue was the Israeli government’s ongoing construction of a separation barrier deep inside the occupied Palestinian West Bank, which the World Court recognized – as does the broad consensus of international legal scholarship – as a violation of international humanitarian law. The ICJ ruled that Israel, like any country, had the right to build the barrier along its internationally recognized border for self-defense, but did not have the right to build it inside another country as a means of effectively annexing Palestinian land. In an unprecedented congressional action, Senator Clinton immediately introduced a [resolution](#) to put the U.S. Senate on record “supporting the construction by Israel of a security fence” and “condemning the decision of the International Court of Justice on the legality of the security fence.” In an effort to render the UN impotent in its enforcement of international law, her resolution (which even the then-Republican-controlled Senate failed to pass) attempted to put the Senate on record “urging no further action by the United Nations to delay or prevent the construction of the security fence.”

## **Hillary Clinton vs. the World Court**

Clinton’s resolution claimed that Israel had built a similar barrier “in Gaza [that] has proved effective at reducing the number of terrorist attacks.” Also, according to the resolution, “The United States, Korea, and India have constructed security fences to separate such countries from territories or other countries for the security of their citizens.” Such comparisons, however, fail to note – as did the World Court – that these other barriers were placed along internationally recognized borders and were therefore not the subject of legal challenge. Clinton’s resolution also claimed that “the International Court of Justice is politicized and critical of Israel,” ignoring that the World Court has actually been quite consistent in its rulings. In the only other two advisory opinions issued by the ICJ involving occupied territories – South African-occupied Namibia in 1971 and Moroccan-occupied Western Sahara in 1975 – the court also decided against the occupying powers.

In what was apparently an effort to misrepresent and discredit the UN, Clinton’s resolution contended that the request by the UN General Assembly for a legal opinion by the ICJ referred to “the security fence being constructed by Israel to prevent Palestinian terrorists from entering Israel.” In reality, the UN request said nothing regarding security measures preventing terrorists from entering Israel. Instead, the document refers only to the legal consequences arising from “the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory...” Moreover, the UN statement referred to the secretary general’s recently released report on the occupation, which reiterated the longstanding international consensus that Occupied Palestinian Territory refers only to the parts of Palestine seized by Israel in the 1967 War, not to any part of Israel itself.

Senator Clinton's resolution also represented a departure from any previous congressional resolution in that it referred to the West Bank not as an occupied territory but as a "disputed" territory. This distinction is important for two reasons. The word "disputed" implies that the claims of the West Bank's Israeli conquerors are as legitimate as the claims of Palestinians who have lived on that land for centuries. And disputed territories — unlike occupied territories — are not covered by the Fourth Geneva Convention and many other international legal statutes. As a lawyer, Senator Clinton must have recognized that such wording had the affect of legitimizing the expansion of a country's territory by force, a clear violation of the UN Charter.

### **Denying the Humanitarian Impact**

Amnesty International, Human Rights Watch, the International Red Cross, and a number of Israeli human rights groups had documented the devastating impact of the separation barrier on the economic and social lives of the Palestinians, including access to schools, health care, and employment, findings confirmed by the World Court ruling. However, in an effort to discredit these reputable human rights groups along with the World Court, Clinton's resolution contested their assertions that the route chosen for the wall has had a negative impact on the civilian population under Israeli occupation, declaring that "the Government of Israel takes into account the need to minimize the confiscation of Palestinian land and the imposition of hardship on the Palestinian people." A longtime supporter of Israel's colonization and annexation efforts in the West Bank, Senator Clinton took part in a photo opportunity at the illegal Israeli settlement of Gilo last year, in which she claimed — while gazing over the massive wall bisecting what used to be a Palestinian vineyard — "This is not against the Palestinian people. This is against the terrorists."

The Israeli Supreme Court has ordered the government to re-route a section of the wall bisecting some Palestinian towns, because the "relationship between the injury to the local inhabitants and the security benefit from the contraction of the Separation Fence along the route, as determined by the military officer, is not proportionate." And yet, Clinton's resolution also claims that Israel's barrier is a "proportional response to the campaign of terrorism by Palestinian militants."

### **Dangers of a Hillary Clinton Presidency**

Indeed, Senator Clinton's response to the human rights abuses and violations of international law by this key strategic ally of the United States is emblematic of her disregard for international law and human rights overall.

Though an overwhelming majority of Americans, according to public opinion polls, believe that human rights should be a cornerstone of American foreign policy, Senator Clinton has repeatedly prioritized the profits of American arms manufacturers and the extension of Washington's hegemonic reach in parts of the world. Similarly, a Hillary Clinton presidency would simply be a continuation of the efforts by the Bush administration to undermine the UN Charter and the basic international legal framework in place for much of the past century. Historically, it has been the right wing of the Republican Party that has opposed international legal restrictions on the activities of the United States and its allies to advance America's hegemonic agenda. Now, however, the front runner for the Democratic Party's presidential nomination also shares this view, indicating a clear break with the internationalist and law-based principles espoused by such previous Democratic leaders as Woodrow Wilson, Franklin Roosevelt, and Harry Truman. Indeed, Senator Clinton's notions of what constitutes the legitimate use of force by the United States are so extreme, she would — if elected — likely become the most aggressive-minded Democratic president since James K. Polk.

The coming primaries and caucuses will test whether the Democratic Party can make a firm break with the hegemonic, unilateralist, and militaristic agenda of the Bush administration, or simply pursues an only somewhat nuanced version of the current dismissive attitudes toward human rights and international law that amounts to little better than **Bush Lite**.