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The Amnesia of the U.S. Foreign Policy Establishment

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President Trump is not the first president to weaken the international liberal order.

"Donald Trump is undermining the rules-based international order." The Economist's headline last summer summarized a common refrain within America's foreign policy establishment. Trump "wants to undo the liberal international order the United States built," Thomas Wright of the Brookings Institution warned on Inauguration Day in 2017. Trump could "bring to an end the United States' role as guarantor of the liberal world order," Princeton professor G. John Ikenberry wrote.

Trump is certainly hostile to what he sometimes refers to as "globalism": multilateralism, free trade agreements, international institutions, and any international legal regime that could impose constraints on U.S. power. He is antagonistic toward allies and treaties, withdrawing the U.S. from the Paris climate agreement, the Trans-Pacific Partnership (TPP), the Iran nuclear deal, the Intermediate Nuclear Forces Treaty (INF), the UN Educational, Scientific and Cultural Organization (UNESCO), and the UN Human Rights Council.

But those excoriating Trump for his disregard for rules and norms rarely mention similar, routine violations of this rules-based order by his predecessors. And while the foreign policy establishment is firm in its condemnation of Trump's "turning away from global engagement," as Richard Haass of the Council on Foreign Relations put it, their harshest criticisms seem reserved for those few sporadic instances in which Trump tries to jettison lengthy and failed military deployments, as in Syria and Afghanistan, or expresses insufficient enthusiasm for permanent overseas garrisons.

The pundits, practitioners, and politicians that make up the foreign policy establishment have rarely respected the non-interventionist principles at the core of the United Nations, an institution exemplifying the liberal rules-based international order that the United States helped establish following World War II. Article 2(4) of the UN Charter says "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state…" According to the Charter, which American post-war planners helped write, the use of force is illegal and illegitimate unless at least one of two prerequisites are met: first, that force is used in self-defense; second, that the UN Security Council authorizes it.

This prohibition against war is not some trivial aspiration. Non-intervention is the centerpiece of international law and the United Nations has repeatedly sought to underline its significance. In 1965, the General Assembly declared "No state or group of states has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any state." Again in 1970, it unanimously reaffirmedthe illegality of "armed intervention and all other forms of interference or attempted threats." In 1981, the General Assembly further specified that the Charter's "principle of non-intervention and non-interference" prohibited "any … form of

intervention and interference, overt or covert, directed at another State or group of States, or any act of military, political or economic interference in the internal affairs of another State."

The United States is currently engaged in active military hostilities in at least seven countries, namely Afghanistan, Iraq, Syria, Yemen, Somalia, Libya, and Niger. That tally doesn't include drone strikes in Pakistan, combat operations in Kenya, Cameroon, and Central African Republic, or other interventions of unknown magnitude. The true number might be closer to 14 countries. The White House is also explicitly threatening U.S. military action to change the regime in Venezuela and against Iran for a host of spurious reasons. Not one of these cases meets the prerequisites for legal military intervention (a plausible self-defense case can be made for the war in Afghanistan, but it expired a long time ago).

No other state in the international system uses force more than the U.S. has. Throughout the Cold War, the United States used military means to interfere in other countries about twice as often as did the Soviet Union. This doesn't include interventions below the threshold of military action: from 1946 to 2000, Washington meddled in foreign elections more than 80 times (compared to 36 by the Soviet Union or Russia over the same period). Covert operations to overthrow democratically elected governments, as in Iran, Guatemala, and Chile, were a staple of U.S. conduct in this period, and according to the Rand Corporation, "the number and scale of U.S. military interventions rose rapidly in the aftermath of the Cold War." The Congressional Research Service lists more than 200 individual U.S. military interventions from 1989 to 2018, a rate that no other country even comes close to matching.

It's hard for America to act as the guarantor of a rules-based order that it consistently violates. When President Obama condemned Russia's annexation of Crimea in 2014, saying international law prohibits redrawing territorial borders "at the barrel of a gun," it was somewhat awkward: The United States did exactly that in the 1999 Kosovo war, which lacked Security Council approval, and successive administrations have similarly supported Israel as it annexes and occupies territory in violation of international law. Secretary of State John Kerry castigated Russia's territorial grab this way: "You just don't in the 21st century behave in 19th century fashion by invading another country on completely trumped up pretext." As it happens, that's a rather apt description of the Bush administration's brazenly illegal invasion of Iraq in 2003.

Washington often appeals to international law to justify military action against despots who commit atrocities, as it did when it secured UN Security Council approval in 2011 to bomb Libya. But even there, when the initial use of force was authorized, the Obama administration rapidly exceeded the mandate of the resolution by pursuing what amounted to a regime-change strategy. And such appeals to humanitarianism are highly selective: U.S. military power has also been used to assist Saudi Arabia, one of the world's most regressive authoritarian regimes, commit war crimes and keep an impoverished and largely defenseless population in Yemen under siege.

America's delinquency isn't restricted to the use of force. Though 139 other countries have done so, Washington has refused to sign on to the Rome Statute, which established the International Criminal Court. And although the United States has badgered China for violating the UN Convention on the Law of the Sea, which defines maritime rights and responsibilities, the U.S. refuses to ratify the treaty itself. For all the talk of China's unfair trade practices, the only country that receives more formal complaints about WTO violations than China is the United States—and China does a better job of complying once complaints are made.

The political establishment in Washington has always accepted this unique role for the United States. We're the policeman of the world. We enforce the rules and therefore assert the right to violate them, even as we (often violently) deny others that same prerogative.

Any claim to special privileges rests to some extent on whether the international community sees it as legitimate. The problem is that America's increasing disregard for the rules has undermined its legitimacy and that of the order itself: More than any other single nation, its actions determine the basis of international norms. As U.S. foreign policy becomes more transparently lawless, the power of international law to constrain state behavior weakens accordingly. To legitimize the Russian annexation of Crimea, President Vladimir Putin actually cited the "Kosovo precedent." In 2016, Chinese officials dismissed U.S. criticisms of Beijing's human rights record by citing the "notorious…prison abuse at Guantanamo." The United States, Chinese diplomat Fu Cong told the UN Council on Human Rights, "conducts large-scale extra-territorial eavesdropping, uses drones to attack other countries' innocent civilians, its troops on foreign soil commit rape and murder of local people. It conducts kidnapping overseas and uses black prisons." And when American officials lambaste Iran for backing the Syrian regime of Bashar al-Assad despite his use of chemical weapons, Iranian officials frequently remind the world that the United States aidedSaddam Hussein while he deployed chemical weapons on a much larger scale.

Our hypocrisy has always been a threat to our legitimacy, but in the past it was often managed with careful rhetoric and diplomatic maneuvers designed to conceal the discrepancy between our words and our deeds, to camouflage our violations in language that reinforced the order or appealed to higher values. Trump is distinct from his predecessors not because his foreign policy is a radical departure, but because he is carrying out similar policies without the moralistic righteousness of his predecessors.

Saving the liberal order means adhering to the UN Charter's prohibition on the use of force except in self-defense or unless authorized by the Security Council. It means rolling back our global military footprint and adopting a more restrained foreign policy that at least approximates the manner in which we expect other nations to behave. It means recognizing that the United States is not exempt from the rules and norms it often punishes others for transgressing, and it means acknowledging that the foreign policy establishment has done at least as much damage to the rules-based order as has President Trump.

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