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Caravan on the Move?

In the recent issue of *Foreign Affairs*, MICHAEL GLENNON, one of the authors featured on these pages, declared that the “caravan of humanity” has finally “ground to a halt.” “With a dramatic rupture of the UN Security Council, it became clear that the grand attempt to subject the use of force to the rule of law had failed.”

Or has it?

This issue of *The Fletcher Forum* continues the debate on the challenges faced by the precarious, yet unrelenting, body of international law in the aftermath of 9/11. Has the law changed? Does it still exist? And what good does it do if it can be bent and manipulated by whoever has the power to bend and manipulate it?

The collection of articles presented here raises more questions than it provides answers. At the same time, some consensus among this diverse group of scholars does emerge. GABOR RONA of the ICRC may be defending humanitarian law, while CARSTEN STAHN, Fellow of the Max Planck Society for the Advancement of Science, deconstructs a particular letter of the law, Article 51 of the UN Charter. In the end, it seems they would agree on at least one thing: that human life and dignity are worth protecting. And that, although whoever violates that life and dignity—be it a terrorist group or a government—may benefit in the immediate aftermath of the act, the perpetrators will suffer consequences—legal, economic, political—in the long run. The deed will come back to haunt them.

Somewhat linked to this, of course, is the discussion of the role the United States plays in today’s world. GARETH EVANS, former Australian FM and now the head of International Crisis Group, is concerned, as is JOSEF BRAML, Senior Fellow at the German Institute for International and Security Affairs. Diplomacy, rule of law, and civil liberties seem to be losing to narrowly defined national interests and security. That said, it is Evans who offers the better line of optimism, pointing out that it may be worth the anguish of the past several years to make U.S. leaders understand that America’s power comes not from its military might but from global confidence in its values.

With that, it is worth pointing out that this issue of *The Fletcher Forum* begins with a matter seemingly far removed from law and the “War on Terror.” It opens with a powerful piece by ALEX DE WAAL on HIV/AIDS epidemic and its effects on livelihood in Africa—effects so profound that they have brought a shift in the global development paradigm. And, according to USAID Administrator ANDREW NATSIOS, the U.S. is beginning to pay attention. For HIV/AIDS is worse than terrorism. It knows no laws, no matter how much you manipulate them.

At the same time, terrorism and the epidemic—both of which cause indiscriminate violence—can be mitigated through an agenda that targets their root causes and aggravating factors. Poverty seems to be one. Hypocrisy on the part of Western governments that support corrupt regimes seems to be another. But maybe, as JENNIFER WINDSOR, Executive Director of Freedom House, suggests, the U.S. has learned at least part of this lesson, too.

At the end of the day, the caravan of humanity is still on the road. Its presence is desperately needed in Kosovo, as well as North Korea, Chechnya, Egypt, and Afghanistan—*The Forum’s* featured “global pressure points.” Incidentally, all of these destinations happen to be on the U.S.’s foreign policy map. The question remains whether the U.S. is willing to jump on its own bandwagon.

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