



Journal of Arts & Humanities

The United States' "Realist" Foreign Policy: Operation Just Cause in Panama as a Case Study

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ABSTRACT

Should the United States' global mission be to make the world "safe for democracy", as Woodrow Wilson said, or, in the words of John Quincy Adams, should the US be "the well-wisher of freedom and independence of all" but the "champion and vindicator only of our own"? The debate between Idealists and Realists in US foreign policy has been going on forever. Idealists hold that the US should make its internal political philosophy, namely Democracy, the goal of its foreign policy. Realists, on the other hand, esteem that the US foreign policy should be mainly oriented towards the protection and enhancement of "the National Interest". My line of reasoning is that the balance has always shifted towards Realism and, occasionally, aggressive Realism. U.S. interventions in Latin America offer telling case studies. They have taken the shape of a mixture of overt and covert interventions in conjunction with the significant political, economic and military pressures. Washington's efforts to check hostile developments in the Americas necessitated the investment of considerable tax-dollars, political capital, and even American lives. To accomplish its political, strategic, and economic objectives in the area, the U.S. has devoted extensive human and material resources. The strategy to follow might differ depending on each country's specificity or on the reactions of the U.S. Congress and public opinion. The big lines, however, remain unaffected, as we will try to find out through our study of the U.S. intervention in Panama.

Keywords: American foreign policy, realism vs idealism, operation just cause, Panama.

Available Online: 13th May, 2016.

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1.0 Introduction

The US 1989 invasion of Panama corresponded to a symbolic event. It was the first American use of force since 1945 that was unrelated to the Cold War. It occurred at a time when the world's structure was changing and when the ideological and strategic grounds behind US previous interventions were evaporating. Therefore, the US invasion of Panama opened a new episode of the inter-American relations. It was the very first American use of force of what would soon be called the post-Cold War era. Why, then, in the absence of Cold War considerations did the US deem it necessary to rely on a large-scale military intervention? To answer this question, I will first briefly examine the history of the US-Noriega relations and then deal in more detail with the official explanations issued by the Bush Administration to justify its December 1989 invasion of Panama.

2.0 U.S. Policies in Panama

Panama's leader, Manuel Noriega, was a close ally of the US government. In fact, he was trained as an army intelligence officer by the CIA and remained close to the Agency for many years. Noriega had also gained the US government's special friendship by helping out with the Reagan Administration's anti-Sandinista campaign in Nicaragua.² Despite his involvement with drug trafficking, money laundering, and various other misdeeds, Noriega was regarded by the US government as a precious asset. Accordingly, "when he committed crimes and abused his power, Washington looked the other way".³ In 1979, for instance, senior officials in the Carter Administration blocked federal prosecutors from bringing drug-trafficking and arms-smuggling indictments against Noriega, because they preferred to continue receiving the intelligence information he was providing them.⁴ In mid-1986, when the US press uncovered Noriega's involvement in narcotics trade as well as his CIA connections, the Reagan Administration decided to make no change in its Panamanian policy, considering Noriega's utility with the contra policy.⁵ And after Noriega met Vice-president Bush in December 1983, he told his top aides that he had picked up the following message from the Bush meeting:

The US wanted help for the contras so badly that the US government would turn a blind eye to money laundering and setbacks to democracy in Panama.⁶

Noriega had been a close US-ally for more than three decades. So, what happened?

Relations between the US and Panama began to deteriorate after Noriega reportedly refused to cooperate further in Washington's anti-Sandinista plans or to allow Panama to be used as a staging ground for a possible US attack on Nicaragua.⁷ Noriega's support in Washington was also undermined by developments within Panama. The Reagan Administration began, in fact, to move away from its close relationship with Noriega in mid-1987, in response to Panama's political troubles and chaotic social situation. And after pro-Noriega demonstrators in Panama stoned the US Embassy, the US government started to criticize Noriega openly and suspended economic and military aid.⁸ Then, the debate intensified within the administration over the most adequate policy to adopt. On the one hand, the State Department argued that Noriega was a danger to Panama and a liability to the US and that Washington must pressure him to step down. The CIA and the Defense Department, on the other hand, were reluctant to abandon an ally who had been useful for so long.⁹ Actually, the Reagan Administration was compelled to confront the problem that Noriega had become after Panamanians expressed massive rejection of him, after the breaking of the Iran-contra revelations, and especially after US courts indicted him on drug

² Max Hilaire, *International Law and the US Military Intervention in the Western Hemisphere* (The Hague: Kluwer Law International, 1997), p. 96.

³ Eytan Gilboa, "The Panama Invasion Revisited", *Political Science Quarterly*, volume 110, number 4, p. 539.

⁴ *Ibid.*

⁵ Thomas Carothers, *In the Name of Democracy* (Berkeley: University of California Press, 1992), p. 170.

⁶ Cited in Mark Cook and Jeff Cohen, "How Television Sold the Panama Invasion", *Extra*, January-February 1990, p. 5.

⁷ Max Hilaire, *International Law and the US Military Intervention*, *op. cit.*, p. 113.

⁸ Thomas Carothers, *In the Name of Democracy*, *op. cit.*, p. 171.

⁹ *Ibid.*

trafficking charges. Actually, the February 1988 Florida indictments were front-page news in the United States. Consequently, the Reagan Administration shifted to a vigorous anti-Noriega policy. In an election year, in which the drug problem had become an important campaign issue, “the US government could not afford to be seen coddling a drug lord after its own courts called for his prosecution”.¹⁰ Accordingly, the administration launched an aggressive public campaign against Noriega. The White House pressured Noriega to resign and used economic sanctions and military intimidation tactics to force him out. In March 1988, for example, the US government negotiated with Noriega over his departure, offering that the US would drop the Florida indictments if Noriega retired. Noriega rejected the deal and insolently denounced the Reagan Administration.¹¹ Thus, the Reagan Administration’s efforts to oust Noriega faced a clear fiasco. Thomas Carothers explains the causes behind the failure of Reagan’s Panama policy in this way:

The core failure of the Reagan administration’s policy was not the ill-fated campaign to oust Noriega but the years of tolerance and even active cooperation with the Panamanian strongman as he consolidated his repressive hold on Panama and multiplied his involvement in a host of sordid and illegal activities. [...] The administration’s disastrous policy toward Noriega was in fact only an extension of a relationship the US had been cultivating for decades. It was a classic case of the historic tendency in US relations with Latin America for the US to develop close attachments with corrupt, repressive tyrants on the theory that their helpfulness on security issues will outweigh the many negative implications of such a relationship. And as has almost always been the outcome of such relationships, the Reagan administration paid a high price when Noriega’s unsavory nature came to light and the administration was put in the difficult box of trying to exorcise a demon it had done much to tolerate.¹²

President Bush inherited the Reagan Administration’s open hostilities toward Panama. Bush, who as a CIA director had valued, employed, and strengthened Panama’s ‘dictator’, was faced with a leader operating in open defiance of the United States. Accordingly, the Bush White House tried various overt as well as covert tactics to force Noriega out. Before the Panamanian May 1989 elections, Bush authorized the CIA to spend about \$10 million to influence the elections.¹³ Then, when Noriega voided the election’s results, President Bush publicly encouraged members of the Panamanian Defense Forces (PDF) to rebel against their leader. “We share the Panamanian people’s hope that the PDF will stand with them and fulfill their constitutional obligation to defend democracy”, Bush declared.¹⁴ Bush sought to reassure the PDF that the US objection was to Noriega, not to the military, saying: “a professional PDF can have an important role to play in Panama’s democratic future”.¹⁵ Encouraged by the Bush Administration, elements of the PDF attempted a military overthrow of Noriega on October 3, 1989. They expected the US military to give them a hand, but the US aid never arrived and the coup failed. The failure of the Bush Administration to give support to the coup plotters brought severe criticism against the president for his inaction. The coup also altered the US-Panamanian relations from bad to worse.

The growing hostilities between Panama and the US led to a series of provocative acts between the PDF and American troops stationed in Panama. Following these incidents and rumors of a pending US intervention, the Panamanian National Assembly passed a resolution naming Noriega “chief of the government”. The resolution also stated that “the Republic of Panama is declared to be in a state of war while the [US] aggression lasts”.¹⁶ The US interpreted the declaration as a license to harass Americans. A number of incidents followed resulting in the death of one US Marine, in the beating of one US serviceman and the sexual assault of his wife. Using these incidents as a pretext, President Bush decided to intervene militarily in Panama. So, after the long Reagan/Bush Administration’s policies of economic

¹⁰ Linda Robinson, “Dwindling Options in Panama”, *Foreign Affairs*, Winter 1989, p. 192.

¹¹ Thomas Carothers, *In the Name of Democracy*, op. cit., p. 174.

¹² *Ibid*, pp. 179-180.

¹³ John Stockwell, *The Praetorian Guard*, (Boston: South End Press, 1991), p. 17.

¹⁴ Cited in Linda Robinson, “Dwindling Options in Panama”, op. cit., p. 201.

¹⁵ *Ibid*.

¹⁶ Max Hilaire, *International Law and the US Military Intervention*, op. cit., p. 115.

sanctions, political pressure, blackmail, and covert interference had failed to drive out Noriega, Bush decided to launch a large-scale invasion codenamed "Operation Just Cause".

On December 20, 1989, 24000 US troops landed in Panama, battled the PDF and within three days controlled the entire country. About 1,000 Panamanians and 21 US soldiers were killed in the invasion. Guillermo Endara, who had reportedly won the May 1989 elections, was sworn into the presidency in a US base on the day of the invasion. Noriega was arrested, whisked off to the US and put on trial for drug trafficking.

In the morning of the intervention, President Bush declared:

Fellow citizens, last night I ordered US military forces to Panama... For nearly two years the US, nations of Latin America and the Caribbean have worked together to resolve the crisis in Panama. The goals of the US have been to safeguard the lives of Americans, to defend democracy in Panama, to combat drug trafficking, and to protect the integrity of the Panama Canal Treaty. Many attempts have been made to resolve the crisis through diplomacy and negotiations. All were rejected by the dictator of Panama, General Manuel Noriega, an indicted drug trafficker.

Last Friday, Noriega declared his military dictatorship to be in a state of war with the US and publicly threatened the lives of Americans in Panama. The very next day forces under his command shot and killed an unarmed American serviceman, wounded another, arrested and brutally beat a third American serviceman and then brutally interrogated his wife, threatening her with sexual abuse. That was enough.

General Noriega's reckless threats and attacks upon Americans created an imminent danger to the thirty-five thousand American citizens in Panama. As President, I have no higher obligation than to safeguard the lives of American citizens in Panama and to bring General Noriega to justice in the US...

I took this action only after reaching the conclusion that every other avenue was closed and the lives of American citizens were in grave danger...¹⁷

In an interview with *the New York Times*, Secretary of State Baker discussed the legal justifications for the invasion: Both Article 51 of the UN Charter and Article 21 of the OAS Charter recognized the right of self-defense that entitled the US to respond appropriately to defend US military personnel, US nationals, and US installations. Not only had Panama declared the existence of a state of war and brutalized US citizens, but reports indicated that Noriega was preparing to attack US citizens. Moreover, the US had the right and duty under Article IV of the Panama Canal Treaty to protect that strategically important waterway. Finally, the elected government of Endara welcomed the US.¹⁸

In a word, the Bush Administration advanced four main grounds to justify the US military action as just and legal: (1) to protect American citizens, (2) to restore democracy in Panama, (3) to stop drug trafficking through Panama and to arrest Noriega, who had been indicted in the US for drug trafficking, and (4) to protect the integrity of US rights under the Panama Canal Treaty. All these arguments deserve a close analysis, especially as far as their validity under international law is concerned.

First of all, the Bush Administration portrayed the invasion as a legitimate humanitarian mission. Bush cited the death of an American serviceman and the detention of a second serviceman and his wife as proof that the lives of Americans were in imminent danger. President Bush indicated that he was fearful for the lives of thousands of Americans living in the Canal Zone. Yet, the death of the American serviceman was an isolated incident that was provoked by the serviceman himself after he refused to stop at a PDF checkpoint. Actually, the thousands of American citizens residing in the Canal Zone had never been targeted for attack by Noriega's forces. In fact, Noriega was careful not to provide a pretext

¹⁷ Cited in Ronald Cole, *Operation Just Cause* (Washington, D.C.: Joint History Office, 1995), p. 42.

¹⁸ *Ibid.*

for a US invasion.¹⁹ On the other hand, several reports indicated that “the invasion had been planned before the American serviceman was shot. [So] all that was needed was a pretext, an incident”.²⁰ Consequently, several scholars challenged the legality of the administration’s first justification. “Customary international law and Article 51 do sanction the right of self-defense”, argues former professor of international law and State Department official Charles Maechling, “however, international law requires that the threat must be proportionate -not a pretext for inflating isolated incidents into a *casus belli*”.²¹

The second justification advanced by the US government for its intervention was its desire to restore democracy. President Bush based his claim on the fact that Noriega had nullified the results of the May 1989 elections after the US-backed opposition candidate was likely to win. The argument can, however, be seriously challenged by some historical as well as international law elements. First, why was Washington’s democratic commitment so vigorous in 1989 but totally absent a few years earlier, at a time when Noriega was still a close US-ally? In effect, Washington looked the other way during the Panamanian 1984 election, when Noriega reportedly rigged the results in favor of his candidate Nicolas Barletta. Instead of viewing Noriega’s manipulations as a threat to democracy, Washington chose to ignore them and invited Barletta for a State-visit to the US. And in an important gesture of support, the US Secretary of State attended Barletta’s inauguration ceremony.²² Besides, the history of US-Latin American relations indicates that the US itself had helped to install and support many of the undemocratic regimes in Latin America [Guatemala]. The US had even encouraged the overthrow of democratically-elected governments when it esteemed that it was in its interest to do so [Chile]. Accordingly, Washington’s policy was more an anti-Noriega policy than a pro-democracy one. Noriega was not the sole obstacle to democracy in Panama. So, the fact that the Bush Administration personalized the event and distinguished between Noriega and the corrupt and anti-democratic PDF raises some doubts about the administration’s democratic commitment.

Second, the argument that the US had a right to invade a country in order to defend democracy is a political argument, not a legal one. In fact, “there is no legal basis under international law to support intervention to maintain or restore democracy in a sovereign state”.²³ Both the UN Charter and the OAS Charter prohibit intervention in the internal affairs of member states. 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 other state, or in any other manner inconsistent with the purposes of the United Nations.

The OAS Charter contains a similar provision in Article 18:

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 other state. The foregoing principle prohibits not only armed force but also any other form of interference or attempted threat against the personality of the state or against its political, economic and cultural elements.

According to international law expert Max Hilaire, the democracy promotion argument is not only unjustified under international law but also dangerous to international political relations:

Legitimizing the use of force to promote, maintain or restore democracy would establish a dangerous precedent in international law. It would not accomplish anything. States would apply subjective criteria for determining which regimes are undemocratic and democratic.²⁴

¹⁹ Max Hilaire, *International Law and the US Military Intervention*, op. cit., p. 116.

²⁰ William Blum, *Killing Hope* (Monroe: Common Courage Press, 1995), p. 311.

²¹ Charles Maechling, “Washington’s Illegal Invasion”, *Foreign Policy*, Summer 1990, p. 124.

²² Eytan Gilboa, “The Panama Invasion Revisited”, op. cit., p. 539.

²³ Max Hilaire, *International Law and the US Military Intervention*, op. cit., p. 118.

²⁴ *Ibid*, p. 121.

The US offered a third justification for its intervention in Panama: to stop drug trafficking and to bring Noriega to the US to stand trial. In effect, the drug issue was a crucial factor behind Washington's decision to turn against Noriega. But, it was more the public revelation of Noriega's involvement in drug trafficking than the trafficking itself that provoked the shift to an anti-Noriega policy.²⁵ Washington had tolerated Noriega's drug activities for years before he became a serious public relations problem for the White House. On the other hand, Noriega's drug activities reportedly declined starting from the mid-1980s. He was even considered by the American Drug Enforcement Agency (DEA) to be a valuable asset in the war against drugs. In a letter of May 1986, DEA administrator John Lawn expressed his "deep appreciation" to Noriega "for the vigorous anti-drug trafficking policy that you have adopted".²⁶

Even if Noriega was still heavily involved in drug trafficking in 1989, a large-scale military invasion of Panama to arrest him could be justified morally but not legally, for the reason that there is no justification for such an argument in international law. The fact that Noriega violated US law did not give the US government the legal right to attack the sovereign Panama to apprehend him. As professor Hilaire put it, Legitimizing foreign intervention to capture criminals would give more powerful states a right to declare anyone a criminal and use that as a basis to intervene in the internal affairs of another state.²⁷

Washington's final argument -protection of the Panama Canal- would be the most justifiable if a threat had really existed. In ratifying the Panama Canal Treaty in 1977, the US Senate added an amendment which provides for both the US and Panama the right to defend the canal against any threat to the regime of neutrality of the canal and to act against any threat directed against it or against the peaceful transit of vessels through the canal.²⁸ To ensure that the US government would not use its right to defend the Canal as a pretext to intervene in Panama, the Senate added:

This does not mean, nor shall it be interpreted as, the right of intervention of the US in the internal affairs of Panama. Any US action will be directed at insuring that the Canal will remain open, secure, and accessible, and it shall never be directed against the territorial integrity or political independence of Panama.²⁹

Noriega had not taken any significant steps to limit US access or to threaten the Canal's security and accessibility. He did not threaten the neutrality of the Canal, nor did he threaten the peaceful transit of vessels. In fact, Noriega had been extremely careful not to give the US a reason to further delay the transfer of the Canal Zone to Panama. Accordingly, in the absence of clear threats, the US could not claim that it was intervening to maintain the integrity of the Panama Canal Treaty. The US military action actually violated the Treaty, which prohibited the use of force in the absence of clear threats.

In a word, Operation Just Cause represented a clear violation of the UN Charter and the inter-American treaties. Accordingly, the international community condemned the invasion almost unanimously. The UN strongly deplored it by a vote of 75-20 and the OAS condemned it by a vote of 20-1 [the one being the US].³⁰

In spite of this international disapproval, American conservatives praised Bush for his 'bold and daring action'. For most US moderates, the Panama invasion was sound in policy, albeit wrong in form. Californian Democratic Congressman Don Edwards, for example, called the invasion "a trigger-happy act of gunboat diplomacy".³¹ Thanks to the administration's extensive public relations campaign, the

²⁵ Thomas Carothers, *In the Name of Democracy*, *op. cit.*, p. 182.

²⁶ Cited in Noam Chomsky, *Deterring Democracy* (London: Vintage Books, 1992), p. 153.

²⁷ Max Hilaire, *International Law and the US Military Intervention*, *op. cit.*, p. 122.

²⁸ *Ibid.*, p. 117.

²⁹ *Ibid.*

³⁰ Charles Maechling, "Washington's Illegal Invasion", *op. cit.*, p. 125.

³¹ Cited in John Dumbrell, *American Foreign Policy: Carter to Clinton* (Hampshire: MacMillan Press, 1997), p. 133.

American people gave Bush enthusiastic support. Indeed, in the wake of the invasion, President Bush's approval rating went up to 80 percent.³²

What then changed after the invasion? Political corruption, violence, and drug trafficking continued. Actually, the new leaders were more than trivially involved in the drug trafficking, which was conducted primarily by a doubtful banking system. President Guillermo Endara was a wealthy corporate attorney for several companies run by Carlos Elea, a Panamanian businessman and drug baron. Vice-President Guillermo Ford was a co-founder and part owner of the Dadeland Bank in Miami, a repository for Medellin drug cartel money. Attorney General Rogelio Cruz served as a director of the First Interamericas Bank, which closed down for drug-related 'irregular operations' in 1985.³³ But, unlike Noriega, who had openly challenged the US, Panama's new rulers were more responsive to Washington's instructions. Moreover, the new leaders had very tight business ties to the American business class. Therefore, Bush announced after the invasion a billion dollars in aid to Panama. Of this, \$400 million consisted of incentives for U.S. business to export products to Panama, \$150 million was to pay off bank loans and \$65 million went to private sector loans and guarantees to U.S. investors.³⁴ Consequently, about half the 'aid to Panama' was a gift from the American taxpayers to the American and Panamanian businesses. So, apart from its political advantages [the invasion worked as a political distraction at a time when the U.S. economy was in dire shape], the invasion of Panama managed to install U.S. business partners in powerful key positions.

What then are the lessons of the Panama episode? The invasion was attractive to the Bush Administration for diverse reasons: the need to be seen as acting decisively against drugs, the desire to terminate the 'Vietnam Syndrome', and, especially, the desire to prove to the world Washington's determination to defend US credibility in the international arena. In a changing international environment, the US government believed that it had to act as the sole remaining superpower. In fact, if the US could not cope with a low-level defiance in its own backyard, how would it be able to deal with far more serious international challenges?

The Panama invasion occurred at a time when the two blocs were reconciling and the Cold War disappearing. So, international affairs observers did not expect the US to revert to its Cold War interventionist policy against its Latin American neighbors. Yet, Washington perceived new threats and advanced 'new' arguments in favor of its military action. The ideological 'combating communism' argument was replaced by a 'combating drugs' one. There were hence still threats to be afraid of and enemies to deal with.

Even though its justifications could be politically and morally debatable, the US intervention in Panama represented a clear violation of international law. And here consists, in my opinion, the most important aspect of the Panama episode: Can a superpower violate international law in the name of democracy? Can democracy flourish in a lawless international environment? Can democracy survive in the absence of all nations' respect for internationally accepted principles of law?

References

- Ambrose, S. (1993). *Rise to Globalism*. New York: Penguin Books.
 Blum, W. (1995). *Killing Hope*. Monroe: Common Courage Press.
 Carothers, T. (1992). *In the Name of Democracy*. Berkeley: University of California Press.
 Chomsky, N. (1992). *Deterring Democracy*. London: Vintage Books.
 Chomsky, N. (1993). *What Uncle Sam Really Wants*. Tucson, Arizona: Odonian Press.
 Cole, R. (1995). *Operation Just Cause*. Washington, D.C.: Joint History Office.
 Cook, M. and Cohen, J., (1990). How Television Sold the Panama Invasion. *Extra* (January, p. 5).
 Cook, M. (1990). Censored News: Drug Links of Panama's New Rulers. *Extra* (January, p. 5).

³² Stephen Ambrose, *Rise to Globalism* (New York: Penguin Books, 1993), p. 360.

³³ Mark Cook and Jeff Cohen, "Censored News: Drug Links of Panama's New Rulers", *Extra*, January/February 1990, p. 5.

³⁴ Noam Chomsky, *What Uncle Sam Really Wants* (Tucson, Arizona.: Odonian Press, 1993).

- Dumbrell, J. (1997). *American Foreign Policy: Carter to Clinton*. Hampshire: MacMillan Press.
- Gilboa, E. The Panama Invasion Revisited. *Political Science Quarterly* (volume 110, number 4, p. 539).
- Hilaire, M. (1997). *International Law and the US Military Intervention in the Western Hemisphere*. The Hague: Kluwer Law International.
- Maechling, C. (1990). Washington's Illegal Invasion. *Foreign Policy* (Summer, p. 124).
- Robinson, L. (1989). Dwindling Options in Panama. *Foreign Affairs* (Winter, p. 192).