

American Society of International Law and he took an active part in committees and in many of the annual meetings. His contributions remain pertinent to this day and his many friends, colleagues and students have affectionate memories of his thoughtfulness and dedication.

OSCAR SCHACHTER*

CORRESPONDENCE

TO THE EDITOR IN CHIEF:

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In the April 1990 *Agora* on our invasion of Panama, Anthony D'Amato said, "A major customary law development since 1948 was the intervention by the United States in Grenada in 1983, and a second one is the Panamanian intervention of 1989" (p. 523). And he calls these interventions "milestones along the path to a new nonstatist conception of international law" (p. 517).

When Saddam Hussein was making up his mind about the pros and cons of invading Kuwait, he no doubt gave little thought to the strictures of international law as such. But it is very likely that the norm of international behavior had an influence on his decision. He had the example of seeing two American leaders carry out illegal invasions and be successful by achieving their personal objectives and in enhancing their domestic political status.

The successful 1982 invasion of Lebanon by Israel must have also influenced his decision. Israel not only achieved its objective of driving the PLO from Lebanon but ended up controlling a southern border area.

I am writing to suggest that the illegal interventions by the United States, and its support for those of its allies, may have been a factor in Hussein's decision to invade Kuwait.

If it is seen that U.S. lawless international behavior has some degree of responsibility for this Mideast catastrophe, then we should have a debate as to whether a law-and-order world would be in the long-run self-interests of the citizens of the United States and of all nations. Such a law-and-order world would be the "statist" concept that Anthony D'Amato says is obsolete. It would call for strict interpretations of Articles 2(4) and 51 of the UN Charter and put into effect the Definition of Aggression adopted in 1974 by the UN General Assembly without dissent.

JOHN BURTON

Professor D'Amato replies:

The huge, overwhelming difference between Saddam Hussein's attack on Kuwait, and the American interventions mentioned by Mr. John Burton, is that Saddam proclaimed at the outset that he was annexing Kuwait, moved in and destroyed its civil records and files, and formally incorporated Kuwait as a province of Iraq. In contrast, the United States disavowed any acquisitive intent, and in fact withdrew its forces when the purposes of the humanitarian interventions were achieved.

To ignore the difference between wars of aggression and humanitarian interventions is like ignoring the difference between apples and Apple computers.

* Of the Board of Editors.