



## Statewatch

### Viewpoint: Beyond September 11

New preface by Phil Scraton to "*Beyond September 11 - an anthology of dissent*"  
(Pluto Press)

*Beyond September 11* was conceived, written and edited in the immediate aftermath of that one fateful day. It was completed as allied forces proclaimed the 'liberation' of Afghanistan from Taliban rule, as over 600 men and boys were flown to be caged in Guantanamo Bay, as thousands of Afghans picked their way through the rubble of their former homes, and as a buoyant US Administration flexed its military muscle for the next phase in its self-styled 'war on terror'. The text captures that moment. It records George W. Bush projecting the war from the "focus on Afghanistan" to a "broader" battlefield. It concludes with a passage on the rewriting of history, the degradation of truth and the pain and suffering "of death and destruction heightened by the pain of deceit and denial". Finally, it proposes that unleashing the world's most powerful military force against relatively defenceless states, resulting in thousands of civilian deaths, would promote recruitment to the very organisations targeted for elimination. There was little doubt that next in line after Afghanistan would be Iraq; a target made more poignant by the belief among US hawks that Saddam Hussein's regime represented the business unfinished by George W. Bush's father.

Barbara Lee, the lone Democrat congresswoman who voted against the military offensive in Afghanistan, exposed the dangerous reality masked by the rhetoric of freedom and liberation:

*I could not ignore that it provided explicit authority, under the War Powers Resolution and the Constitution, to go to war. It was a blank cheque to the President to attack anyone involved in the September 11 events - anywhere, in any country, without regard to nations' long term foreign policy, economic and national security interests and without time limit.[1]*

#### National security and "just wars"

Her fears were soon realised. In September 2002 the White House published the US Administration's new national security strategy.[2] Penned by Condoleezza Rice, it reflected the confidence of an administration committed to strengthening the power and authority of its military-industrial complex at the expense of the declining influence of an ineffectual United Nations. In his Foreword the US President affirmed that the "great struggles of the 20th Century between liberty and totalitarianism" were over, the "victory for the forces of freedom" had been "decisive". The conclusion of the Cold War had left "a single, sustainable model for national success: freedom, democracy and free enterprise".[3] There had been no compromise. Advanced capitalism, serviced by social

democratic governments committed to the management of inherent structural inequalities, had defeated the communist alternatives. A new, grave danger had emerged at the “crossroads of radicalism and technology”.<sup>[4]</sup> ‘Radicalism’ was code for ‘Islamic fundamentalism’ and ‘technology’ for ‘weapons of mass destruction’.

The strategy stated that “freedom and fear are at war”.<sup>[5]</sup> In this context US foreign policy would prioritise “defending the peace, preserving the peace and extending the peace” in the “battle against rogue states”. These states “brutalize their own people”; “reject international law”; “are determined to acquire weapons of mass destruction”; “sponsor global terrorism”; “reject basic human values”. Most significantly, they “hate the United States and everything for which it stands”.<sup>[6]</sup> They would be reminded that the “United States possesses unprecedented - and unequalled - strength and influence in the world”. This would be reflected in the US National Security Strategy “based on a distinctly American internationalism that reflects *our* values and *our* national interests”.<sup>[7]</sup> For, the “war on terror is a ‘global’ war” with the United States “fighting for *our* democratic values and *our* way of life”.<sup>[8]</sup>

With the ‘justification’ established, the programme for further military action against rogue states was revealed. The use of pre-emptive offensives was an imperative, but unacceptable in terms of the UN Charter. The “United States can no longer rely on a reactive posture as we have done in the past”.<sup>[9]</sup> While previously in international law the legitimacy of pre-emption was predicated on evidence of offensive mobilisation, “we must adapt the concept of imminent threat to the capabilities and objectives of today’s adversaries”.<sup>[10]</sup> What was proposed, however, was not adaptation but a change of definition, including other states’ capacity to threaten:

*The greater the threat, the greater the risk of inaction - and the more compelling the case for taking anticipatory action to defend ourselves, even if uncertainty remains as to the time and place of the enemy’s attack... the United States cannot remain idle while dangers gather.*<sup>[11]</sup>

Even Henry Kissinger was concerned; “It is not in the American national interest to establish pre-emption as a universal principle available to every nation”.<sup>[12]</sup>

The US Security Strategy established four key elements to its “broad portfolio of military capabilities”: defending the US homeland; conducting information operations; ensuring US access to “distant theatres”; protecting “critical US infrastructure and assets in outer space”.<sup>[13]</sup> In providing a framework for action beyond the globe, its reach had become truly universal. According to Bush, the “moment of opportunity” had arrived.<sup>[14]</sup> What was this opportunity? To secure the “battle for the future of the Muslim world”. To succeed in “a struggle of ideas... where America must excel”.<sup>[15]</sup> The US objectives to “meet global security commitments” and to “protect Americans”, however, would not be “impaired by the potential for investigations, inquiry or prosecution by the International Criminal Court, whose jurisdiction *does not extend to Americans and which we do not accept*”.<sup>[16]</sup>

Having reconstituted the internationally agreed conditions for pre-emptive military action against nation-states, the US Administration formally placed itself and its citizens beyond the reach of international criminal justice. There was one further dimension to be inscribed in the new Security Strategy. How would the US Administration respond to dissident former allies within the Western democratic power base? Bush responded by demanding loyalty to its project: “all nations have important responsibilities: Nations that enjoy freedom must actively fight terror”.<sup>[17]</sup> If they refused to give the US the mandate for military action it sought, the consequences would be direct: “we will respect the

values, judgement and interests of our friends and partners [but] will be prepared to *act apart* when *our* interests and unique responsibilities require”.[18]

There could not have been a more unequivocal rejection of the United Nations and of US allies' independent political judgement. The 2002 National Security Strategy revoked the conditional basis of a 'just war' by rewriting the defence of pre-emption. As with other internationally agreed Conventions and legal restraints, it rejected outright the International Criminal Court. Finally, it delivered an uncompromising declaration of unilateralism. If its military might was to be mobilised, it would be on its own unconditional terms - regardless of legal restriction or the political judgement of its allies and the United Nations. While weapons inspectors travelled the length and breadth of Iraq and debate raged over the interpretation and legitimacy of UN Resolutions regarding Saddam Hussein's regime, the US Administration prepared to invade. As far as the US hawks were concerned, the military offensive was not about establishing Iraq's capacity to mount a serious and imminent threat.

From the outset, whatever the games played with Hans Blix, as head of the weapons inspectorate, and the UN Security Council, the invasion was a *fait accompli*. France and Germany, cornered in the Security Council, failed the 'loyalty test'. In representing the case for the military offensive, the US Administration had freed itself from the unambiguous boundaries of self-defence laid down in the UN Charter. Pre-emption was now 'anticipatory action'. In its mission to 'secure the future of the Muslim world', regime change - informed and supported by Iraqi exiles whose political credentials and judgement were dubious - was the sole objective.

### **The invasion of Iraq**

On the eve of the invasion, George W. Bush attempted to justify the offensive on the grounds of Iraq's weaponry and the imminent threat it posed. In his address to the nation, the well-rehearsed script was delivered. He stated that 90 days after the UN Security Council passed Resolution 1441 requiring Saddam Hussein to make a full declaration of his weapons programme he had not done so and had failed to co-operate in the disarmament of his regime. He had never accounted for a "vast arsenal of deadly, biological and chemical weapons" and had pursued an "elaborate campaign of concealment and intimidation".[19] The Iraqi regime not only possessed the "means to deliver weapons of mass destruction" but also harboured a "terrorist network" headed by an Al-Qaida leader. The connection of the regime to Al-Qaida was central to the US Administration's position. It provided a direct line back to the events of September 11. Bush concluded:

*Resolutions mean little without resolve. And the United States, along with a growing coalition of nations, will take whatever action is necessary to defend ourselves and disarm the Iraq regime.*[20]

As the key ally of the US the UK government was compromised. It had no reconstructed security strategy through which pre-emptive military action could be mobilised. It had to abide by the United Nation's Charter while supporting the US Administration's determination to affect regime change in Iraq. The only possible justification for a military offensive was self-defence and for that to apply it needed evidence of the unambiguous, imminent danger posed by Iraq. However it attempted to re-interpret UN Resolutions back as far as 1991, the UK government sought an emphatic statement derived in independent sources. The United Nations Inspectorate had not produced substantiating evidence. Indeed, Hans Blix requested more time. And so the UK government looked to its intelligence and security sources to produce the necessary evidence. The dossier duly arrived. In his foreword to the dossier, Prime Minister Blair wrote:

*the assessed intelligence has established beyond doubt... that Saddam has continued to produce chemical and biological weapons, that he continues to develop nuclear programmes, and that he has been able to extend the range of his ballistic missile programme. I am in no doubt that the threat is serious and current... [Saddam] has made progress on WMD [Weapons of Mass Destruction]... the document discloses that his military planning allows for some of the WMD to be ready within 45 minutes of an order to use them.[21]*

Flying in the face of mass protest against the 'war' in Iraq, Tony Blair used this seriously flawed intelligence to legitimate his determination to support the US Administration. He later revealed that the dossier had been drafted by the Joint Intelligence Committee chairman and his staff. They were also the source of the 45 minutes estimation and had drafted the foreword, signed off by the Prime Minister.[22]

Reflecting on the deployment of UK forces, Tony Blair stated that "we went to war to enforce UN Resolutions".[23] It was a judgement based on the UK Attorney General's association of UN Resolution 678 (1990) and UN Resolution 1441 (2002). UN Resolution 678 authorised the use of "all necessary means" to remove Iraq's forces from Kuwait. It included the "restoration of international peace and security" throughout the region and the destruction of weapons of mass destruction throughout Iraq.[24] It was directed towards the 1990 allied coalition to achieve these ends. What followed was a series of further UN Resolutions culminating in 1441. In itself, 1441 sought the Iraq regime's compliance with the weapons inspectorate but its wording could not be interpreted as providing authorisation for invasion or war. As Lord Archer, former UK Solicitor General, stated: "1441 manifestly does not authorise military action".[25]

Despite this opinion, shared by many eminent legal academics and practitioners, the US and UK governments continued to overstate Iraq's military capacity and threat while persistently undermining the credibility of Hans Blix and the weapons inspectorate.[26] On the eve of the invasion, the most recent intelligence doubted the veracity of the 2002 dossier's claims. Its concern was that no evidence had been produced to verify that Iraq posed a serious or imminent threat. Lord Boyce, the UK Chief of Defence Staff, was so troubled that he demanded "unequivocal" legal opinion in support of military action.[27] What he received was the Attorney General's assertion that 'on the balance of probabilities' Iraq possessed weapons of mass destruction and posed a real and serious threat. More recently, Blair has stated that: "in fact everyone thought he [Saddam] had them [weapons of mass destruction]". In remarkable double-speak that recasts his certainty at the time as inference, he commented:

*The characterisation of the threat is where the difference lies... we are in mortal danger of mistaking the nature of the new world... the threat we face is not conventional. It was defined not by Iraq but by September 11... September 11 for me was a revelation... The global threat to our security was clear. So was our duty: to act to eliminate it... If it is a global threat, it needs a global response, based on global rules.[28]*

The argument presented throughout the US Security Strategy document is implicit in Blair's few sentences. Because the world beyond September 11 has changed, military invasion of sovereign nation-states is acceptable whether or not a 'threat' is real. His conceptualisation of 'global' is instructive. There is no indication as to who are, or should be, the definers of 'global'. These are sweeping assertions from a Prime Minister without the capacity alone to deliver global security. Given its determination to operate

unilaterally if necessary, there is no question that the US Administration regards itself as the principal definer.

### **Guantanamo Bay and Abu Ghraib**

This has been demonstrated in the decision to hold prisoners at Guantanamo Bay. Despite criticism from other states, NGOs and human rights organisations, the US Administration has denied the checks and balances of international Conventions. Because soldiers captured in Afghanistan did not wear the uniforms of a recognised army, they were “undistinguishable from the general population”. Redesignated ‘unlawful combatants’, Article 4 of the 1949 Geneva Conventions could not be applied as they did not qualify as ‘soldiers in action’. Yet Article 5 of the Third Geneva Convention states that, should there be any ambiguity regarding a detainee’s status, they should be held as a prisoner of war until a competent tribunal determines their status.

Once again, the White House Press Secretary demonstrated how the ‘global rules’ have been written to suit US priorities. In a strident response to persistent criticism over the unlawful detention, without legal protection or due process of the law, of over 600 men and boys he stated: “The war on terrorism is a war not envisaged when the Geneva Convention was signed in 1949. In this war global terrorists transcend national boundaries”.<sup>[29]</sup> Donald Rumsfeld, US Defence Secretary, had already established the guilty status of the captives: “These people are committed terrorists. We are keeping them off the streets and out of airlines and out of nuclear power plants.”<sup>[30]</sup> And so, with the Military Order, issued on 13 November 2001 and entitled *Detention, Treatment and Trial of Certain Non-citizens in the War Against Terrorism*, a new form of stateless detention of the ‘enemy’ was born.

As the UK brokered a ‘special favours’ deal to release several UK citizens, it became clear that many of those held at Guantanamo Bay were being held in appalling conditions; enduring abuse and intimidation in the interrogation they received.<sup>[31]</sup> Their stories preceded the release of photographs of US soldiers, men and women, humiliating and degrading prisoners in Iraq. As was the case in Vietnam thirty years earlier, the much-proclaimed ‘most efficient’ and ‘best disciplined’ army in the world, was exposed as brutal and sadistic. US soldiers, the recipients of relentless post September 11 propaganda before leaving for Iraq, considered those in captivity to be beneath contempt. Why were politicians, the media and the public surprised? When the enemy is dehumanised, stripped of human identity, it is a small step to strip their clothes, to force them to simulate sexual acts and to coerce them into masturbating for the camera. The degradation inflicted on the body reflects denigration assumed in the mind. Photographs become a visible manifestation and record of subjugation. For all time, they represent the institutional power of personal abuse. In the photographs, the pleasure enjoyed by the captors increases in proportion to the pain endured by their captives. Why the surprise? Perhaps it is because of the pornography of representation; the overt expression of absolute power without responsibility and with assumed impunity.

The torture, degradation and human rights violations at Abu Ghraib prison cannot be dismissed as the shameful acts of a small clique of cowboy soldiers. The techniques used by military intelligence officers were institutionalised. Brigadier General Janis Karpinski, now relieved of her command, was clearly implicated. Her weak, implausible defence was that senior officers frustrated her attempts to exert control on interrogators. The International Red Cross was excluded from visiting the interrogation block and announced that torture, inhuman and degrading treatment were endemic throughout the holding centres for prisoners. At the time of writing, the war crimes before an internal US investigation include cold water treatment, phosphorous liquid from broken lights poured

on naked bodies, beatings with broom handles, constant threats of rape and actual rape with instruments.

And the abuses are not confined to soldiers. Private contractors, now working in Iraq, are above the law. Two US companies, Caci and Titan, are contracted to conduct interrogations of prisoners of war. Titan's current 'analytical support' contract is worth \$172m, its employees are on salaries in excess of \$100,000. There are plans to build two privately run prisons in Iraq. Each will house 4,000 prisoners and the cost of building and staffing is estimated at 400 million dollars.

Military personnel can be held accountable for their abuses and crimes. In theory, they are subject to military discipline and military courts. Not so for private contractors. They are not governed by military rules. Iraqi law is in disarray and civilians in Iraq are outside US jurisdiction. Even if they were subject to local law their contracts give them exemption. And, as has been shown, the US explicitly rejects the use of the international criminal court against its citizens. What has happened in Iraq is a situation in which private contracts are running at over \$10 billion per year and the military service industry has legal immunity.

### **Demonisation and destruction**

For over a decade the West's demonisation and destruction of Iraq's people and its infrastructure have been relentless. It is 13 years since the appalling massacre of retreating Iraqi troops on the Basra Road. It was a vengeful bombardment of extermination. Since that time, and until the 2003 invasion, over 70,000 tonnes of bombs were dropped on Iraq. Over half a million civilians died as a result of disease, malnutrition and poor medical care. Many were children. Sanctions on essential foods and medicine were maintained alongside indiscriminate and persistent bombing.

The 2003 invasion of Iraq was retribution. It was the final act, the final solution to unfinished business. Of course there was no defence for Saddam Hussein's regime; the brutalisation of his own people and his attempted mass extermination of Kurds and his other opponents. Yet, prior to the 1991 Gulf War, these acts had been implicitly condoned, supported financially and politically by Western states. The 2003 self-styled coalition of liberation was, without question, a coalition of oppression. Effectively, the Alliance's preconditions on inspection; its language of pre-emptive military strikes; its demand for immediate regime change; its deceit over weapons of mass destruction; its propaganda of nuclear capability; its commitment to unilateral action; its vilification of France and Germany amounted to a catastrophic end-game. All credibility, any hope of reason and resolution in the context of growing terrorist cells, has been sacrificed in the rubble of Afghanistan and Iraq. As civilian casualties and deaths mount, redefined as unfortunate mistakes, as 'collateral damage' or as necessary sacrifices in a bigger picture, a new generation of armed activists and suicide bombers is recruited. In the UK and USA alike, to be Muslim is to be suspicious and the ideology of 'otherness' that underpins and promotes punitive military offensives abroad, underpins and infects punitive policing and rights abuses at home.

It is appropriate, in the search for the ideological roots of people as 'other', dehumanised and demonised as 'monsters', that the last word is with the late Edward Said:

*Burning in the collective US unconscious is a puritanical zeal decreeing the sternest possible attitude towards anyone deemed to be an unregenerate sinner. This clearly guided US policy towards the native American Indians, who were first demonised, then*

portrayed as wasteful savages, then exterminated, their tiny remnant confined to reservations and concentration camps. This almost religious anger fuels a judgmental attitude that has no place at all in international politics, but for the US is a central tenet of its worldwide behaviour. Punishment is conceived in apocalyptic terms... Sinners are condemned terminally, with the utmost cruelty regardless of whether or not they suffer the cruellest agonies.[32]

## References

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4. *Ibid.*
5. *The National Security Strategy*, p 7.
6. *Ibid*, p 14.
7. *Ibid*, p 1, *emphasis added*.
8. *Ibid*, p 7, *emphasis added*.
9. *Ibid*, p 15.
10. *Ibid.*
11. *Ibid.*
12. *New York Times*, 16 August 2002.
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25. Quoted by Richard Norton-Taylor, 'A truth too terrible to contemplate' in *The Guardian*, 5 March 2004.
26. See: Hanx Blix, 'Why Blair was convinced by the intelligence in his fight against evil', *The Guardian*, 6 March 2004, pp 4-5.
27. Richard Norton-Taylor, *op cit*.
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29. *Press Secretary Statement, White House*, 28 May 2003.
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31. See: David Rose, 'Even death row is preferable to this' *The Observer*, 22 February 2004.
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