

Human Security and US Policy After 9/11 by Craig Murphy, 2004

The ACUNS 2004 John W. Holmes Memorial Lecture Human Security and US Policy After 9/11 Craig Murphy

Thank you, Michael [Doyle], and thank you to all of the organizers and participants in ACUNS's first Annual Meeting to be held in Geneva. As Michael has heard me say, over the years, I took very little of the advice offered to me by my father. He was an US Air Defense Command strategist, not something I always admired, but also a dedicated volunteer to the Sierra Club, the YMCA, and other organizations. He always insisted that the first job you had if you were an officer of any volunteer organization was to recruit someone even more competent and more dedicated to follow you when your tenure ended. With Michael Doyle, I have succeeded in that. Of course, the selection of Michael was not mine, but that of the membership and of an ACUNS nominating committee, in 2002-03, that was unusually effective.

My plan this afternoon is to speak about Human Security in the context of my own country's policy after the 11th of September 2001. Ultimately, I am going to argue that advocates of multilateralism, those who are concerned about using the United Nations system to pursue Human Security, need to develop effective multilateral solutions to the security concerns felt by many Americans after September 11th, even though the US government has displayed so little concern for developing such solutions itself.

Before getting to that conclusion, I am going to speak about international law, about war, and about one kind of state that is willing to wage war outside the international laws of war-about states that imagine clear paths toward universal empire, an illusion whose pursuit has always come at the cost of Human Security. This is the path pursued by the current US administration. I believe that what they see in front of them is a mirage and that, eventually, this administration or its successor will discover that this is the case.

That discovery will, I hope, pull the United States back toward international law, but champions of multilateralism may be able to make that return both more rapid and less conflictive than it otherwise might be.

First, I want to go back not to September 11th, but to a few days later, to the first time Wellesley College gathered to discuss and mourn the tragedy. We had lost alumnae in the Trade Center and the husband of senior staff member, and an alumna, on one of the planes that left Boston that morning. Four faculty members from political science had been asked to help the College make sense of the event. The most memorable talk came from one of my colleagues,

Christopher Candland, who had only been teaching for a few years. Before that, Christopher had spent more than a decade working for the UN and the Church World Service on arms control, peacemaking, refugee issues first in the Afghan conflict, Kashmir, Sri Lanka, in Bombay during the Shiv Sena riots, in Timor, and in Indonesia.

He argued that, even though the bombing was undoubtedly the work of Al Qaeda, and even though the Taliban undoubtedly were allied with and gave safe haven to this Saudi Arabian and Egyptian-supported organization, the US should respond to the mass murder on its soil with the instruments of law. His formula was: Interpol and every avenue of cooperation among police forces, unsparing criminal investigations, arrests, attentiveness to other country's concerns about the American death penalty, extradition, and the regular public trial of the murderers. To do anything else, for example to take the easy way by bombing some soft but unrelated target - the way then-President Bill Clinton did to the pharmaceutical factory in Sudan - might make Americans feel better in the short run. However, it would do nothing to stop terrorism and would play into the hands of the forces that created turmoil in the arc of states he knew best. "This is not a part of the world," he said, "that is, in any way, suffering from too much law; therefore, erring on the side of law, on the side of legality, is prudent and wise."

I was reminded of my colleague's speech two months ago when the Head of the Spanish Consulate in Boston came to Wellesley to speak about his country's own tragedy of the 11 March 2003. Pointing to the contrast with US policy after September 11th, he spoke of how the new government worked with Interpol to identify and arrest the primary suspects, found in a half-dozen countries in Africa and Europe; and how it then called for a European Union meeting to devise a new multilateral strategy to deal with terrorism.

This was not the choice made by the Bush administration two and a half years earlier. The American president declared a war demanding total victory over any group that might consider terrorizing noncombatants by the credible threat of mass murder.

Some observers have argued that the object of Bush's war is not the tactic of terrorism, but rather any Arab or Islamic group that would use terrorism against US citizens, Israelis, and some other allies. In the recently published book by an anonymous CIA critic, the administration is faulted for only slowly realizing that it faces an insurgency - presumably against the American Empire - by "militant Islam."¹ I am not sure that is the target.

Some of George W. Bush's critics argue that this war has no concrete object, that as such it is unlimited in scope and duration, and that it is becoming, primarily, a vehicle to legitimate the erosion of constitutional government - of the Bill of Rights and the separation of powers - within the United States of America. In cycle of commencement addresses completed in early 2004, the Nobel Prize winning American author, Toni Morrison, said that she could no longer invoke the wisdom of the American Founders to guide the young people to whom she spoke because she doubted that the Founders' institutions would be there to buttress American civic life for many years longer.

I am not quite as concerned as these critics. The US Constitution is under strain, but even this Supreme Court seems willing to preserve fundamental liberties, albeit while allowing hundreds to be victimized for months and years.

There is nothing inherently contradictory in the "war" against "terrorism." There are precedents. States have used organized violence to suppress the further use of significant tactics including privateering and the impressing of sailors. Nevertheless, when they have done so, the goal has been to *"outlaw"* the practice. States opposing privateering and impressments put law at the center of their enterprises.

This is why the revelations surrounding the abuse of prisoners held by US forces at the Abu Ghraib prison complex in Iraq are so problematic. As are the connection of those abuses to actions taking place in Afghanistan; in the US base in Guantanamo, Cuba; and allegedly in secret military prisons run by, or for, the US in other parts of the world, including, some journalists believe, prisons in Diego Garcia on the base that the US leases from the United Kingdom.

The Abu Ghraib photographs immediately reminded me of some of the other things I had learned from my father and his military friends. There are some advantages to growing up in a military family. One of them is having a relatively unromantic view about what goes on in the service. Unlike many of the wide-eyed commentators on Fox or CNN, when my military brat friends and I saw the Abu Ghraib prison photos, none of us believed we were seeing something isolated and unconnected to anyone higher in the chain of command.

We knew others were involved. We know how difficult it is to turn men and women into killers. We also know that it is even harder to train a warrior to be able to turn off the training in debasement and dehumanization that is necessary to make it possible to kill. Yet, turning off that training is essential. As one of West Point's leading instructors on the ethics of combat points out, the eventual psychological trauma that comes from victimizing an enemy outside the rules of combat is many times greater than the trauma that comes from reliving the deaths of comrades or the killing of legitimate enemies.²

For that reason, the photographs immediately suggested a failure of training, a crime of omission or of commission by superiors. The omissions, about which we already know, include the fact that the reservist guards, unlike the regular army men and women they replaced, had only for a few hours of exposure to the Geneva Conventions, way back in basic training. Regular army guards are reminded of their duties under those Conventions and under a US code that requires them to refuse illegal orders, every few months.

We also know that no copies of the Conventions were posted in the US prisons and that guards had no access to them.

We also know of crimes of omission that border on those of commission. The mercenaries hired by the US to interrogate detainees in Iraq, and elsewhere, are indemnified against prosecution by their contract. The Bush administration's adamant opposition to the International Criminal Court, the various bilateral agreements designed to assure that the Court's jurisdiction does not apply to Americans, and the agreements with the new Iraqi government to keep mercenaries who are US citizens outside of Iraqi courts also assures that this protection from US justice extends to a larger world.

More troubling, is what has become known about sins of commission at the very highest levels of the chain of command. In January of 2002, shortly into the anti-Taliban phase of the "War Against Terrorism," the President accepted the position argued by Alberto Gonzales (who is often mentioned as Bush's first choice for the Supreme Court) against the view of Secretary of State Powell. It has become increasingly clear that Gonzales convinced the President that the Geneva Convention on the Treatment of Prisoners of War does not apply to "War Against Terrorism." [3](#)

The telling points of the winning argument included George W. Bush's father's conclusion that the Geneva Convention did not apply to prisoners taken in the United States' 1989 raid into Panama, in which the Panamanian president was seized in order to appear before civilian courts in the US. More significant were the arguments that a new kind of war required new kinds of tactics. These included, "The ability to quickly obtain information from captured terrorists and their sponsors" and the larger consideration that such effective means might be "war crimes" even under US law, unless the president took preemptive action to assure that he and those below him would be exempt from prosecution.[4](#)

Powell's arguments, the ones that Bush dismissed, included three truths found in most introductory international relations texts: First, the US could not invoke the Geneva Convention "if enemy forces threaten to mistreat or mistreat US or coalition forces" in situations like Afghanistan. Second, "our position would likely provoke widespread condemnation among our allies." Moreover, third, "other countries may be less inclined to turn over terrorists to us or to provide legal assistance to us if we do not recognize a legal obligation to comply" to the laws of war.[5](#)

Ultimately, there is a major contradiction between fighting a war to enforce the illegality of one tactic while embracing another tactic that has, already, been effectively outlawed. That is, setting aside international agreements banning torture in order to establish international norms banning terrorism.

The problem becomes deeper when we consider the parts of the world that have protected or given rise to the terrorism that that most concerns the United States, places that are not, "in any way, suffering from too much law."

Despite the rhetoric of spreading democracy, a superpower policy that embraces diminution of the international laws of war is, not surprisingly, a policy consistent with relying on strongmen. It is consistent with making alliances with warlords and embracing returns to authoritarianism, military rule, or special roles for the military in government- whether in Pakistan or Indonesia, or in a warlord divided Afghanistan, or a "sovereign" Iraq considering the imposition of martial law.

Shirin Ebadi, the Iranian Nobel Peace laureate, speaking recently at the United Nations, pointed to the inconsistency in American policy toward democracy in the Islamic world since September 11th.⁶ It is a policy full of sound and fury about democratization and human rights, that may signify less than nothing, if one looks to the men backed by US arms, money, and prestige across the arc from Morocco to Brunei.

Mahbub ul Haq, the man most responsible for getting the world to think about Human Development and Human Security⁷, often linked the deprivation of both to the work of militarized states that claimed to provide citizens with the narrow kind of security that can, sometimes, be gained by arms. Confronted by poverty, crime, disease, and destitution - by economic and personal insecurity - people will find alternatives. They create faith-based development organizations often funded by co-religionists from richer nations. This part of global civil society picks up much of the work where the state has failed. In many places, such organizations are forced to act on the border of the law - and, in some cases, the "outlawed." Consider, for example, the Muslim Brotherhood, as a political party and social welfare agency that was for so long operating in Arab nationalist Egypt, and its move toward supporting or engaging in acts that would be outside the law of any society, toward assassination and terror.⁸

So far, I have suggested that US policy in the "War Against Terrorism" is ill advised and may harm Human Security. Yet, it would be disingenuous to suggest that the arguments favoring this policy have been embraced only by radicals within the Bush administration, by people such as Gonzales and Attorney General John Ashcroft (whose narration of Phyllis Schlafly's film, "Global Governance: the War against American Sovereignty" I recommend to everyone here). Remember, Colin Powell did not resign when he lost the argument about the application of the Geneva Convention. Moreover, it was Powell's predecessor, Madeline Albright, who argued that the US, as the one "indispensable power" must, at times, be able to stand outside of international law, certainly to act unilaterally, and also, perhaps, to have some of its citizens exempt from some international norms.⁹

Albright was speaking for those outside the United States of America who, presumably, she believed might be protected best by a confident and internationally engaged superpower. Clearly, to counter her argument, advocates of a more commonplace multilateralism would have to be able to demonstrate that multilateral instruments and institutions could as effectively promote American national security as might US unilateralism.

I eventually will speak about some of the most commonplace of commonplace international instruments, but first want to mention the suggestions of a colleague, Kathy Kelly, who currently [June 2004] is in prison for protesting against US action in Iraq.

Kathy may be known to many of you who have followed issues in the Gulf since the first war, the war to restore Kuwaiti sovereignty. You will recall, as Hans von Sponeck will discuss later in the ACUNS Annual Meeting, that the Iraqi government was kept on a short leash by a system of no-fly zones in the north and south of the country and by extremely blunt economic sanctions. They allowed the government to sell only a limited amount of its oil production to raise foreign exchange for vital purchases, "Oil for food," in what became even the official parlance.

There were many critics of the program, including some, like Kathy Kelly, who blamed the programs' major backers, especially the US, for the unnecessarily early death of up to a half million Iraqi children. Kathy spent many years going back and forth from her home in Chicago to Iraqi villages and hospitals arguing that the international sanctions should end. In recent years, I got to know her through debates organized by some small liberal arts colleges where she argued for the lifting of sanctions and I argued in favor of a regime of smart sanctions directed more specifically at the Iraqi leadership and aimed at supporting initiatives within the country.

I never agreed with Kathy's assessment of the situation in Iraq, but came to respect her, and I was shocked when she was arrested and imprisoned under the new Patriot Act extensions of laws that disallow protests at American military facilities.

In a personal letter from a federal penitentiary at the end of May, she said:

This morning, after dish-room duties were done, I settled down in the cafeteria to read Seymour Hersh's "Chain of Command," (*New Yorker*, May 17), provokes plenty of thoughts and questions.

I was especially curious about the exchange, in the article, between a junior military intelligence officer and a company commander in charge of a unit of military prison guards at Abu Ghraib. The intelligence fellow asked the commander to keep Iraqi detainees awake all night. The commander said, No. He felt that an 18 year-old, with no training, would "get creative" if told to keep someone up all night. It's good the commander refused.

But, hang on, I said to myself. What kind of training would prepare an MP to keep detainees up all night? *Why* would such training be necessary? Who are the detainees? Why are they detained? Who can speak Arabic in this military company? Etcetera.

If only we could spend a fraction of the military budget and spend it on language skills, cross cultural sensitivity, the basics of community development, and some history and geography to 18 year-olds here, it is not hard to imagine them *partnering* with Iraqi youngsters eager to take on rebuilding tasks. Then maybe we wouldn't feel dismayed over the possibility of 18 year-olds "getting creative."

When I first read this part of Kathy Kelly's letter, I couldn't help smiling, and I couldn't help thinking about multilateralism.

I recently took on the job of writing an official history of the UN Development Programme, an outfit that is always talking about "partnering"- about being a partner, not a donor - and the place where Mahbub ul Haq worked when he thought up "Human Security." UNDP was the incubator for UN Volunteers, and still runs the program, which could, in fact, employ everyone on both sides of the bars in Iraq's American-managed prisons for a lot less than has been spent to run those prisons throughout the occupation.

Yet, Kathy Kelly's vision is, fundamentally, idealistic and not relevant either to many Americans who worry about a repeat of 9/11, or to those in Kosovo or Baghdad who embrace Madeline Albright's idea of the US as the indispensable power that sometimes needs to be above international law.

It is relatively easy to think of ways that multilateral cooperation can create the seeds of understanding in the next generation, or even ways that we might, multilaterally, confront the fundamental inequalities that help to fuel the deep resentment - the CIA analyst's "insurgency against the West"- that arguably gives rise to the terror most feared by Americans.

How do you get effective international agreement to ban a tactic used not only by states, but also by non-state actors? How, for example, did states get rid of the practice of privateering? Partially by drawing a very clear line between violent acts at sea that were private and illegal, and those that were public and legal, which involved, among other things, a massive effort to make navies something public and professional rather than relying on mercenaries and on the profit motive through "prizes" or bonuses to the most effective captains.^[10]

Similarly today, steps toward an effective ban on terrorism would have to involve developing clear lines between terror (murder and threatened violence against civilians) and other tactics that could be legitimately used by states and national liberation movements. States wishing to ban terrorism would have to eschew borderline tactics, and to demonstrate that they could effectively achieve their strategic aims even when they did so.

Ultimately, the multilateral work to stop the use of terror would be very much like arms control - a careful and detailed process of demonstrating to potential state supporters of the tactic that other tactics do exist that are not only less offensive ethically, but also, practically, just as likely to achieve the ends previously pursued by terrorist actions. That means, for example, making the case that national liberation groups do have other, potentially successful, tactics available to them. This would be a messy kind of discussion, but, realistically, this is where the dialogue needs to take place. This means, in all likelihood, that some governments and citizens who are now the victims of terror or the potential victims need to develop at least an ability to understand - and not simply to reject and condemn - the actions of some terrorists.

At the 2002 ACUNS Annual Meeting in Cascais, Portugal, relatively shortly after 9/11, President Sampaio of Portugal reminded ACUNS members that when he grew up, he was taught to hate and simply to identify as "terrorists" the men and women resisting Portuguese rule in Africa. It is certainly true, that a number of the national liberation movements in Portuguese Africa used murderous attacks against civilians as a tactic, especially in the early years of their struggle.^[11]

Finally, if terrorism is to go the way of privateering, the once legitimate "attacks on civilians by liberation movements" have to become simply murder, a matter of municipal law (reinforced by international law) in the same way piracy is today.

I am describing slogging diplomatic work that is never going to be the stuff of headlines, but it is the kind of work that may serve to increase the sense of security of Americans without distracting from the long-term work of eliminating the human insecurity that adds more fuel to the terror that my country has experienced.

Finally, to end, and perhaps because I am speaking not in New York, but Geneva, it is important to point out that American unilateralism, American imperial ambition, and the American tendency to engage the UN system only on its

own terms is not likely to end when George Bush retires to Waco. It is worth remembering that Madeline Albright was the leading theorist of the current US approach to multilateralism - which is to say, the special position relative to international law of the "one indispensable power." Bill Clinton's current round of talk show appearances promoting his book have disappointed some European viewers due to his embrace of the War in Iraq, which, after all, most Democrats in Congress initially supported.

The first of the lectures in this series was written by the wonderfully understated John W. Holmes, who reminisced about serving Canada at the formative meetings of the UN. He reminded us that Roosevelt initially wanted the Secretary-General to be called "the world moderator." Holmes said that the Moderator, no doubt,

Would have been an American and pure of heart [since] Roosevelt saw the UN as the culmination of the American Revolution, now embracing the whole world, and [he had] the first UN conference at Hot Springs end with "The Star Spangled Banner." [12]

We have not advanced much since then, but we have not gone that far back, either.

1 Anonymous [Michael Scheuer], *Imperial Hubris: Why the West is Losing the On Terror*, (Dulles, Va.: Brassey's, Inc., 2004).

2 Peter Kilner, "Military Leaders' Obligation to Justify Killing in War," presented to the Joint Services Conference on Professional Ethics, 27 January 2000.

3 Michael Isikoff, "Memos Reveal War Crimes Warnings," *Newsweek*, 19 May 2004, <http://www.msnbc.msn.com/id/4999734/>, accessed 5 May 2006.

4 See Gonzales's memo, <http://www.msnbc.msn.com/id/4999148/site/newsweek/>, accessed 5 May 2006.

5 See Powell's response, <http://www.msnbc.msn.com/id/4999363/site/newsweek/>, accessed 5 May 2006.

6 Shirin Ebadi, "Women, Democracy, and Islam," address at UN Headquarters, New York, 2 June 2004.

7 See Craig N. Murphy, *The UN Development Programme: A Better Way?*, (Cambridge: Cambridge University Press, 2006), chapter 10.

8 See Richard P. Mitchell's dated, but still helpful (especially on the early years), *The Society of the Muslim Brothers*, (London: Oxford University Press, 1969).

9 One memorable occasion was on Ted Koppel's ABC news program, *Nightline*, 20 February 1998, when the topic under discussion was the possibility of using force in Iraq,

http://www.fas.org/news/iraq/1998/02/20/98022004_tpo.html, accessed 5 May 2006.

[10] After I delivered this address, I was given a copy of Donald J. Puchala's "Of Pirates and Terrorists: What Experience and History Teach," *Contemporary Security Policy*, 26(1, April 2005): 1-24, which makes the point well.

[11] Jorge Sampaio, "The Promise and Future of Multilateralism," Annual Meeting of the Academic Council on the UN System, Cascais, Portugal, 21 June 2002.

[12] The Address - entitled "Looking Forward and Backwards" - by John Holmes at the first ACUNS Annual Meeting, 23 June 1988 was read on his behalf on account of Mr. Holmes' illness at that time.