

*11 September 2001: War, Terror and Judgement*, (edited by), Bulent Gokay and R. J. B. Walker, Keele European Research Centre, May 2002, ISBN: 1 899 488 89 8, Paperback, 136 pp., £8.99

This is a timely and thought provoking publication which sets out the background to the attack on the Twin Towers on 11<sup>th</sup> September 2001 and the possible consequences of the United States' response. The analysis is made from the point of view of the assumptions on which a viable community of states is based, and analyses the threats to that community. Hidemi Suganami, in his "Reflections on September 11<sup>th</sup>," analyses the ambivalence involved in a war against terror, and the consequences of a grossly unequal world order, both in the location of power and the benefit of the world's resources. Bulent Gokay examines the crucially important role of oil, resulting in a grab by a number of oil companies supported by their governments for the immensely productive oil wells of Central Asia and the use of the pipelines which convey that oil to the sea, the route through Afghanistan being one of the most attractive. Patrick Thornberry gives a detailed and authoritative account of the provisions in international law for dealing with self-defence and with emergencies, emphasising both the need for proper procedures, supported by UN Resolutions, and for a proportionality of response to attack. Andrew Dobson examines the consequences for the global environment of the US refusal to enter into the Kyoto Protocol and other agreements and the disproportionate pollution of the atmosphere through the effects of huge consumption of oil in the USA.

Dan Keohane examines in detail the various elements in the response of the British government to the attack on America, looking both at the congruence and at the contradictions between British and US policy, and examining how far the British role of critical ally of the USA is effective. John Vogler examines the role of the European Union to see how far its large size and economic potential can make it a major actor, in the absence of really effective common armed forces. Susanne Karstedt looks at the events of September 11<sup>th</sup> in the general context of terrorism. R. J. B. Walker concludes the study with an analysis of the intangible nature of the

terrorist threat, and the contrast between a rational world of politics and a world of “other means,” where non-state actors can be both the source of threats against nations and the proclaimed objective of national counter-attack by a super-power. The book is a valuable contribution to the no-doubt extensive study of September 11<sup>th</sup> and its consequences that we may expect to see from academics in the future.

To me, the uniting theme which emerges from this book is that of the means needed to establish the norms for a comity of states to establish stable and equitable relations in the world, and to deal with new threats and new challenges arising by both smaller states and non-state organisations which ignore the basic rules supporting international peace. We face also the contrary threats of the over-mighty super-power of the USA when it acts in a unilateral and dictatorial manner in response to other states and international institutions.

The conspirators who launched the suicidal attacks on the Twin Towers and the Pentagon were the culmination of a series of terror attacks by dissident nationals from Arab Middle Eastern states, inspired partly by the fundamentalist faction in the Islamic community, who felt burning resentment at the apparent domination of their area by the US super-power and its failure to bring justice to the Palestinians. They were conscious of the role of the United States as Cassius speaks of Caesar in Shakespeare’s play:

Why, man, he doth bstride the narrow world  
Like a Colossus, and we petty  
men Walk under his huge legs (*Julius Caesar*, I, ii)

Their first sensible and more moderate answer was that of Flavius, who stated the need for them to see that:

These growing feathers pluck’d from Caesar’s wing  
Will make him fly an ordinary pitch,  
Who else would soar above the view of men  
And keep us all in servile fearfulness. (*Julius Caesar*, I, ii)

In the end however, the conspirators do not place political or constitutional barriers to Caesar’s power, but murder him treacherously in the Senate. This in turn provokes outrage among the people, resulting in their expulsion from Rome and eventual defeat and death at Philippi. The political result is, as one might have

guessed, the creation of a greater tyranny than Caesar's, in the persons of future Roman emperors who proscribed their enemies at will and did them to death.

Whether or not the dissident Arabs who attacked the Twin Towers could in fact have mounted an effective but less violent campaign against US hegemony in the Middle East and in the Israel/Palestine dispute is not clear, but the urgent need for other states in the world is to learn how to set a barrier to the excesses of US power, while not destroying its usefulness in the maintenance of peace. The US is described as a super-power. However, in crude terms this seems to mean a state that is better able than any other to kill people through instruments of war and thus drive them into submission. It may mean also the possession of vast economic power, enabling pressures to be put on other states and institutions to procure political goals. As regards military power, we have to establish the position, taken for granted in our internal political and administrative matters that, for most purposes, force is not the arbiter. If I were to appear before the Senate of my university armed with a machine gun and demand to be made a professor, I should end up either in the lunatic asylum or in prison. In the field of legal confrontations, we have long passed the sad period when surrounding military threat could overawe the judges, as in the bullying of the judges in the trial of Joan of Arc by English soldiers.

In the field of international disputes, we have been learning to replace force with discussion and law. As a patriotic British citizen, I was quite proud of the way our fishermen had withstood the threats of Icelandic patrol vessels, but I was even more delighted from the point of view of equitable world order, when little Iceland, which has virtually no navy, triumphed over Britain with its large navy, in the case of the limit of territorial waters. When the new law was established, Britain had to give way. It is by this means and not by power that we can restrict the realm where armed force is relevant to the settlement of disputes.

It is interesting to note that the ability of the USA to use military power to obtain political results is largely limited to situations involving weak or tyrannical governments. American military power could have no influence upon states such as Iceland, Denmark, Norway or states of the European Community, which have a secure and robust democratic political culture.

The world in which we live is a complicated one, where we often find that, as I put it: “the best things and the worst things, they walk the earth in pairs.” Unless we are able to understand contrary things, we shall make no progress in interpreting the role of the US super-power. On the one hand it is a potential menace, on the other it is an essential backup for peacemaking in many situations in an unstable world. There are differences of opinion as to whether or not the USA and its allies should have intervened with armed force in the case of the occupation of Kuwait by Iraq, or in the use of bombing to reverse ethnic cleansing in Kosovo. There are however clear instances where peace could not have been restored without the support of the strong arm of US military power. Were it not for the American Air Force and succeeding vigorous diplomacy at Dayton, the Serb artillery might still be bombarding Sarejevo, and Serb forces occupying seventy percent of Bosnia, rather than the fifty percent allocated to Serb control by the international community.

In the case of the occupation of large parts of Egypt by Israel, it was only the powerful influence of the USA, operating through negotiations at Camp David, inspired by Jimmy Carter, that Israel was persuaded to withdraw. The criticism of subsequent United States policy in the conflict between Israel and the Palestinians has not been that America has intervened too much but rather that it should have exercised its great leverage with the government of Israel to intervene more decisively to produce a peace agreement.

The UN, whose arena of argument and legitimising decisions are quite essential to world order, lacks the military means to enforce its decisions when confronted by significant armed forces in opposition to those which the UN is able to deploy under its own control. Smaller blue beret units have successfully kept combatants apart where there is some agreement, but for major military tasks the UN has had to “piggyback,” usually from US forces. There is a great need for a thorough study of piggyback to examine ways in which the UN can hitch a lift from the US super-power to cross the river of armed enforcement and yet continue to retain control over policy and operations when they have reached the further bank!

In analysing the legal aspects of the US reactions to September 11<sup>th</sup> through the War On Terror announced by President Bush, Thornberry rightly emphasises the limits set by the doctrine of proportionality in self-defence, but his piece perhaps ignores the dilemma of leaders who see their country in clear and present danger from

a lawless attack. They are so conscious of the need to neutralise the attacking forces to ensure that further acts of aggression do not occur that they adopt a policy of "*salus populi ultima lex*" ("the safety of the community is the ultimate law"). This can be a recipe for tyranny in normal times, but is a necessary recourse of the leader of a state when it is being attacked on a scale which could threaten its whole national life. In such a situation, doctrines of the national sovereignty of other states may be pushed aside through hard necessity. One has only to think of what the US response would be if a terrorist group or even a terrorist state were to manufacture and detonate a suitcase atomic weapon in a US city. This is not an impossible scenario sometime in the future. The urgent need then would be to empower a World Atomic Police (possibly as part of the UN Atomic Energy Commission) with the ability to enter any country at will, arrest those possessing atomic materials for illicit use, try them in its own courts and detain them in its own prisons. Such an action would need the support of US military power, as well as that of Russia and members of NATO, but it would have to guard against the danger of turning the operation into one of US political dominance, or of allowing the atomic enforcement police to interfere in any other matter within the confines of a sovereign state. We should be faced with the need to give a particular agency complete power in one respect, and no power at all in others.

One of the papers dismisses almost with contempt the case for humanitarian intervention. Possibly the word has become too all-embracing an excuse for interference, but there must surely be cases from time to time where the behaviour of a ruler has become so vicious and so tyrannical that the ruler of the state has effectively become an international outlaw, against whom armed intervention should be used. One thinks of the beneficial invasion of the Tanzanian Army into Uganda, supporting the opponents of Idi Amin and putting an end to his brutal period of rule. The overthrow of Macias Nguema, the atrocious tyrant of Equatorial Guinea, through the intervention of Spanish and Moroccan forces, was another instance of legitimate intervention. The overthrow of "The Emperor" Bokassa through French supported intervention was another case of justified liberation. In Asia, the invasion of Cambodia by Vietnam may have had elements of national rivalry in its motivation, but the scale of the atrocities committed by Pol Pot and his regime in the killing fields amply justify this breach of national sovereignty. No attempt seems to have been made by scholars in the field of international relations and international law to

examine the criteria that might justify such an outlaw status of a tyrant in charge of the government of a country. The consequences of this kind of official condemnation would be so serious for the regime concerned that the criteria would need to be strictly and narrowly defined, but the need remains.

After reading the detailed and convincing arguments of Bulent Gokay on the scramble for oil concessions and control of pipelines in central Asia, one asks the question: “What is so special about oil that makes it into a commodity dealt with in a mercantilist rather than a free trade manner.” We have seen how previously powerless governments of Third World states have been able to enforce dramatically better prices for their oil and conditions for its exploitation, through the joint actions associated with OPEC and the ability of a state to take charge of its own resources, even when it has little or no military power. Why has this beneficial situation failed to occur in the states of the former Soviet Union? In the frenzied competition for pipelines also, one is left with a question of why a single pipeline cannot be used on commercial terms by a number of oil producers and companies, or in the last resort, why a number of pipelines cannot be laid down to connect a large oil field with seaports.

In looking at Dan Keohane’s account of Britain’s own stance on the American War Against Terror, one is struck by the ability of the UK government to combine opposite emphases in policy, where both the national and the international interests demand it. Britain has given support to the campaign in Afghanistan to smash the bases of Al-Q’aida and to hunt for Osama Bin Laden. At the same time, it has summarily rebuffed President Bush’s categorisation of Iran as part of the “Axis of Evil.” At the very moment when the entourage of President Bush is making dangerous noises about military action against both Iran and Iraq, Britain has gone out of its way to improve its relations with the government of Iran. It remains to be seen whether Blair’s hesitancy to join in military action against Iraq will convince President Bush that an invasion against that country would be an intervention too far.

In dealing with the US super-power, we have the difficult task of marrying Hobbes and Locke. The world needs a Leviathan to stop the war of “each against each” which causes so much suffering. At the same time however, it has to ensure that Leviathan himself is restricted to beneficial interventions and subjected to the checks of balance and international regulation. In situations of extreme emergency,

the US Leviathan needs sufficient autonomy to be able to impose peace upon rival states who threaten the peace. In the desperate need of averting a war between India and Pakistan over Kashmir, US good offices together with our own seem to have had some beneficial effect. The super-power status of the USA has lent weight to its arguments for peace. We live in a time when both balance and decisive action are needed.

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