

Editorial

Special Relationship?

We recently gave our attention to the strange mutations which have taken place in the British constitution as a result of developments in the alleged intelligence services. As we observed, their trade in intelligence proper has not always been attended by much success, but regardless of this disadvantage their influence has grown and grown.

It would not be unfair to remark that this process has been accompanied by another, not dissimilar: the never-ending continuity of the so-called special relationship, between Britain and the United States. This, too, has hardly been immune from the processes of change. It began with a rather different shape from its present one, but from lusty young robber to decrepit old monster, it has developed, with ubiquity, a distinct modesty, which means that it is hardly ever discussed objectively in its own right. True, permitted are endless rather flatulent commentaries in which the deep ties of consanguinity and linguistic affinity are hymned. But what it is all for, and how its mechanisms are arranged, is not a matter to discuss in front of the children.

If one studied official American military doctrine, one could be excused for failing to find any relationships, anywhere, but those of subordination. ‘Full Spectrum Dominance’ is still the official credo of the American military-industrial complex, and there, it might be thought, is an end of it. But Britain is perhaps unique among the dominated in seeking actually to celebrate its subordination. That is why it was so refreshing to hear Clare Short testifying before the Chilcot Inquiry.

When Sir John asked her if she had any comments to make on the re-evaluation of her experiences, which she had described with some candour, she said that she thought that her old Department of International Development had not been adequately involved; that the machinery of Government ‘has broken down quite badly’; and that the role of the Attorney General must be adjudged unsafe following his various pronouncements on the legality of the war. But then she added a fourth comment, braver than all the others, which broke new ground for the Inquiry. The fourth problem, she said,

‘is about the special relationship. We really need a serious debate in our country about what we mean by it, whether it is unconditional poodle-like adoration and do whatever America says, or whether we have bottom lines and we sometimes agree and we sometimes don’t and we use our influence

responsibly, and I think we have ended up humiliating ourselves and being a less good friend to America than we could have been if we had stood up for an independent policy.

But that's a bigger question, because you should see, when America asks for something, the Prime Minister and the Chancellor all get terribly excited and love America asking us to do something, and we really need to rethink that.

Those are my lessons.'

We have been seeing more than is usually visible of the special relationship of late. Firstly, Britain is about to enter a diplomatic shunt, if not something worse, on the vexed old question of the Falkland Islands. It is thought that much oil is about to be extracted, and the Argentinians are not unnaturally anxious, as once were the Scots, to have their share. Thirty-odd South and Central American countries have given their approval to this desire. Ever anchored in the special relationship, President Obama sits on the special fence which prevents him from untoward solidarity with his special ally. On this occasion, many of us will not disapprove of the President's choice. But all of us, whatever we think of the rights and wrongs of ancient British imperial acquisitions in the South Atlantic, have had occasion to see the other face of the special relationship, presented in David Miliband's application to the Lord Chief Justice of England and Wales, the Master of the Rolls and the President of the Queen's Bench Division to overturn a judgment in the case of Binyam Mohamed.

The Court of Appeal ordered that seven paragraphs written by an officer of the British Security Services on the basis of reports from the United States intelligence agencies, which the Foreign Secretary had sought to suppress, should now be published. These read as follows:

'It was reported that a new series of interviews was conducted by the United States authorities prior to 17th May 2002 as part of a new strategy designed by an expert interviewer.

It was reported that at some stage during that further interview process by the United States authorities, Binyam Mohamed had been intentionally subjected to continuous sleep deprivation. The effects of the sleep deprivation were carefully observed.

It was reported that combined with the sleep deprivation, threats and inducements were made to him. His fears of being removed from United States custody and "disappearing" were played upon.

It was reported that the stress brought about by these deliberate tactics was increased by him being shackled in his interviews.

It was clear not only from the reports of the content of the interviews but also

from the report that he was being kept under self-harm observation, that the interviews were having a marked effect upon him and causing him significant mental stress and suffering.

We regret to have to conclude that the reports provided to the Security Services [SyS] made clear to anyone reading them that Binyam Mohamed was being subjected to the treatment that we have described and the effect upon him of that intentional treatment.

The treatment reported, if it had been administered on behalf of the United Kingdom, would clearly have been in breach of the undertakings given by the United Kingdom in 1972. Although it is not necessary for us to categorise the treatment reported, it could readily be contended to be at the very least cruel, inhuman and degrading treatment by the United States authorities.’

The gist of these paragraphs had already been substantially published in the United States itself.

Previously we have reported the torture of Binyam Mohamed, and it is no longer disputed that he underwent a terrible ordeal. He was first held in Pakistan, thence rendered for eighteen months to Morocco, where his genitals were cut by scalpels whenever his interrogators took the whim. He was then taken to Afghanistan to the ‘dark prison’ in Kabul, where he was kept in total darkness, and endured other tortures for six months until he was transferred to Bagram, from where he was finally sent to Guantanamo for four years. All this, it might be thought, was a more than adequate experience of the special relationship.

From July 2008, Binyam’s appeals to the Courts brought judgments that the British authorities were involved in wrongdoing, and that the Foreign Secretary needed to disclose forty-two secret documents received from the Americans to Binyam’s lawyers. At this point, David Miliband claimed Public Interest Immunity. Publication would ‘undermine the war on terror’. There followed an extensive exchange, selections from which we publish below.

At last Lord Neuberger and his colleagues have unanimously agreed on publication of the criticisms of the British Security Services. Promptly three most senior British Ministers followed one another to denounce this judgment. Alan Johnson, the Home Secretary, said he was ‘deeply disappointed’ by the negative remarks made about the Security Services. ‘We totally reject any suggestion that the Security Services have a systemic problem in respecting human rights,’ he said. ‘We wholly reject, too, that they have any interest in suppressing or withholding information from Ministers or the Courts.’ Mr. Miliband, hot from seeking the suppression of precisely the information in question, added his voice in the

same vein. We also heard from the Prime Minister, robustly defending his intelligence men, heroes all. All feared jeopardy for the special relationship, in that, through promiscuous telling of the truth, the American willingness to exchange intelligence might be impaired.

Some of us think that this impairment might be very helpful, both in

Special intelligence relationship

In paragraph 93 of its judgment dated 10th February 2010, the Court of Appeal cited the views of an experienced former US official, Morton Halperin, on the intelligence relationship between the United Kingdom and the United States.

The court received a declaration dated 7th March 2009 from Morton Halperin, who had served three previous US Presidents (Johnson, Nixon and Clinton) challenging the notion that the US Government would review its communication of intelligence to the UK Government if the redacted paragraphs were released into the public domain. In his declaration, Mr Halperin explained that he had been 'exposed to the intelligence relationship between the [US] and the [UK] at the highest levels', most recently between 1998 and 2001, as director of Policy Planning Staff at the Department of State. He described the intelligence relationship between the two countries as 'unprecedented in its interdependence and depth' and 'staked on mutual trust and commitment to open dialogue and communication' for more than 60 years. He emphasised the benefits to the US, as well as the UK, of this relationship. He pointed out that both governments 'have always understood that the commitment to keep secret what was provided by the other could not be an absolute commitment', and referred to requests made under the Freedom of Information legislation, the fact that both governments understand that 'some information may reach the press and the public by leaks' and the fact that they 'also understand that courts in both countries have the right to order the disclosure of information under constitutional or statutory procedures'. He said that 'while the US government would expect the UK government to resist disclosure of classified information in this proceeding', 'a respect for the rule of law would prevent the US government from taking umbrage at a reasoned decision by a UK court finding that public interest demands disclosure of information regarding [Mr Mohamed]'. He also referred to cases where US courts had ordered disclosure of 'classified information obtained from foreign sources'.

Britain and America. Intelligence which ‘beyond doubt’ pinpointed the (non-existent) abundance of weapons of mass destruction in Iraq might better not have been shared, we heretically think. How much torture went into the preparation of the various British allegations, and how far were our American cousins involved in applying the necessary water boards? The sum total of human happiness might have been notably improved by the cessation of such intelligence gathering, and the obviation of any need to share its results. Creative interpretation of those results (‘the intelligence and facts were being fixed around the policy’) would also be eliminated by this beneficial change, were it ever to happen.

But disgusting though these depredations have all been, that is not the only disadvantage of the special relationship. It remains a symptom, not a cause. What has been happening is that over a long period of evolution, as the American military potency has increased, so the subordination of the allies has been augmented. Now the Britons are called upon, not for superior strategic counsel and manly example, but for a wide range of mercenary functions. We are still allowed to supply fodder for the imperial cannons. The cardinal virtue of subordinates in this relationship is now obedience, and the qualifications required by their statesmen are found predominantly in a dozen schools of sycophancy.

So Clare Short is right. It is time to talk about the special relationship. As Britain enters a General Election, this may indeed give rise to a deafening silence.

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The Washington Post (Friday March 19th 2010) reports some unease about efforts to persuade senior officials of the Bush administration to brief the Chilcot Inquiry about their perspective on the war.

‘We’re hearing that the response from Bush administration folks has been decidedly cool, even though the panel apparently is willing to do the interviews in private, specify the subject areas in advance and accept statements on background, without naming names.’

The *Post* continues by saying that it has been the general view that

‘while everyone was free to talk, “it was not right for American officials to be subject to a foreign investigative body”. Former national security adviser Hadley, for example, was said to have been among those voicing a strong disinclination to participate.’

Wryly, the comment of *The Washington Post* is that there is 'still plenty of time to sign up!'

Evidently the Chilcot Inquiry fears that the hearing of foreign witnesses could be embarrassing. Sir John has declined to invite Dr. Amir Al Saadi to submit oral evidence, although he would accept written evidence if Dr. Al Saadi wished to submit it. Dr. Al Saadi was responsible for the preparation of the 12,000 page declaration submitted by the Iraqi Government in response to Resolution 1441 of the Security Council of the United Nations.

Although the Iraqi evidence was summarily dismissed by senior spokesmen of the Anglo-American alliance, including Jack Straw, subsequent events have revealed it to have been very much closer to the truth than the official view entertained by the British and American Governments. The special relationship is clearly well designed to get us into difficulties with the truth, but not the least of its advantages is that it can be suspended when necessary to avoid the subsequent problems which then arise.

Ken Coates

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May Day Greetings

**NATO troops out
of Afghanistan**

Billy Hayes
General Secretary

Jane Loftus
President