

Terrorist proscription, self-determination and human rights. Criminalising movements, criminalising solidarity?

In her book "On the Political" Chantal Mouffe examines how "democratic politics" is presented and understood. In doing so she finds something rotten in our understanding of democracy and how it has been manipulated and misrepresented to give us an increasingly hollow, meaningless and unrepresentative political system. Today we are presented with a notion of democracy characterised by a simplistic "end of history" one size fits all notion of doing politics promoting a single form of consensual (at least among those admitted to the club) political and economic organisation by which all must be measured. It is a form of toothpaste politics and economics. It allows the packaging to be as imaginative as the marketing executives and spin doctors can make it as long as the stuff coming out of the tube is essentially the same in all cases. In this globalised neo-liberal democracy real conflict and its resolution has been taken out of the debating chamber. Agendas are set by unaccountable international organizations and imposed on the weak by the strong in alliance with local oligarchs. As the opportunity for meaningful participation in, or influence over, the political systems that govern us wanes so people will traditionally turn to alternative means of making their feelings known, defending their rights or fighting a cause. Alternatively they will opt out of the system and live quiet unquestioning lives as happy consumers in front of their television sets protected from the unpleasantness going on "out there". The rights and freedoms we have today, or had, were the product of fierce struggle rather than something given willingly and then tolerated only as long as they were useful, especially as a propaganda tool. The collapse of the Soviet Bloc ironically laid the way for an assault on these rights and freedoms

laying the foundations for a neo-feudalist future. One of the enabling forces in this process has been “terrorism”.

Terrorism existed as a contested concept well before 2001 performing a useful propaganda function in terms of delegitimising the actions of certain aggrieved parties. It was also useful for scaring populations into accepting special security measures to protect them from those who people were told, given a chance, would bring their happy way of life to an end. As we are all aware there is conveniently no agreed universal definition of terrorism - a situation in itself which is quite useful – except perhaps when it comes to law. One of the overlooked reasons I think for this is that there is no such concretely identifiable thing as terrorism; that is in the sense of a universally agreed definition. Rather than buying into the idea of terrorism as a profession, or an easily identifiable act, we should see it rather as primarily a discourse. As a discourse terrorism becomes a useful tool. To label an action or actor as “terrorist” is to place it beyond the pale. For anyone, especially a public figure, to suggest that any individual or group which has been officially labeled as “terrorist” may have a point or justice on their side is generally to commit professional suicide. For a government or politician to successfully label an individual or group terrorist is to deligitimise that individual or group in their entirety among the majority of people. It also sends a message to media about how they are expected to report such matters. Whether intended, or not, this often has the effect in the public imagination of demonising a whole people. Where the political aspirations of a whole people are branded terrorist then almost by default that people becomes suspect.

Where an organisation representing those aspirations is subject to banning then that community is effectively criminalised.

While George Bush Junior was not by any means the first US President to appoint himself judge and jury in identifying the "terrorists" "out there" he has perhaps had the luxury of being the first President to have internationalised economic and political support for the spirit if not the letter of his crusade against evil doers everywhere. In creating a simplistic friend enemy scenario in which there is no room for fence sitting the simple act of considering the others view point may make one suspect.

States can now appeal for international aid and assistance in dealing with their turbulent populaces. The legitimacy of the cry for help in crushing the "terrorist" uprising and the international assistance offered is likely to be less based upon an objective assessment of the situation and more on the status of the appealer. Most states today profess to operate something broadly identified as a "free market parliamentary democracy" featuring a diverse array of parties all offering broadly the same product but in a unique package. Anyone rejecting the product is effectively barred from the game. Reasonable topics of discussion are predetermined. Parties select their candidates based upon loyalty to the creed and leadership. To attempt to rock the boat, especially where this has popular support, is likely to end in novel forms of vote rigging, not so subtle legal action to

emasculate dangerous political entities; or if need be brute force to defend the unconscious best interests of the people.

It is pretty self evident that rather than making the world a safer place so-called antiterrorism legislation securitises society, it creates an atmosphere of fear and suspicion in which any dissent or independent thought is potentially subversive. It also creates a situation in which legitimate resistance in response to persecution is likely to be branded as terrorist.

The situation of the Kurds is particularly revealing. The victims of decades of Realpolitik and betrayal by the international community the Kurds are subject to highly flexible, bizarre and down right contradictory treatment. When it is has been convenient the Kurdish plight has been milked for all it was worth. This was perhaps most notable after Saddam Hussein's fall from grace when suddenly his crimes against the Kurds of Iraq became a useful justification for regime change. The equally oppressive situation experienced by Kurds living in the Turkish area of Kurdistan however did not draw the same sympathy. Arguably culturally and linguistically the oppression faced by Turkish Kurds was more extreme than that suffered by Kurds in other parts of the Kurdish region. Kurds in Turkey have been actively defending their rights in Turkey for more than two decades under the leadership of the Kurdistan Workers Party, the PKK. Formed in the 1980's as a resistance to the quasi parliamentary Turkish states persecution of the country's Kurdish population the PKK spent many years actively confronting the Turkish

military. However, this military strategy was accompanied by an increasingly sophisticated and pragmatic desire to achieve for the Kurds within Turkey the same basic rights enjoyed by most Europeans – namely the right to speak their own language and to be free to observe their own cultural practices as Kurds. The PKK repeatedly began unconditional ceasefires and pleaded with the international community to support a negotiated settlement to the conflict. The silence from the international community has been startling extending to little more than calls for the Kurds to reject the PKK as their chosen political representative. The PKK was added to national and international lists of banned “terrorist” organisations effectively making a large part of the Kurdish diaspora “terrorist” suspects through their membership or sympathy for the organisation. For a people whose identity has criminalised them at home and left them subject to persecution and death for professing it to be criminalised again in exile is both ironic and a betrayal. In this situation it is clear that relations with the Turkish military state take precedent over the well documented oppression of that countries Kurdish population and its aspirations. Amazingly the Kurdish Question is all but ignored in that country’s EU accession process. By branding the PKK a terrorist organisation the Turkish state can call on its allies to help crush the Kurdish people’s hopes of redress. By accepting Turkey’s branding of the PKK the international community can abdicate responsibility for contributing to a peaceful solution and use this terrorist branding to justify the repression of the Kurdish community throughout Europe. This can be seen especially clearly in Germany where raids on Kurdish organisations by the state and deportations of Kurds to Turkey at the request of Turkish authorities are common place. Recently Germany banned Roj TV, the Danish based Kurdish satellite TV station that transmits to Kurds

globally and is an important tool for Kurds in breaking through Turkey's dominance of information on the Kurdish struggle. By branding the cause, the organisation and the people who support it "terrorist" the Kurdish community as a whole becomes suspect and is effectively criminalised. Under this smokescreen Turkey can pose as the aggrieved party and is left to pursue its violent solution as a policing action against "terrorists".

Avenues for opposition and resistance are being subjected to increasingly harsh controls. We are told these restrictions and curtailments to our freedoms are necessary to ensure our security and safety. We are encouraged to use the "official channels" and existing legal means at our disposal to challenge what we don't like. At the same time the penalties for using traditional forms of resistance are becoming increasingly severe. More worryingly even legal organisation is becoming "suspect" and freedom of speech is equated with thought crimes at best or seen as lending succor to those officially proscribed as "terrorists". As anyone who is familiar with the FBI's long running Cointelpro (a programme of the US state designed to disrupt and destroy the work of citizens organisations considered suspect or subversive of the status quo) will know the desire of states to control the legitimate activities of their citizens is nothing new. However, such activity has generally been illegal and conducted covertly. At least where an organisation had been subject to illegal state activity then at least there may be the possibility of some form of legal redress. However, where a self proclaimed liberal, or neo-liberal, democracy has introduced legislation designed to make solidarity action, or

certain forms of political activity, or certain forms of intellectual activity illegal there is no comeback – except to try to appeal to some higher moral norm. The illegalisation of organisations and their effective strangulation through legal means and the introduction of legislation designed to make their work impossible is therefore very worrying.

It is not only particularly vulnerable refugee communities who are being targeted. Recent years have seen environmentalists, anti-war activists etc targeted by draconian usage of legislation sold to us as essential in the struggle we are told that needs to be waged to protect us from those who would deprive us of the right to life and liberty. Showing solidarity with the oppressed has also become subject to risk where charges of sympathy for - or promoting - a terrorist organisation may incur stiff penalties and whether intended or not is likely to isolate exiled communities further due to the risk of guilt by association.

At the end of the day there will always be people who are not served, for whatever reason, by the state under whose jurisdiction they live. Be the reason one of ethnicity, creed, politics, language, sexuality etc. In such circumstances it is likely that those affected may have to seek sanctuary from persecution elsewhere and will be dependent on the sympathy and support of fellow humans. It is also likely that in such circumstances those forced to flee will be an embarrassment to the authorities who are persecuting them. Previously this is something that these authorities may just have had to tolerate or had to

employ their own illegal extra judicial solutions to control unwanted presences. However, today a host of new legislation makes it easy to criminalise a whole array of activity which would previously been an issue of freedom of speech and association.

The world of animal rights activism has been subjected to a long and unconstrained attempt to criminalise the entire movement - largely as a result of the success of the novel, but legal, campaigning and direct action techniques many animal rights organisations have employed. It is taken as pretty much the norm by animal rights activists that they can expect to have their homes violently entered by state security forces, and their personal belongings including computers, mobilephones, clothing etc confiscated and be subjected to draconian court orders controlling an individuals movement, contact etc. The shocking raids carried out recently in Austria against mainstream animal rights organisations are just one high profile incident in a catalogue which for activists in Britain has become pretty much part and parcel of what you can expect if you are involved in anything more radical than the WWF or RSPCA.

The issue has a further dimension that of mission creep where legislation demanded to save us from the bogeyman of terror has been added to the arsenal of the security services and local authorities. Legislation, such as the Regulation of Investigatory Powers Act (Ripa), introduced on the grounds it was needed to fight serious crime has been co-opted

by local authorities to carry out wide ranging surveillance to detect petty offences. (For some examples see <http://www.indymedia.org.uk/en/2008/06/399991.html>)

While it may be possible to argue about the genuine intent behind anti-terror legislation its effect is less difficult to understand for what it is, and that is dangerous. On the one hand activities which were once legal, albeit a nuisance to the target but the price of democratic politics, have been proscribed along with organisations. This has had the effect of excluding and criminalising political positions and issues making conflict resolution less likely. On the other hand a range of legislation which we are told is essential to protect us from those who would destroy our way of life has the potential to do just that. From the use of anti terror legislation against legitimate extra-parliamentary pressure groups to the use of surveillance to ensure the good behaviour of the population and ensure their thoughts are pure and their taxes are paid. This creeping control is perhaps the most pernicious as its use creeps unnoticed and becomes normalised by which time it is unlikely to be repealed.

While we may not be the classic Orwellian totalitarian state yet the potential and the ground work is there to significantly further securitise our way of life. The closing down of avenues through which injustice may be addressed inevitably leads to the alternative forms of resistance. Mouffe argues against the grand project for a global neo-liberal world warning of the inherent danger of a political system which sets out to exclude those

that do not conform to its eco-political ethos. Instead there is a need to encourage societies in which a healthy level of debate and disagreement can take place. It might be ugly and unpopular but it upholds the notion of freedom of expression and reduces the likelihood that the aggrieved will have to resort to unconventional means to be heard or seen. Antiterrorism legislation is having a detrimental effect on society. The problem is that the political and economic systems today dominant in the world are not based on sharing fairly either economic or social goods. It is easier to securitise the problems that neo-liberal democracy brings than to open up to a more inclusive and perhaps more honest warts and all form of democracy which embraces genuine difference.