

How to Look Good in a War

Justifying and Challenging

State Violence

Brian Rappert



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Abbreviations

APM	Anti-personnel mines
BBC	British Broadcasting Corporation
BTWC	Biological and Toxin Weapons Convention
CCM	Convention on Cluster Munitions
CCW	Convention on Certain Conventional Weapons
CIA	Central Intelligence Agency
CMC	Cluster Munition Coalition
CWC	Chemical Weapons Convention
DfID	Department for International Development
DIME	Dense inert metal explosives
EU	European Union
FCO	Foreign and Commonwealth Office (UK)
FoI	Freedom of information
ISC	Intelligence and Security Committee (UK)
ICRC	International Committee of the Red Cross
IHL	International humanitarian law
IRI	International Republican Institute
JIC	Joint Intelligence Committee
MoD	Ministry of Defence (UK)
MoH	Ministry of Health (Iraq)
MP	Member of Parliament
NATO	North Atlantic Treaty Organization
NGO	Non-governmental organization
NPT	Treaty on the Non-Proliferation of Nuclear Weapons
R&D	Research and development
US	United States of America
UK	United Kingdom
UN	United Nations
WHO	World Health Organization
WMD	Weapons of mass destruction

Preface

This book is the product of over ten years of engagement with efforts to limit the humanitarian harms of conflict. That path began with a chance opportunity to take part in the Amnesty International (UK) Working Group on the Arms and Security Trade. Since then, my thinking and practice has benefited from experiences with many individuals and organizations.

The work conducted for this book could not have been undertaken without the assistance of many people. My particular thanks to Brian Balmer, Eitan Barak, Carole Boudeau, John Borrie, Maya Brehm, Robin Collins, Catelijne Coopmans, Simon Conway, Stuart Croft, Bonnie Docherty, Malcolm Dando, Chandré Gould, Alastair Hay, Peter Herby, Iain Lang, Susan Maret, Brian Martin, Linsey McGoey, Thomas Nash, Kathryn Nixdorff, ‘A.N. Other’, Margarita Petrova, Elvira Rosert, Ben Rusek, Ken Rutherford, Andy Stirling, Seb Taylor, Susanne Weber, Virgil Wiebe, Steve Woolgar, and Steve Wright. A special thanks to Giovanna Colombetti for, well, so much. A special thanks to Richard Moyes as well. I have had the good fortune to work closely with several inspiring people over the course of my career. Richard has been a steadfast colleague and friend in investigating the machinations of statecraft.

How to Look Good in a War has been informed by work undertaken with disarmament and human rights groups such as Action on Armed Violence, Cluster Munitions Coalition, Landmine Action, and Pax Christi (Netherlands). I conducted dozens of presentations related to the themes of this book, at forums such as the Biological Weapons Convention, the Certain Conventional Weapons Convention, the Oslo Process, and the UNIDIR’s Discourse on Explosive Weapons Project. My thanks to all those that participated in these events.

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Introduction: Grasping Shadows

The scene: On November 17, 2004, the British Foreign Secretary Jack Straw stood before the House of Commons to offer a latest statement on the conflict in Iraq. As with so many others, this one was given at a time of turmoil. Continuing attacks by insurgents and terrorists, the recent US siege of Falluja, and the extensive fighting in Najaf were just some of the events casting doubt on the security situation in the country.

Argument 1: Against concerns about deaths to civilians resulting from UK and US Coalition forces, the Foreign Secretary sought to reassure those listening:

The basic obligations under international humanitarian law as regards civilian casualties in an armed conflict are set out in additional protocol 1 to the Geneva conventions ... In particular, indiscriminate attacks are prohibited, and this includes any

‘attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated’.

This obligation under international humanitarian law has been fully complied with by the United Kingdom in respect of all military operations in Iraq.¹

This assurance was being offered specifically in response to a study that appeared in the medical journal *The Lancet* estimating some 98,000 more Iraqis had died since the start of the war than would have in the absence of it.²

Argument 2: Straw responded to this study, not by offering an official British number, but rather by countering the suggestion that any estimation was feasible at all. As he said, ‘In many cases it would be impossible to make a reliably accurate assessment either of the civilian casualties resulting from any particular attacks or of

the overall civilian casualties of a conflict. This is particularly true in the conditions that exist in Iraq'.³

Taken together, these two arguments formed a rather curious stance: on the one hand, it was stated that the UK was entirely complying with its international obligations to ensure attacks would not cause civilian harm in excess of their military advantage. On the other hand, and in almost the same breath, it was said that it was not possible for the British government (or anyone else) to determine civilian casualties reliably.

More curious still was how the notion of 'reliable' was subsequently characterized in his statement.

Argument 3: While Straw said it was 'impossible to make a reliably accurate assessment of civilian casualties', he also contended that the hospital reports compiled by the Iraqi Ministry of Health – indicating that there were 3,853 *civilian fatalities* from the military or terrorist actions between April 5, 2004 and October 5, 2004 – were the 'most reliable available' figures.

So it was both impossible to derive reliable tallies and possible to specify the most trustworthy ones.

Although the Foreign Secretary seemed not to recognize any friction between these parts of his statement, it is possible to identify some: How could international humanitarian law have been adhered to in the absence of the information about the consequences from UK military actions? Was the UK arguing that its obligation to avoid attacks that 'may be *expected*' to cause disproportionate harm meant it did not have to gauge its actual battlefield experience? What did it imply for the standing of the law if, amid decries of suffering, a senior minister could declare it had been fully complied with while also openly admitting it was not possible to do what was called for by the law? Was there, perhaps, some unspoken detail or coded significance in his statement that could unlock what was really said? What, precisely, did the term 'reliable' mean anyway?

With regard to Iraqi deaths, this is just the start of questioning. As examined in Chapter 2, subsequent press leaks and freedom of information (FoI) requests gave grounds for distrusting the doubt expressed by Straw. These suggested that, behind the scenes, civil servants were seeking to foment ignorance about Iraqi civilian fatalities as a counter to the stark estimates published in *The Lancet*. Certainly many groups at the time were undertaking steps

to establish the numbers of deaths rather than resign themselves to Straw's apparent hopelessness. And yet, the glimpses given by FoI disclosures provide only partial pictures of what was taking place within the corridors of Whitehall, ones that can be questioned for what they conceal as well as what they reveal.

How to Look Good in a War seeks to understand the moves and machinations by states and others to depict the use of violence. The imagery of clutching shadows evokes the mindset for what follows. These are sometimes murky areas where questions of candor, secrecy, evasion, and much more besides loom large. As a result, attempting to lock in a firm grip on the facts brings its own dangers in misjudging what is within one's reach. As will be contended in later chapters, trying to understand the highly politicized issues of this book requires questioning many of the conventional assumptions and preoccupations that delimit media coverage, legal opinions, political commentary, and academic analysis.

However, more than setting out a history, *How to Look Good in a War* offers strategies for intervention. In doing so, it seeks a forward-looking agenda for scholarship and action, one that calls for rethinking the intersection of politics, law, campaigning, and technical analysis. In particular, I want to consider how moving from the typical preoccupations with establishing facts and attributing blame could usefully give way to meditating on how facts are established and how blame is attributed in the first place. That is, I want to attend to how we know what we know in order to provide new possibilities. Alternative approaches for handling evidence, uncertainty, absences, and the onus for proof will be advanced in order to hold states to account for their use of force.

IN THE MIX: KNOWLEDGE, IGNORANCE, DISCLOSURE, AND CONCEALMENT

Although evocative, the imagery of shadows brings its own dangers. The division suggested between light and dark can lend itself to simplistic and polarized thinking. It is all too easy to treat knowledge and ignorance as opposites, as with disclosure and concealment. Once pitted in this way, moral evaluations readily follow on. Other things being equal, knowledge is generally preferred to ignorance in modern times. While there might be contrasting judgments about what counts as appropriate disclosure by governments in matters of national security, the terms of the debate are typically cast in the

language of needing to strike the right balance between openness and closure.

As will be argued throughout this book, such a way of thinking is highly restrictive. It closes off insights and imagination. Instead of pitching knowledge–ignorance and disclosure–concealment as opposites, it is necessary to ask how they are interrelated: the distinction between the two can blur, one can serve as a precondition for the other, and they give rise to each other.

Take knowledge and ignorance, for instance:

- The production of new facts often identifies new uncertainties and unknowns.⁴
- Assertions of unawareness amount to some claiming to be conscious of what others are not.⁵
- The decision to find out about some things can result in forgoing different possibilities. That, in turn, leads to the creation of blind spots in our understanding.⁶ In this respect, each way of understanding the world ‘is a sort of searchlight elucidating some of the facts and retreating the remainder into an omitted background’.⁷
- As some people come to be in the know, this has implications for the relative knowledge of everyone else.
- Some of the most valued forms of knowledge consist of appreciating the limits of what is understood.⁸

Once this fluid intermixing of knowledge and ignorance is recognized, straightforward evaluations are difficult to sustain. Ignorance need not be treated as deficiency; rather it can be seen as a conjoined twin to, an inevitable product of, and a reason for, the search for knowledge.

Likewise, concealment and disclosure are not simply opposites. Every revelation has its end. Disclosures are always partial. Without limiting what is said and placing into the background certain considerations, communication itself would be impossible.⁹ Just what counts as ‘concealment’ versus ‘disclosure’ is relative. Across nations, for instance, the release of the same information by government officials might be varyingly interpreted as openness or closure. What counts as concealment or disclosure is often relational too, as what is made present shapes determinations of what is absent. As the meaning of what remains unsaid often must be interpreted from what is said, so too does the meaning of what is said get interpreted in relation to what is not. To add another

twist, disclosure can work to conceal if it functions to mask what is not disclosed.

Recognition of the interrelation of knowledge and ignorance as well as disclosure and concealment is particularly important regarding matters at the center of this book: deaths to non-combatants, assessments of security threats, debates about the appropriateness of weaponry. Rather than being characterized by data vacuums or surpluses, these topics are notable for the circulation of fragmentary information wherein attention to what is missing is often evident. Especially with the emphasis attached to 'open government' in modern times, officials often shift between circulating and retaining information. Yet the very language used to describe the human cost of conflict – terms such as 'collateral damage' – is regularly questioned regarding how it obscures (and for many intentionally obscures¹⁰) suffering. It is within this overall complex mix that the accountability of states must be redressed.

SECRECY AND TRANSPARENCY

When knowledge–ignorance and disclosure–concealment are treated in a fluid manner, then it is possible to rethink terms like secrecy and transparency.

Secrecy

Secrecy is perhaps most often defined as intentional concealment.¹¹ Secret keeping then is a matter of *blocking* access and communication – achieving the opposite of disclosure.¹² The image of a water tap being turned off suggests what is entailed. The history of war is replete with attempts to hide. With varying success, the formula for Greek fire in the sixth century BC, maps of the 'New World' in the sixteenth century, and the design of atomic and nuclear weapons in the twentieth century were all subject to fierce efforts at suppression.¹³ In past decades, governments in countries such as the UK have been noted for their comparative impenetrability to outside scrutiny, particularly in relation to its intelligence and military agencies.¹⁴ 'Secrecy about secrecy' has characterized the British way.¹⁵

When secrecy is taken as the opposite of revelation, then those considering what information should be released are faced with a predictable – if often difficult – question: What is the right balance between openness and closure, secrecy and release?¹⁶ The public's right to know and the state's need to restrict are set against each

other. In the years that followed 9/11 many countries (most notably the US) witnessed decisive shifts in the judgment of where the proper balance rests.¹⁷

Even thinking of secret keeping as blocking though, not everything is as straightforward as it might appear. Openness can be a way to enhance secrecy. Soviet censors were not only schooled in taking away information, but also at using its selective release as a means of distraction and disguise.¹⁸ They were, or are, hardly alone in this respect.¹⁹ In matters of statecraft, the 'truthful, well-weighted answer that tells the blacker lie' has a long history.²⁰ Making sense of what is said and what is not is always bound up with beliefs about how to decode and what needs decoding in the first place.

By way of further developing a sense of what secret keeping entails, its *transformative* dimensions need to be acknowledged too. It is bound up with the creation of individual identities and organizational relations.²¹ Entrusting some with information is to undertake a process of exclusion and inclusion. Those sharing in the secret are set apart from others as being particularly worthy, capable, etc.²² If the unexposed learn of their exclusion, the distinction is sharpened.²³ Secrecy in this sense both indexes authority and provides a basis for it.

However, because hiding can be countered by telling, selling, stealing, and leaking, those who rely on the possession of secrets to enhance their reputation typically need to replenish ones lost.²⁴ It is little wonder that state agencies often try to limit access to what might otherwise be regarded as the trivial or the mundane.²⁵ The potential for secret keeping to set some apart is not simply determined by the content of what is restricted, but rather on the expectations surrounding what it means to be 'in the know'.

But more than this, those deemed in-group can establish what should count as a secret in the first place. As Balmer notes, operating away from public scrutiny has enabled government officials to classify, reclassify, and re-reclassify information by giving shifting arguments about who the enemy is, what they are deemed capable of, and how information is of use to them.²⁶

The transformative aspects of secret keeping are also evident in the way it is part of producing cultures, identities, and ethics. A theme of the study of military research establishments is that they often operate with 'weapons cultures' that distinguish them from those of similar civilian establishments.²⁷ Contrary to standard thinking, secrecy can act as a useful management technique in such settings by channeling ideas.²⁸ It is also part of the dynamic shaping

the ‘moral economies’ of organizations for how weapons-related research is justified.²⁹ Thus, assessing the appropriateness of secret keeping is inevitably bound up with judgments about the very rationales for such organizations.

Taking the rethinking of secrecy to its extreme, secrecy can be a means of *exposure*. Although somewhat counter-intuitive, this directs our attention to how the relevance of something hidden often derives from 1) that hiding being known and 2) what was once hidden becoming known.³⁰ So, while it is difficult to imagine something that is absolutely concealed, it is also difficult to see what relevance it could have in political life. That which is completely unknown is socially sterile.³¹ Secrets are not empty spaces, but achievements negotiated over time. It is necessary therefore to consider what is shared how, among whom, and why through secrecy – this rather than just what is restricted, how, from whom, and why.

Along these lines, it is possible to note that even in relation to matters of national security, secrets can ‘announce their own existence’.³² This is so because concealing leaves traces. Maintaining total secrecy requires keeping secrets secret, and sometimes the secret of secrets secret. This is not only taxing, but also often unwanted since state officials regularly use the appeal to the privy to bolster their legitimacy and diminish that of others.³³

Such ‘open secrets’ (where it is appreciated that something is deliberately withheld, but not what) contrast with ‘public secrets’. The latter can refer to the elephant in the room – ‘secrets’ that are widely known but rarely overtly commented upon. Memories of rape in war, for instance, can be both widely acknowledged but never mentioned.³⁴ It is this dual quality of being present and absent, as well as remembered but unspoken, which makes it so difficult for survivors to come to terms with their past.

Transparency

If secrecy factors into knowledge–ignorance and disclosure–concealment in complex ways, then the same can be said of what it is often contrasted with: transparency.³⁵ Today, Open Government is typically treated as a sign of good government.³⁶ Making the inter-working of the state clearly visible is taken to reduce inefficiencies, nepotism, and corruption. ‘Regulation by revelation’ ensures accountability.³⁷ As with secrecy, officials can cite efforts towards openness in the pursuit of legitimacy.

However, as with secrecy, not everything is as straightforward as it might first appear. What is touted as serving democratic control –

for instance, the introduction of FoI procedures – can be said to give only the appearance of transparency.³⁸ The limits of what is made clear distinguish the genuine from the illusory. The failure to achieve transparency need not simply result from a lack of openness though. If useful information is not made available in a manner that enables people to understand it, then openness can be irrelevant or even counterproductive.³⁹

Following this logic further, efforts at transparency can result in *concealment*. Being clear – but on a restricted range of issues – can be used not only to divert attention, but also to create false understandings.⁴⁰ Arms control NGOs have been criticized, for instance, for attending to ‘the risks of exports to the South rather than processes of Northern militarization’, and thereby fostering a dubious openness about the arms trade.⁴¹ ‘Avalanching’ individuals with immaterial information that they cannot find their way through has long been used by resource-rich organizations to disclose while remaining opaque.⁴² Furthermore, when government agencies adopt transparency measures this can be accompanied by formal and informal attempts to discipline communications inside.⁴³ What is done in the name of transparency can easily blind.

The previous paragraph directs attention to how transparency – like secrecy – should be examined for how it is done in practice. It can be questioned regarding what is not done through what is done, as well as for how what is made clear obscures.⁴⁴ To the extent it is realized then, transparency is a negotiated accomplishment achieved through mechanisms that simultaneously produce non-disclosure and shape expectations of what counts as being transparent in the first place.⁴⁵ As Power warned, ‘Giving an account is seen to be a way of avoiding an account’ when that giving deters ‘public curiosity and inquiry’.⁴⁶ Later chapters will suggest how frequently this charge could be leveled at the bureaucratic machinations that legitimize force.

An example of how transparency is accomplished while being avoided is given in Chapter 1. This looks at one of the most contentious aspects of the justification for the 2003 Iraq invasion: whether intelligence about Iraqi ‘weapons of mass destruction’ (WMD) was distorted in the build up to the war. Central within this chapter will be the principal British investigation into the government’s portrayal of WMD, namely the ‘Butler Inquiry’. As will be argued, both the Inquiry’s report and its press and parliamentary reception were tension ridden. Within each, multiple and conflicting

claims were given about what had been demonstrated through the Inquiry and what was beyond confirmation, as well as what had been put into the public domain and what was held back. However, almost no explicit recognition was given to such conflicts in political debates – instead they were preoccupied with assertions of ‘spin’ or ‘no spin’ made as part of blame games. So, despite the debate about WMD-claims raising questions regarding accuracy and distortion, how accuracy or distortion should be established in the first place was not treated as a matter of importance. Yet it was the subtle shifting between different ‘hows’ that defined and ultimately stifled political debate.

In short then, this Introduction has suggested that the pairs of knowledge–ignorance, disclosure–concealment, and transparency–secrecy are not opposed: they can coexist and each finds something of itself in the other. It is not simply that what appears as a frank revelation on the surface can actually mask a darker truth. In some ways, these pairings are inevitably implicated in one another. When the talk of surface, depth, appearance, reality, facade, inside, etc. is taken as referring to stark opposites, this can hinder appreciating what is taking place.

Once we commit ourselves to investigating this complexity, it follows that any evaluations made of statecraft cannot rely on simple stock equations such as: secrecy = bad, transparency = good.⁴⁷ That does not imply indifference or merely reversing common moral judgments. Instead, it calls for attending to details of particular issues and making any judgments in relation to those specifics.

Chapter 2 illustrates this in relation to aforementioned disputes about Iraqi deaths resulting from the 2003 invasion. To undermine the comparatively high estimations offered, the British government repeatedly spoke about why the number of deaths could not be known reliably. By drawing on materials obtained under the UK Freedom of Information Act, this chapter contests the (in)actions of government. I provide grounds for arguing that not only did the UK undertake little effort to gauge civilian deaths, but the officials embraced – if not deliberately manufactured – ignorance and ambiguity as a way of diverting, deflecting, or denying alarm. And yet, this chapter also considers the complications and tensions associated with knowing about ignorance, and in particular how the analysis of ignorance risks fostering it.

FURTHER TURNS

In line with the last comment, to take the claims in the previous two sections seriously means not only acknowledging their bearing for statecraft, but also for their study of statecraft. That is to say, *How to Look Good in a War* itself must be understood in terms of how its arguments are potentially implicated in the production of knowledge and ignorance, as well as entailing disclosure and concealment. There is no escape from this condition. Certainly the self-declared intent of an author is not enough.

All too often academics, policy commentators, NGOs, and others who investigate matters of security (or much else besides), depict themselves as the discoverers of the occult, rather than dabblers in its art.⁴⁸ This is as regrettable as it is pervasive. Whether it is because of what is studied, what is highlighted, what is left out, how uncertainty is handled, what background knowledge is drawn upon, or many other considerations besides, analysis cannot properly be conceived through only the positive connotations associated with the terms knowledge and disclosure.

To do so would hazard many dangers. One is the previously mentioned problem of overestimation. If there is anything that the study of organized violence demands, presumably it is a sensitivity to its limits. Chapters 1–3 recount intense efforts by politicians, journalists, activists, and others to lock onto the definitive truth about major areas of controversy associated with the Iraq War and other past conflicts. Yet, it is the contention of this book that if such efforts would have attended to how what was known was known, they could have been more fruitful. A second danger is that commentators can end up wrapping themselves in the prestige and mystique of the ‘exposure’ they are questioning in others.⁴⁹

Another reason to avoid treating the telling of secrets as innocent is the danger of buying into the logic of revelation. Treating analysis as a means of unearthing requires being able to bring the hidden definitely to the surface. In practice this can prove elusive. A recurring theme of the chapters in Part I is that, while concealing is widespread, the concealed has a nasty habit of always being somewhere else. Because the power of secrets often derives from the advertising of their possession⁵⁰ – instead of the information withheld – attempts at exposure by some can instigate attempts by others to reconstitute what is secret. Pursuing this movement in the hopes of uncovering some final truth can invest would-be holders