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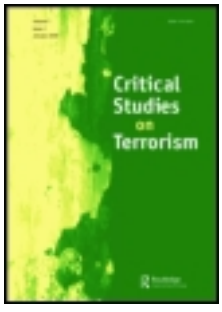

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ARTICLE

Not so extraordinary: the democratisation of UK counterinsurgency strategy

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This article argues that recent developments in UK counterinsurgency strategy and subsequent counterterror legislation have been informed and enabled by military and political interventions in Afghanistan and Northern Ireland. The article contains three interconnecting arguments. First, that UK counterterrorism policies since the intervention in Afghanistan are an extension of previous practices in Northern Ireland during the 1970s and 1980s, rather than representing a new phase in security strategy. Second, that the articulation of the external terror threat by successive UK governments since 9/11 has led to a blurring of emergency law into domestic governance and a movement of this emergency legislation from the colonial periphery into the metropolitan centre. Third, the article argues that the techniques at the heart of these counterinsurgency efforts risk hollowing out the values they are supposed to uphold and defend.

Keywords: counterinsurgency; Northern Ireland; surveillance; torture; terrorism

Introduction

> Counterinsurgency is fashionable again: more has been written on it in the last four years than in the last four decades . . . This is heartening for those who were in the wilderness during the years when Western governments regarded counterinsurgency as a distraction, of interest only to historians. So it is no surprise that some have triumphantly urged the re-discovery of classical, "proven" counterinsurgency methods. (Killcullen 2006a, 111)

> Without good intelligence, counterinsurgents are like blind boxers wasting energy flailing at unseen opponents and perhaps causing unintended harm. With good intelligence, counterinsurgents are like surgeons cutting out cancerous tissue while keeping other vital organs intact. Effective operations are shaped by timely, specific, and reliable intelligence, gathered and analyzed at the lowest possible level and disseminated throughout the force. (US Army 2006, 23)

Few themes within academic and policy circles during the twenty-first century have expanded quite like the interest in insurgency (sometimes also bracketed as terrorism) (English 2009, 12) and the multifaceted response of security agencies which is frequently referred to as counterinsurgency, or more recently as counterterrorism. While these definitions are not identical, conceptual crossover between the two terms is commonplace,

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especially at the policy level. Byman concedes that the boundaries between the two are frequently overlapping and difficult to distinguish: "The relationship between counterterrorism and counterinsurgency is not new. Many of the state-supported terrorist groups are also insurgencies – there is no clear dividing line, and in fact tremendous overlap exists" (Byman 2006, 84).

This article argues that UK counterinsurgency/terrorism policies that have come into sharp focus since the attacks in the United States on 11 September 2001 are an extension of past practice, not a new departure in strategic security. Furthermore, it contends that what we are seeing today is the importation of a pre-existing strategy from the colonial periphery into the metropolitan centre. The article demonstrates how the experience of counterinsurgency from Northern Ireland to Afghanistan has impacted upon contemporary British security policies since 9/11, leading to a slippage of emergency law into domestic UK governance. The article makes these arguments by connecting recent counterinsurgency strategies in Afghanistan and associated UK counterterrorism policies, with the "classic" counterinsurgency techniques practised in more traditional insurgencies, specifically, in Northern Ireland during the 1970s and 1980s (Clutterbuck 1967; Thompson 1967; Kitson 1971).

It is suggested that the aftermath of 9/11 did not lead to a new security environment, as many scholars have suggested, nor did the war on terror lead to a paradigmatic re-calibration of the rights of citizens. Instead, what it has done is to swing the searchlight in new directions and point it more immediately at groups within the metropolitan centre. While other marginalised minorities in Britain, notably the Islamic community, have been subjected to profiling, arrest, detention and suspicion by the security agencies, a wider political and legal net has been thrown over British society, more generally, through increased surveillance, the potential of detention and questioning without charge for 28 days (14 days from 2011), and the elastic boundaries of a new emergency legislation. Consequently, those previously immune from the cutting edges of counterinsurgency policies now find themselves sharing a burden previously shouldered by communities on the colonial periphery. Thus, counterinsurgency has been democratised in Britain, as the techniques and strategies of intelligence gathering, surveillance, detention and arrest that were practised in Northern Ireland during the 1970s have more recently been applied to other target groups. Perhaps more alarmingly, the state of sustained emergency that exists in Britain today has resulted in a blurring of the edges between the fight against politically motivated violence and ordinary civil crime.

The article concludes that the permissive use of counterinsurgency techniques have become ingrained as aspects of normal or "good governance" (Weiss 2000, 795) within the United Kingdom in a way that risks hollowing out the very values they claim to protect and defend.

The emergence of insurgence

Following 9/11, an epoch-shifting period in violent conflict and the security responses to it was identified by both academic scholars and policymakers. With Al Qaeda's arrival into the foreground of international terrorism, the focus of attention shifted from interstate wars and ethno-national conflicts to transnational, post-territorial networks (Gleditsch 2007). In the United States, security concerns shifted from the threat posed by domestic militias and anti-state activists to external networks. In Britain, the focus moved in the same direction, away from the internal security threat of Northern Ireland. Beck argued

that 9/11 was the fulcrum point around which perceptions of international security now turned, heralding a new paradigm of "post-national war":

> According to the judgment of the USA, in the world before 9/11 it was enough to do what France, Germany, Russia, China, etc. demanded, namely to disarm Saddam Hussein step by step. In the world after 9/11, on the other hand, such an approach is regarded as foolish and irresponsible, because even a 1% chance that 'evil' dictators such as Saddam Hussein (or failed states) might supply suicide bombers with chemical, biological or nuclear weapons is unacceptable and necessitates military action. In such a perspective, we are threatened by a non-state, socially atomized atomic age in which the existence of humanity is put at risk by determined suicide bombers capable of almost anything. (Beck 2005, 20)

Aided and abetted by the fascination with the potential of globalisation and its impacts on technology and communication, the security focus moved to the idea that violent insurgencies had gone global and that the counterinsurgency response must develop new multiagency, mobile and fluid strategies to cope with these new violent networks. What was so different within this context was that the *nature* of warfare was thought to have changed radically, requiring responses to it to shift accordingly. With the increase of intra-state wars and emergence of "new wars" (Kaldor 1999) and "complex political emergencies" (Goodhand and Hume 1999) during the 1990s, the new millennium gave us new acronyms, such as "network-centric warfare" (Alberts, Garstka, and Stein 2000) and the "revolution in military affairs" (Gray 2004) to define the conflict security nexus.

Even academic funding agencies such as the Economic and Social Research Council (ESRC) identified "new security challenges" as one of their key thematic priorities during this period, while conceptions of security held by some scholars and policymakers were encouraged to adapt to this unpredictable new environment:

> We are in the midst of a radical dissolution of the markers of certainty that gave us all our old bearings in relation to war. Traditional forms of conquest, as well as traditional measures of national capability, land or raw materials, for example, recede dramatically in significance under the dynamics of network-centric warfare. (Dillon 2002, 74)

Defence analysts, for their part, devised their own new terms for this new environment, such as fourth-generation warfare (4GW), conceptualised as the synthesis of traditional insurgency, transnationalism and globalisation:

> Fourth-generation warfare, which is now playing out in Iraq and Afghanistan, is a modern form of insurgency. Its practitioners seek to convince enemy political leaders that their strategic goals are either unachievable or too costly for the perceived benefit. The fundamental precept is that superior political will, when properly employed, can defeat greater economic and military power. Because it is organized to ensure political rather than military success, this type of warfare is difficult to defeat. Strategically, fourth-generation warfare remains focused on changing the minds of decision makers. Politically, it involves transnational, national, and subnational organizations and networks. (Hammes 2005, 1)

Advocates of this 4GW re-branding saw the way forward in terms of integrated and coordinated military and political initiatives. These differed little from the traditional asymmetric warfare and existing counterinsurgency orthodoxy, with a renewed emphasis on networked intelligence and "joined-up" action. As one of 4GW's key architects puts it:

> In Fourth Generation war, the state loses its monopoly on war. All over the world, state militaries find themselves fighting non-state opponents such as al-Qaeda, Hamas, Hezbollah, and

> the FARC. Almost everywhere, the state is losing. Fourth Generation war is also marked by a return to a world of cultures, not merely states, in conflict. We now find ourselves facing the Christian West's oldest and most steadfast opponent, Islam. After about three centuries on the strategic defensive, following the failure of the second Turkish siege of Vienna in 1683, Islam has resumed the strategic offensive, expanding outward in every direction. (Lind 2004)

Critics of 4GW see it as a dangerous theoretical distraction, based on flawed readings of history on the one hand, and "guesstimates" regarding future trends in warfare on the other: "In its earliest stages, 4GW amounted to an accumulation of speculative rhapsodies that blended a manoeuvre-theorist's misunderstanding of the nature of terrorism with a futurist's infatuation with 'high technology'" (Echevarria II 2005, 2).

As the gap narrowed between military and civilian actors in war, the timeframes and physical spaces within which conflict took place, and even the weapons used to fight, a paradigm shift was seen to have occurred in how to win them. The focus with counterinsurgency operations saw a re-calibration from conventional post-Vietnam US thinking on outright military victory, "shock and awe", to a renewed emphasis on the political. The logic of counterinsurgency strategy was not to kill the enemy (or rather, not *just* to kill them), but also to co-opt them into a longer term political project which enshrined the wider war aims and political values of counterinsurgency actors. For much of the period since 11 September 2001, these ideas have dominated scholarly debates on security and were held to represent a new phase in contemporary understandings of war and the international response to insurgency and international terrorism (Hoffman 2002; Beck 2005; Byman 2006).

In short, such violence was different in the twenty-first century. It was post-territorial, interconnected, organic and global, requiring new strategies, new thinking and new structures in order to deal with it effectively. Hoffman makes the point starkly in the context of the 9/11 attacks: "On 11 September, Bin Laden wiped the slate clean of the conventional wisdom on terrorists and terrorism and, by doing so, ushered in a new era of conflict" (Hoffman 2002, 306).

Bringing it all back home

Previously the primary domain of defence analysts and other security strategists, the debate surrounding counterinsurgency has today expanded to include a much more diverse range of scholarship. Indeed, this renewed interest in counterinsurgency strategy has captured the academic imagination on both conceptual and empirical levels and has crossed scholarly disciplines from history and war studies, to political science and international relations, peace studies, sociology, human geography and human rights law.

Given the impact of the war on terror on international politics, global economics and popular culture, it is hardly surprising that academic debate has been dominated by it. As Sitaraman has remarked,

> Counterinsurgency is the warfare of the age . . . Today, it has become common, even trite, to announce that the nature of warfare is changing. Insurgents do not look like the soldiers and warriors of the past. They are not amassed in great armies; they do not confront their enemy on the battlefield; they may not even be affiliated with a state. (Sitaraman 2009, 1)

Daniel Byman, a vigorous cheerleader of US counterinsurgency efforts in the war on terror, claims that this form of conflict has shifted the balance substantially away from physical

violence towards wider strategic goals: "Defeating an insurgent movement is as much (if not more) a political effort as a military one" (Byman 2006, 95).

It is argued here that neither counterinsurgency/terrorism techniques nor the wider security and justice system within which it is located has actually changed as much as some have claimed. Contemporary advocates of counterinsurgency, for instance, argue that the modern era has witnessed a fundamental shift in the nature of contemporary guerrilla warfare that requires a radical reordering of the security response: "In fact, today's insurgencies differ significantly – at the level of policy, strategy, operational art and tactical technique – from those of earlier eras . . . much is new in counterinsurgency *redux,* possibly requiring fundamental re-appraisals of conventional wisdom" (Killcullen 2006a, 1). However, Killcullen overstates the changes that have taken place, both in terms of the nature of guerrilla warfare and Western military and political responses to it.

From a radically different angle, the renewed post-structuralist focus within international relations scholarship after 9/11 on "governmentality", and more recently "liberal cosmopolitanism" (Jabri 2011), misreads a new and powerful searchlight in the way of war for the direction of its beam. The contention within much of this scholarship has been that the post-9//11 security response represented a step change in the treatment of indigenous citizens, minority groups and foreign nationals by states and their coercive agencies. The incarceration of people without charge in Guantánamo Bay, extra-judicial assassinations, the physical torture and psychological humiliation of prisoners held in custody through extraordinary rendition, waterboarding and other forms of abuse, was considered by many to be a new departure and the creation of new forms of explicit and implicit control (Jabri 2006, 51).

All of these post-9/11 reforms and practices, of course, presented significant civil liberties challenges and abuses. However, they did not represent a change in the rules of governance so much as they reflected an application of existing emergency norms to new constituencies previously immune from the security and counterinsurgency nexus. What is different today is that the people affected by UK counterinsurgency strategies have altered, and what used to be confined to the outer edges of Empire in Kenya, Malaya, Aden and Ireland has been brought home by the war on terror to the metropolitan centres of Western society, in Britain and beyond.[1]

Back to the future: notes from a small province

This section of the article outlines the main planks of British counterinsurgency policies in Northern Ireland from 1969–1998. It first examines the attempts to manage paramilitary violence through techniques such as internment and via the extension of emergency law. It then goes on to assess how the drive for enhanced intelligence produced increased levels of maltreatment by the police and army of many of those they detained and interrogated. Finally, it explains how the desire to win the propaganda war led to policies such as Ulsterisation and criminalisation, in an effort to cast the paramilitaries (rather than British security forces) as the main causal factors in the conflict.

It is recognised that there are significant differences of scale and intensity of violence between Afghanistan and Northern Ireland, the former being a war and the latter a low-intensity ethno-national conflict. However, the important point is not so much whether this is a closely matched pair but rather the way in which the effort to win "the battle for hearts and minds" in both was beset by similar problems. In both cases, the four pillars of traditional counterinsurgency strategy were apparent: first, the demonstration of sufficient political will to prevail and to overcome the insurgents; second, the importance of appearing

to be a non-malign actor in the eyes of the local civilian population; third, the importance of local police primacy as a replacement for external military intervention; and fourth, the importance of connecting the explicit military function within an implicit political strategy as a means of coordinating longer term aims and objectives (Dixon 2009, 446).

The purpose here is not to pick at the barely healed scabs of that violent conflict, nor to cast the counter as being worse than the insurgency. The intention is rather to highlight the similarities with contemporary counterinsurgency techniques practised in Afghanistan and the impact of such policies on domestic norms of governance within Britain itself, and UK counterterrorism legislation in particular.

British counterinsurgency policies in Northern Ireland grew incrementally out of confusion and the lack of understanding on the one hand about what was going on in Northern Ireland in the early 1970s, together with an overriding urge on the other hand not to get involved politically in the region. Initially, this took the form of intervening *militarily* by sending troops to Belfast and Derry to contain sectarian strife in August 1969, but not getting directly involved *politically*. Desperate to avoid becoming embroiled in a conflict it did not understand and did not see as a political priority, the British government ceded operational control of the British army to an increasingly weak and desperate unionist government, and allowed it to determine security policies, including the declaration of military curfews in Belfast, the use of rubber bullets and tear gas to disperse demonstrations and the introduction of internment without trial in 1971. It was only when these initiatives failed (spectacularly in the case of Bloody Sunday on 30 January 1972, when the British Parachute Regiment killed 14 unarmed civilians in Derry during a peaceful civil rights march) that the British government took back political responsibility for its own military strategy in Northern Ireland. By this point, the paramilitary factions had become well established and troops that had been welcomed initially as peacekeepers were now regarded by most Catholic nationalists as a hostile army, enforcing Protestant unionist political objectives.

Counterinsurgency techniques such as internment were counterproductive in military terms because it was mostly innocent people who were arrested, it was overwhelmingly targeted at the Catholic nationalist community and the levels of violence subsequently escalated dramatically (Tonge 2002, 44). In political terms, internment cast the army as an aggressive malevolent force and presented Northern Ireland as being in a state of emergency, a narrative which suited the Provisional IRA rather than the British government. The conclusions of the Committee on the Administration of Justice (CAJ) on the negative impact of internment do not overstate the case:

> Like so many similar initiatives, it was intended to be a short-term solution to a short-term problem. It proved, even in the opinion of its creators, to be a major setback. Everyone agrees that internment failed because of poor intelligence and the wide-scale detention (for long periods) of innocent people. This wrong was further compounded when some internees were subjected to ill-treatment, amounting, in the view of the European Commission of Human Rights, to torture. The allegations of torture and ill-treatment, further fuelled anger in the communities from which the internees were drawn, and reduced the potential for important information-gathering. (CAJ 2008, 12)

Aside from efforts to restrict paramilitary activities to "an acceptable level of violence",[2] the key security objective during this period was to criminalise the paramilitaries. In order to do this, the police/army had to de-legitimise the paramilitary factions and cast them as murdering thugs, rather than "volunteers"[3] who were using violence against imperial occupation, as the Provisional IRA argued. If the military goal was to contain (and eventually

overcome) civil unrest and paramilitary violence, the political objective was to isolate the paramilitaries from the wider communities whose active and passive support was required for the continuation of their violent campaigns.

All sides became involved in an arms race at both military and political levels. Surveillance and British infiltration into the paramilitary organisations led to organisational re-structuring of these groups into small cellular "active service units" in the early 1970s, while security policies designed to detain and disarm republican paramilitaries led to increased recruits into the Provisional IRA, due to the perceived brutality of the police and British army. During this military and political up-scaling between the British security forces and the Provisional IRA, intelligence became paramount and counterinsurgency strategy quickly rotated around the use of emergency law, surveillance operations and detention without trial. Perhaps most controversially, the drive for better intelligence, allied with the permissive legal apparatus, led to a lengthy detention of suspects, coercive and abusive questioning, and a perilous lack of accountability or political oversight of the security agencies – what might be termed "ordinary rendition", enabled through emergency legal norms and operationalised by the security forces. While these themes have arisen in Britain since 2001, they were a staple ingredient of British counterinsurgency strategy in Northern Ireland (and thus within the United Kingdom) during the 1970s and 1980s.

The legal apparatus was the bedrock for security policies in Northern Ireland during this period. The Special Powers Act which came into force in 1922 shortly after the creation of Northern Ireland, and its successor the Emergency Provisions Act (EPA) in 1973, provided the legal basis for many of the counterinsurgency activities of the 1970s and 1980s. The Special Powers Act provided wide-ranging and draconian powers to the police and other security agencies, including the right to arrest people without a warrant, intern people without trial, issue curfews and prohibit inquests into allegations of illegal killings by the police (O'Leary and McGarry 1993, 127). These emergency powers were made permanent in 1933, until the EPA in 1973 supplemented this legislation with the introduction of Diplock courts (trial without jury) for a range of scheduled offences. This notion of "scheduling" packaged certain offences with mandatory prison sentences, such as membership of a proscribed organisation or possession of firearms, required a low burden of proof (e.g., uncorroborated forced confessions obtained from prisoners in custody) and were processed through the courts by individual judges in non-jury trials. This led to fast and efficient prosecutions but also allegations of injustice and maltreatment.

> Confession evidence and witness statements (it was not a requirement that the witness actually appear in court) were accorded an extremely high level of admissibility within the court proceedings. For the purpose of obtaining such evidence, special interrogation centres were to be established at Castlereagh in Belfast and Gough Barracks in Armagh. Both centres were operational by 1977. The establishment of these centres led to a phenomenal increase in the number of complaints made against the RUC in respect of ill treatment during interrogation. . . . The venerated principles of British justice became, in the context of Northern Ireland, just another strategy to deal with political violence. Any technique of repression could, if it were seen to have a legal foundation, be portrayed as legitimate and conducted within the law. (Ellison and Smyth 2000, 80)

The Prevention of Terrorism Act (PTA) was introduced in Great Britain in 1974 following the Birmingham pub bombings which killed 21 people and was similar in nature to the EPA in Northern Ireland. Both the EPA and the PTA were defined as being unfortunate but necessary temporary legal arrangements required to cope with an extraordinary situation,

though in practice they became permanent fixtures in the United Kingdom's legal portfolio as a means of pursuing its counterinsurgency strategy in Northern Ireland. Ni Aolain has highlighted the fact that when the emergency becomes the norm, the criminal justice system inevitably becomes politicised as a consequence:

> ordinary law has been bent out of shape and beyond all recognition in Northern Ireland. Its surgical remoulding has been both responsive to the conflict and defining of it. This tells us that legality is not a neutral actor in a situation of conflict. Law defines and takes sides and it has done so in Northern Ireland. (Ni Aolain 2000, 14)

Advocates and architects of classic counterinsurgency techniques, such as General Sir Frank Kitson, have stated that the law is an important component of such a strategy. Kitson was a counterinsurgency practitioner in Kenya and Malaya, became head of the army in Northern Ireland and wrote a classic text on the subject in 1971, where he stated that: "The law should be used as just another weapon in the government's arsenal . . . For this to happen efficiently, the activities of the legal services have to be tied to the war effort in as discreet a way as possible" (Kitson, in Ellison and Smyth 2000, 74). While the legal framework served to provide a cloak of normality to the counterinsurgency strategy, the operational security techniques which were enabled by this legislation were extremely robust and served to further alienate the nationalist community from the rule of law and thus perpetuate the existence of paramilitary violence.

Loyalist attitudes towards the criminal justice system were less badly affected. One reason for this was because they generally started with a more positive attitude towards the British justice system (and the British army specifically). Also, at a practical level, loyalist communities experienced a much lighter touch than their republican counterparts. Loyalist violence was less central to British counterinsurgency strategy for two general reasons. First, it was seen from the British perspective as being reactive to the militant separatist intent of the Provisional IRA. In other words, there was no insurgent political project that needed to be thwarted by the State. The second reason why loyalist violence remained largely exempt from British counterinsurgency efforts was largely pragmatic. The Ulster Freedom Fighters (UFF) and Ulster Volunteer Force (UVF) were a less pressing security priority for British politicians (and therefore the security services) because they were not conducting a bombing campaign within Great Britain. Thus, while loyalists were technically subject to the same legal treatment as republicans (e.g., arrest, detention, interrogation, non-jury trials, etc.), the application of policies such as internment, riot-control policing, curfews, army patrols/house raids was experienced much more frequently within republican areas (Bruce 1994; Ellison and Smyth 2000; Ni Aolain 2000).

Ordinary renditions

The concept of extraordinary rendition became a notorious aspect of American efforts to improve intelligence following the 9/11 attacks. This has also been referred to as the outsourcing of torture, whereby the US government with the tacit approval of its allies (including the Irish, British and other European governments) forcibly apprehended suspects abroad, kidnapped and flew them to countries such as Yemen, Jordan, Morroco and Uzbekistan for coercive interrogation.[4] While the exposure of this policy during the war on terror led to denials of anything unlawful by those involved, this was not a new departure in US policy, as the practice had been used by the Reagan Presidency against its opponents in Lebanon (DiMento and Geis 2006, 39).

In truth, coercive questioning up to and including torture has been a feature of counterinsurgency policies since long before the war on terror commenced, and in some cases it has not been necessary to transport suspects out of the country in order to participate in this particular form of intelligence gathering:

> . . . a hood was pulled over my head and I was handcuffed and subjected to verbal and personal abuse, which included the threat of being dropped from a helicopter which was in the air, being kicked and struck about the body with batons on the way . . . After this all my clothes were taken from me and I was given a boiler suit to wear which had no buttons and which was several sizes too big for me. During all this time the hood was still over my head and the handcuffs were removed only at the time of the "medical examination". I was then taken into what I can only guess was another room and was made to stand with my feet wide apart and my hands pressed against a wall. During all this time I could hear a low droning noise, which sounded to me like an electric saw or something of that nature. This continued for what I can only describe as an indefinite period of time . . . My brain seemed ready to burst. What was going to happen to me? Was I alone? Are they coming to kill me? I wished to God they would, to end it. (McGuffin 1974, 65)

The above quote does not refer to the treatment of an inmate at Abu Ghraib jail or Guantánamo Bay detention centre, but to a suspect held without charge in Magilligan army base in Belfast in 1972. Paddy Joe MacLean, a school teacher from Co. Tyrone (who subsequently turned out to have no paramilitary connections) was one of a group of 14 detainees since referred to as the "guineapigs", who were subjected to the "five techniques" (Dixon 2009, 458) of sensory deprivation during coercive questioning. These techniques involved a typical pattern of physical and mental ill-treatment combined with attempts to confuse and disorientate suspects to make them more suggestible, through hooding, sleep and food deprivation, repetitive questioning, subjugation to white noise and a range of more petty harassments over a period of days. Such questioning was carried out by the British army's Force Research Unit and Royal Ulster Constabulary (RUC) Special Branch at a number of army centres, chiefly Palace Barracks and Girdwood Barracks, together with Magilligan and Ballykilner army camps. Following their public exposure, the five techniques, which had been imported by the British army, via the KGB as a staple of its counterinsurgency operations in Kenya, Cyprus and Aden, were quickly disowned by the British government (Taylor 1980, 26). The European Court of Human Rights in Strasbourg judged that substantial ill-treatment of prisoners had taken place at Palace Barracks during this period: "Quite a large number of those held in custody at Palace Barracks were subjected to violence by members of the RUC. It also led to intense suffering and to physical injury which on occasions was substantial . . . Those in command at Palace Barracks at the relevant time could not have been ignorant of the acts involved" (Taylor 1980, 25–26).

As Dickson notes, while the legal semantics revolved around whether to call this activity torture or not, the political impact was less ambiguous for the British government and its counterinsurgency effort:

> Allegations of physical mistreatment persisted even though the European Commission of Human Rights had ruled in 1976 that the security forces were torturing suspects in Palace Barracks, Holywood, a finding reduced by the *European Court of Human Rights* in 1978 to one of 'inhuman and degrading treatment', still a very embarrassing conclusion for the British government. (Dickson 2009, 487)

Following the international embarrassment caused by the publicity surrounding the use of sensory deprivation, Palace Barracks Interrogation Centre was closed down by the British

government in June 1972. However, despite a raft of new directives that followed, issued by the army and the RUC, maltreatment of suspects continued in more subtle forms, despite official rhetorical commitments to the humane treatment of prisoners (Ní Aoláin 2000, 55; Ellison and Smyth 2000, 80).

The point here is not to reify the problematic use of sensory deprivation, as this was tried for a very short period of time and replaced with more widespread, systemic and sustained forms of coercion by RUC Special Branch. Nor is the argument claiming that the process of prisoner maltreatment was tantamount to "torture", as this old legal chestnut has been well chewed over during the last thirty years in Northern Ireland. Rather, the contention here is that the counterinsurgency strategy in Northern Ireland can be said to have included (at times) similar techniques to those used to fight contemporary insurgencies in Afghanistan and Iraq. The twin-track effort to generate accurate intelligence to enable a swift and mobile military response is combined with various methods to criminalise the "insurgents" and normalise the conflict zone. Both intelligence gathering and normalisation elements of these strategies have witnessed a blurring of normal legal boundaries where an effort is made to depoliticise violence and define it as being something more than "ordinary decent crime" but less than a war.

This necessitates stretching a legal canopy across such conflicts without allowing them to be defined as states of war requiring the treatment of "insurgents" as prisoners of war. During the House of Commons Debate on the Prevention of Terrorism Bill on 25 November 1974, the Home Secretary of the day, Roy Jenkins, declared that: "These powers are draconian. In combination they are unprecedented in peace time. I believe they are fully justified to meet the clear and present danger" (Taylor 1980, 36). Almost identical sentiments were later uttered by a future Home Secretary during the aftermath of the bus and underground bomb attacks in London on 7 July 2005, which killed 52 people, as well as the four bombers. In a statement to the House of Commons, Charles Clarke made the familiar argument that the new security threat facing the United Kingdom demanded extra legal powers to combat it:

> In recent decades, for all Home Secretaries, the criteria for exercising these powers have generally been grounds of national security, public order or risk to the UK's good relations with a third country. In going beyond these grounds, we rightly need to tread very carefully indeed in areas that relate to free speech. However, in the circumstances that we now face, I have decided that it is right to broaden the use of these powers to deal with those who foment terrorism, or seek to provoke others to commit terrorist acts. To that end, I intend to draw up a list of unacceptable behaviours that fall within those powers – for example, preaching, running websites or writing articles that are intended to foment or provoke terrorism. (Hansard 2005, c.1255)

However, as Liberty has indicated, there is a danger when emergency legislation is stretched to the point that it becomes inseparable from the normal civil criminal justice system:

> The problem of course is how to define an "emergency", when does it start and end? The notion of "emergency" is inherently linked to the concept of "normalcy", as for something to be considered an emergency it must be outside the ordinary course or events: it must only last a relatively short time and yield no substantial permanent effects. The problem occurs when emergency powers are used when there is arguably no real emergency or when powers invoked in an emergency are continued once the emergency has passed. (Liberty 2009, 3–4)

Back in Northern Ireland during the 1970s and 1980s, the aggressive policing of Catholic/nationalist areas was a key component of security policy. In July 1976, the newly

appointed RUC Chief Constable, Kenneth Newman, issued a new directive on the procedure for processing those suspected of terrorist offences. Directive SB 16/13 made clear that responsibility for all prisoner interrogations lay ultimately with the Chief Constable and that a distinction was to be made between suspects to be "interviewed" and those who were to be "interrogated". Suspects were to be separated into these two categories upon arrival, with the former track leading to the preferring of charges and possible prosecution, while the latter led to coercive questioning in pursuit of intelligence (Taylor 1980, 68). These interrogations became notorious for allegations of abusive treatment of suspects by RUC Special Branch and led to investigations by Amnesty International in 1978 and the British government's own Bennett Report in 1979.[5] While the British government and the RUC Chief Constable could claim that interrogations took place within the law, the critical point was that the legal framework, in the shape of the EPA, was sufficiently elastic to facilitate and enable the physical and mental abuse of suspects while in custody.

Allegations emerged in October 2012 that the British themselves had used waterboarding techniques in Northern Ireland during the 1970s. Liam Holden (then a 19-year-old) claimed that he was abducted by the Parachute Regiment in 1972 and waterboarded until he confessed to the murder of a soldier:

> They got the bucket of water and they just slowly but surely poured the bucket of water right round the facial area, over my nose and mouth . . . It was like pouring a kettle of water, like pouring your tea into a cup out of the kettle, that sort of speed, basically until I passed out or close to passed out. (Kearney 2012)

He later confessed to the murder and spent 17 years in jail before the conviction was quashed by the Court of Appeal in 2012.

The contention here is that the legal framework that facilitated counterinsurgency policies in Northern Ireland during the 1970s has now been rolled out across the rest of the United Kingdom and expanded to the point that it has become relatively easy to monitor, arrest, detain and interrogate people *within the law*, due to the inherent emergency associated with the threat of terrorist violence and the blurry edges of the concept of national security (see below).

The other argument which should provide pause for thought when considering current counterinsurgency policies in Afghanistan is that the strategy did not succeed in Northern Ireland. While some battles were won through surveillance, information gained from informers and the direct operations of special forces against the Provisional IRA, the wider political war for "hearts and minds" (Killcullen 2006b, 5) was lost. Such activities fed rather than starved paramilitary factions of community support and helped to internationalise the conflict, sucking in wider actors from Libya and elsewhere. As Dickson concludes:

> What is certain is that the security force strategy of winning the hearts and minds of people living in communities in Northern Ireland within which republican paramilitaries operated did not work . . . Neither the IRA nor the security forces won the conflict. Those who lost were the victims of human rights violations on all sides. (Dickson 2009, 491)

The Ulsterisation of Afghanistan

One of the key counterinsurgency policies attempted by British political and security agencies in Northern Ireland during the conflict was "Ulsterisation" (Arthur 2000, 165). This focused on trying to convey the impression that the region was not under foreign occupation, and that security was being delivered at a local level. The intention was that this

would provide a sense of normalisation. More specifically, it was felt that security would be improved through the advantages of local delivery and that the "homeland" appetite in Britain for involvement in Northern Ireland would improve due to the reduction in regular army fatalities.

The political aim of Ulsterisation was to dent the argument of militant republicanism that it was in an anti-imperialist war with hostile British forces, continuing centuries of physical force resistance against the traditional colonial enemy. Reducing the presence of the British army and strengthening the capacity of the police and local military units, such as the Ulster Defence Regiment (UDR), made it easier for the British to frame the "insurgency" in Northern Ireland as criminal terrorism and cold blooded murder, rather than a liberation struggle, as the Provisional IRA and its supporters argued. Ulsterisation was supported by a policy of "Criminalisation" where paramilitary rights to "special category status" (McEvoy 2001, 216) in prisons was removed, thereby defining those in jail as civil criminals rather than politically motivated guerrillas.

Ulsterisation took effect during the mid-1970s though it had been planned from an early stage of British military intervention in Northern Ireland in August 1969 (Dixon 2001, 116). Its slow deployment was due in part to the lack of credibility of the local security forces (especially the RUC and the UDR) within the Catholic population and the intense levels of violence perpetrated by the Provisional IRA during the early 1970s. The success of Ulsterisation was mixed. It did help to reduce the number of British soldiers being killed and thus produced some public relations gains for the UK government, but it failed to gain credibility within the Catholic community or damage support for militant republicanism. The view from this quarter was that the British had simply handed security control to the discredited, largely un-reformed and partisan unionist community, in the shape of the RUC and UDR (Tonge 2006, 66–67). Ulsterisation also led to a sharper violent interface within Northern Ireland between militant republicans and the Protestant-dominated RUC and UDR, which had been placed at the cutting edge of the counterinsurgency strategy. The deaths and injuries that resulted soured relations even further between the moderate unionist and nationalist political factions, making a consensus-driven political settlement an even more remote possibility (O'Leary and McGarry 1993, 205)

While Ulsterisation was not an unqualified success, its basic political logic was dusted off for the counterinsurgency campaign in Afghanistan in 2010. Fittingly, the Ulsterisation of Afghanistan was announced by the former British Prime Minister Gordon Brown at a keynote international conference on the region which took place in London in January 2010:

> This is a decisive time for the international operation that is helping the Afghan people secure and govern their own country. For this conference marks the beginning of the transition process – agreeing the necessary conditions under which we can begin – district by district and province by province – the process for transferring responsibility for security from international forces to Afghan forces . . . I have described our shared strategy as one of "Afghanisation" – building up Afghan institutions – the army, the police, and the Government – so that as they become stronger we can hand over to them the responsibility of tackling terrorism and extremism, and our forces can start to come home. It will take time – but I believe the conditions set out in the plan we will sign up to today can be met sooner than many expect, and that as a result the process of handover will begin later this year. (Brown 2010)

As the counterinsurgency strategy in Northern Ireland demonstrates, external manipulation of internal security structures is a hazardous and precarious endeavour, and winning local support for discredited governments and their institutions is an extremely slow, expensive and painstaking effort.

Winning the battle for "hearts and minds" was not achieved with Ulsterisation in Northern Ireland, because a significant section of the community considered it to be driven by a desire for security with *order* instead of security with *justice*. It was attempted on the basis of a security apparatus which was not adequately reformed so as to be representative of the whole community and accountable to it. As Dickson reflects: "General Sir Frank Kitson's hearts and minds strategy cannot be said to have been a success in Northern Ireland. The conflict was not brought to an end as a result of excellent intelligence being acquired and the local population being somehow won over" (Dickson 2009, 486).

The lessons from Northern Ireland for UK policy in Afghanistan are obvious. As in the case of British counterinsurgency efforts in Northern Ireland, alleged failings which fuel the belief that external military forces are a hostile occupying army are likely to quickly undo any progress that is made towards winning the battle for hearts and minds and prevent the co-option of local people into the wider security strategy. One example of this will suffice, though there are plenty to choose from. On 6 June 2012, 18 Afghan civilians were killed by a North Atlantic Treaty Organization (NATO) air strike in Logar province on the eastern border with Pakistan. The dead included at least five women and seven children who had gathered to celebrate a wedding, though Taliban fighters had taken shelter in the house which was then targeted by NATO forces (Guardian 2012a). The Commander of US and NATO forces in Afghanistan, General John Allen flew to Logar province to personally apologise for these killings, though he admitted that this could not undo what had happened: "I know that no apology can bring back the lives of the children or the people who perished in this tragedy and this accident, but I want you to know that you have my apology and we will do the right thing by the families" (Guardian 2012a).

Such a reaction illustrates NATO's awareness that such accidents were likely to damage their strategic political goals in the region. Given the history of external intervention in Afghanistan it is difficult to see the battle for hearts and minds being won in Afghanistan anytime soon. Trust between the NATO forces and the local population is in short supply and lacks any realistic timeframe (Thruelsen 2007, 14; Suhrke 2008, 214). It certainly looks extremely unlikely to precede the anticipated drawdown of most of the military forces of the NATO-led International Security Assistance Force (ISAF) at the end of 2014.

Sharing the pain

The importation of counterinsurgency techniques into everyday governance can lead to a permissive drift where the emergency becomes the norm and mutates into acceptable forms of "good governance" (Weiss 2000, 795), with an inevitable erosion of mainstream rights and liberties. The United Kingdom's eager participation in the war on terror, and specifically its roles in Iraq and Afghanistan, has become fused with concerns about its own internal security and the threat of politically motivated violence within Britain.

Curiously perhaps, former Prime Minister Tony Blair led a government that was at the forefront of counterinsurgency efforts in Afghanistan and Iraq (and the pursuit of tighter legislation to protect perceived national security interests), while at the same time trying to extricate Britain from some of the excesses of such policies in Northern Ireland. This is a paradox, though not one frequently problematised by Blair or his government. Blair appeared blind to the obvious parallel that he had urged peace upon the parties in Northern Ireland while also preparing for war himself as a partner to the United States-led military interventions in Afghanistan and Iraq. His double-standard towards terrorism was pointed out to him on more than one occasion by unionists who were angry at Blair's willingness to meet Sinn Fein before the IRA had decommissioned their weapons, while taking a different

stance with the Taliban and Al Qaeda (Powell 2008, 16). After Blair's first meeting with Sinn Fein in 1997, his impromptu walkabout in a Belfast shopping centre was disrupted by a crowd of unionist protesters who threw rubber gloves at the Prime Minister, the inference being that he could avoid getting blood on his hands the next time he greeted Adams and McGuinness (Powell 2008). Blair later admitted the extent of his pragmatism in the context of the multiparty negotiations in Northern Ireland in 1997–1998 that led to the Good Friday Agreement, which at times strained the limits of truth and accuracy: "Politicians are obliged from time to time to conceal the full truth, to bend it and even distort it, where the interests of the bigger strategic goal demand it be done. Without operating with some subtlety at this level, the job would be well-nigh impossible" (Blair 2010, 72). However, this admission did not extend to his recollections over the conduct of foreign policy towards Afghanistan and Iraq – where moral principle remained at the core of his rationale for war.

For both Tony Blair and his successor Gordon Brown, winning the counterinsurgency battle in Afghanistan was central to the national security interests of the United Kingdom to the extent that it bled into the country's domestic governance. The priority for intelligence linked to security concerns raised the threat awareness over potential terrorist attacks in the wake of 9/11. In the cause of preventive action, civil governance within the United Kingdom became increasingly drawn under the canopy of emergency legislation as public policy was refracted through the lens of national security. A similar convergence has been observed within the US context in terms of the application of military doctrine within urban law enforcement in New York city after 9/11:

> Urban security initiatives in New York and other major cities such as Chicago and Los Angeles have adopted principles from a series of programmes enacted by the US Department of Defense (DOD) to defend military installations and their surrounding communities against the mounting threat of political violence, or "terrorism". (Hidek 2011, 240)

Within the context of governance in the United Kingdom, there has been a convergence between emergency legal responses to the threat of terrorist attack and ordinary civil law. By way of an example, the Anti-Terrorism Crime and Security Act (ACTSA) of 2001, which was rushed through parliament in less than a month following the 9/11 attacks, contains provisions which potentially relate to non-political terrorist-type offences, such as the ability to freeze the assets of outside agencies if the UK economy was likely to be damaged by an external government or individual. This allowed the argument to be made that the articulation of a terrorist threat was being used in a way that confused emergency anti-terror legislation with laws aimed at tackling non-terrorist non-political civil crime. In 2008, the Labour government used such legislation against Iceland, freezing the UK assets of Icelandic bank Landsbanki and other companies under the powers granted under the 2001 Act.

This trend of normalising emergency legal measures within UK domestic governance arguably accelerated with the introduction of the PTA in March 2005. This legislation introduced a system of control orders allowing for the indefinite house arrest of a person without trial, though the provisions on control orders were subsequently altered to require parliamentary approval on a rolling basis on the advice of the Home Secretary, rather than being a permanent aspect of law. However, like frequent scattered showers, temporary provisions can be permanent in practice if they go on continuously, and this was the experience with control orders in Britain.

While control orders have proved controversial in the fight against terrorism, they have been resilient. Like the EPA in Northern Ireland which came up for renewal in

Parliament every year and was duly passed on every occasion, control orders persisted before being replaced in the Terrorism Prevention and Investigation Measures (TPIM) Act (2011). TPIMs refined rather than removed the policy of limiting an individual's personal liberty without the need for legal due process, a fact recognised by Lord Carlile himself, the government's former Independent Reviewer of Terrorism Legislation:

> Although TPIMs are a somewhat diluted version of Control orders, in particular omitting the valuable requirement of relocation for the most troubling cases, they are in most respects the same rose by any other name. They retain the vital elements of limitation on activity and association. (Carlile 2012, 4–5)

Many of these reforms make the legal apparatus used in Northern Ireland during the 1970s look rather conservative by comparison. By way of example, the original Bill that was to become the Terrorism Act of 2006, introduced in response to the London bus and underground bombings in July 2005, proposed that the police should be allowed to arrest and detain people for up to 90 days without charge. While this was eventually reduced to 28 days in the final legislation (which was eventually allowed to expire in January 2011, reducing the period again to 14 days), this still represents a significant increase on the 7 day maximum that was allowed in Northern Ireland under the legal canopy used to manage the conflict during the 1970s and considered by many to be an unfortunate necessity due to the high level of paramilitary violence that existed at the time. The government tried to increase the initial 28 day limit to 42 days in the Counter-Terrorism Bill in 2008. However, in an ironic twist for democracy, while this bill passed through the House of Commons by a majority of nine votes (and with the crucial support of Northern Ireland's Democratic Unionist Party), it was heavily defeated in the Lords and the government effectively conceded defeat on the issue. This also saw Conservative Shadow Home Secretary, David Davis, resign his parliamentary seat in June 2008 to ostensibly force a by-election over the issue, claiming that the 42 day limit was "the most salient example of the insidious, surreptitious and relentless erosion of fundamental British freedoms" (Porter 2008).

The Civil Contingencies Act (CCA) passed in 2004, meanwhile, allows the government in times of emergency to amend primary legislation over extremely broad aspects of governance, including the confiscation or destruction of private property, the forcible movement of people to or from a place, and prohibitions on travel and on peaceful protest (Liberty 2009, 10). Clearly, one of the critical issues relating to the existence of much of the anti-terror legislation passed in the United Kingdom since 9/11 relates to the definition of an "emergency". Some human rights groups, such as Liberty, have suggested that the CCA defines the concept of an emergency too widely and in such a manner that preemptive action can be taken on the basis of a *perceived* threat rather than *actual* events having taken place:

> "Emergency" in section 19 of the CCA is defined as meaning "*an event or situation which threatens serious damage*" to human welfare or the environment or war or terrorism which threatens serious damage to UK security. However, this means that the event or situation itself need not be of any seriousness. This means that a relatively innocuous event may be considered to have implications of damage sufficient to trigger the emergency powers. The decision as to whether the definition of emergency has been satisfied is effectively made by a Minister. As the damage needs only be threatened, rather than actual, this may be a highly subjective decision based on assumptions as to cause and effect. Although parliamentary scrutiny is required, this is not likely to occur for several days, by which time the regulations may already have had considerable impact. The nature of the regulations – such as movement to or from a place, or

> the destruction of property – means that their effect is required to be immediate (i.e. before parliamentary consideration can take place). (Liberty 2009, 10)

Of course, much of this lies in the eye of the beholder and in political interpretations of the law. The argument here is that the use of the law as an element of counterinsurgency strategy, which was honed during the Northern Ireland conflict through the Special Powers Act of 1922, EPA of 1973 and PTA of 1974, has not only been exported to the rest of the United Kingdom, but has been expanded in qualitative terms on the basis of the "emergency" caused by the articulated threat of "terrorist" violence.

One case that highlights the pernicious drift of emergency into normalcy was the arrest and questioning of Damien Green in November 2008 when he was the Conservative immigration spokesman, and the search of his home and House of Commons office by the Metropolitan police. While he was not subsequently charged with an offence or arrested under counterterrorism legislation, the police used in the operation were Special Branch counterterrorism officers, giving the *impression* that there was a terror-related aspect to an investigation into leaks within the Home Office and the case was defined as being a "national security" matter. In addition, covert recordings were carried out against Green by the Metropolitan police during his arrest and questioning.

Following an investigation into the incident by Her Majesty's Chief Inspector of Constabulary, Denis O'Connor, it emerged that "a senior Cabinet Office official wrote to the Metropolitan Police in October [2008] asking for police to examine the leaks in a letter which stated that 'considerable damage' had already been done to national security" (Liberty 2009). Following this report, Green also made the link between his treatment and the impression given that this was a "national security" issue:

> This report reveals that the excuse of "national security" used to arrest me was entirely bogus. The police were misled about the security risks by a senior official in the Cabinet Office, which is itself very disturbing. Then the police themselves used covert recordings to bug my conversations with officers, which is only legal in terrorist arrests. The more we find out about my arrest the more disgraceful it looks. (Liberty 2009)

This has not been an isolated case, as Sadiq Khan, MP, for Tooting in London, had conversations with one of his constituents covertly recorded in prison by counterterrorist police officers in 2005 and 2006. Following an inquiry into the circumstances of these events, the then Home Secretary, Jacqui Smith, was able to declare that "the monitoring was carried out lawfully under the legislation" (BBC News Channel 2008). The episode illustrated not only that the law was sufficiently elastic to enable covert surveillance of an MP (apparently without the knowledge of Jack Straw who was the Home Secretary at the time), but also that the Wilson doctrine had been abandoned.[6]

The point here is not to debate the meaning of "free speech", so much as to illustrate the way in which emergency laws introduced in Britain to combat "terrorism" are impacting on everyday life. The policy obsession with security driven "intelligence" has provided the state with much wider powers of arrest, surveillance, detention and prosecution than ever existed in Northern Ireland during the conflict from 1969 to 1998. Higher education itself has been caught up in the security dragnet, with universities now being required to inform the UK Home Office of persistent absenteeism within their student body in case this is used as a cover for terrorist activities. The latest version of CONTEST, the UK's strategic "counter-terrorist" policy published in July 2011, specifically highlights the link between

Higher Education and "terrorism" and adds that it is the responsibility of these institutions of learning to prevent radicalisation of their students:

> More than 30% of people convicted of Al Qa'ida associated terrorist offences in the UK between 1999 and 2009 are known to have attended university or a higher education institution. Another 15% studied or achieved a vocational or further education qualification. About 10% of the sample were students at the time when they were charged or the incident took place . . . Universities and colleges have a clear and unambiguous role to play in helping to safeguard vulnerable young people from radicalisation and recruitment by terrorist organisations. (Home Office 2011, 67)

Conclusion: normalising the emergency

We are all now potentially in the frame of the counterinsurgency/terror strategy. The lens of security now focuses within the centre rather than on the periphery. The need for counterinsurgency strategies in the fight against international insurgencies and the threat of domestic terrorism potentially implicates us all within the surveillance culture of the twenty-first century, where only the colonial guilty or the suspect have anything to hide.

The National Union of Journalists held a demonstration outside the headquarters of the Metropolitan Police in February 2009 due to fears that Section 76 of the Counter-Terrorism Act enabled the police to stop and search press photographers in *any* situation and made it an illegal offence to "elicit, publish or communicate information" relating to members of the armed forces. In short, this potentially made it an offence to photograph a member of the police or army which might be considered to be of use to someone planning an act of terrorism. While the Home Office subsequently tried to defuse this protest by claiming that taking pictures of the police would only be deemed an offence "in very exceptional circumstances" (BBC News Channel 2008), the point was that this is now up to the police and the state to determine.

Despite reassurances from the police and Home Office officials that new anti-terror laws would not be used indiscriminately, this has not been the experience since their introduction. Liberty highlighted, for example, that powers granted to the police under the Terrorism Act of 2000 were widely used to manage peaceful demonstrations against the war in Iraq at Fairford and Welford military bases in 2003:

> Some of the state's most draconian legislation was employed during the policing of demonstrations at Fairford and Welford. This is a particularly concerning feature of policing at these sites. Legislation designed to deal with a terrorist menace was being applied widely to a legitimate civilian protest. Powers under the Terrorism Act 2000 were routinely used at both locations, even though no evidence was ever disclosed to show that a specific terrorist threat existed. Armed police were deployed to patrol the area around the Fairford airbase and military personnel on duty inside the base were authorised to use lethal force in dealing with intruders. (Liberty 2009, 14)

The CAJ provide a sobering warning from the Northern Ireland case that the use of the law as a weapon in the counterinsurgency security arsenal can easily backfire and produce what it was designed to avoid. In this scenario, the emergency becomes the norm, legal and human rights standards slip and the rights of all citizens are eroded:

> If the Northern Ireland experience is examined, it is obvious that – once introduced – special/emergency legislation can all too easily become a permanent feature . . . The risk is great that the government that introduces such extraordinary powers becomes accustomed

> to them, and finds it convenient to keep operating outside the legal constraints of 'normal' procedures. (CAJ 2008, 15–16)

The good news in all of this, perhaps, is that more people may now sit up and see counterinsurgency/terror policy for what it is. Not as a silent safety net provided by the State to deliver national security, nor as a relatively benign "violence-lite" intervention where omelettes are made without breaking eggs. Instead, the experience for many of us within the metropole (the retention of DNA files, electronic surveillance including the interception of e-mails and the possibility of detention without trial for 14 days, etc.) might make us less sanguine about the capacity of counterinsurgency/terror policies to function as a means of control once the Pavlovic levers of "terrorism" and "national security" are pulled.

Perhaps inevitably, the London Olympics in 2012 was sucked into the security threat vortex, as the UK Home Office's CONTEST document published a year earlier identified security threats as the biggest challenge to the event:

> Terrorism poses the greatest security threat to the Games. Experience from previous Games and elsewhere indicates that global sporting events provide an attractive and high-profile target for terrorist groups, particularly given the potential for malicious activity to receive enormous international publicity. London 2012 will take place in an unprecedentedly high threat environment. Threat levels can change rapidly but by planning against a threat level of Severe we have maximised our flexibility to respond to a range of threats. (Home Office 2011, 67)

Counterinsurgency/terrorism and the need to gather intelligence for worst-case scenario planning makes us all potential insurgents in need of profiling, surveillance and suspicion. The risk here is that the desire to secure produces a corrosive culture in the body politic and across its public institutions.

This article has argued that counterinsurgency/terror policy should be regarded more critically by its current academic and policy advocates, and in light of the failure of the "war on terror" to deliver increased security, greater scrutiny should be applied to its agencies, its techniques and its implications for states that make rhetorical claims to liberal-democratic values. If this does not occur, the State and its coercive agencies risk being seen as belligerents in political violence, not a buffer against it. As a consequence, the *counter* will pose more of a long-term threat to the espoused values of its advocates, than the *insurgencies* they are designed to defeat. This danger was recognised by Thornton who claimed that while asymmetric warfare presented new challenges for counterinsurgency agencies, nimble footwork was required to prevent such policies from undermining their goals:

> To maintain their strength, liberal democracies must act in accordance with the very principles that make them liberal-democracies. Once certain boundaries are crossed, they become like Rubicons; harsh measures come to be accepted as the norm, and harsh measures always have their innocent victims – often, indeed. Actually creating those they seek to quell. (Thornton 2007, 179)

The cult of counterinsurgency holds out a number of mouth-watering prospects for policymakers, the police and senior military decision-makers charged with implementing such strategies. These have helped counterinsurgency/terrorism activities to morph easily into the hubristic rhetoric of "good governance" (Weiss 2000, 795). Thus, defeating the Taliban

and eradicating poppy production will make Afghanistan a more stable polity internally, while externally reducing the black economy and endemic drugs problem in Britain. The unique selling point used by such advocates is that these insurgencies can be de-escalated and eventually quelled via methods which are, in essence, political rather than military. Whilst not precluding the use of violence against the most recalcitrant of opponents, its use is often downplayed by theorists who claim that winning the "battle for hearts and minds" can be achieved by means other than physical coercion.

This was precisely the argument made by military and political leaders in Britain during Operation Moshtarak in Afghanistan in February 2010 and uncritically repeated by embedded reporters across the British and US media. The military offensive would see most of the Taliban melt away, though the small number of hardliners would be "engaged" militarily (i.e., killed). The space created by this would be filled by "wider-peace-keeping" activities in such a way that the local population would be co-opted into the re-construction effort (Egnell 2011, 311; Korski 2011). This is all to be achieved over time, by winning the argument instead of (or as well as) winning the fight, and by co-opting local populations and isolating the insurgents. The reality, however, as the history of counterinsurgency campaigns suggest from Northern Ireland through to Iraq and Afghanistan, is that omelettes can rarely be made without breaking eggs and "dirty hands" are the inevitable result.

Perhaps those who worry about the ability of counterinsurgency policies to prevail through military, economic and political interventions are looking through the wrong end of the telescope. The contention here is that much more could be achieved both at home and abroad to win the battle of hearts and minds by UK policymakers by casting a more critical eye upon the cult of counterinsurgency/terrorism, and by asking a more foundational question. Would it not be more sensible to plough all of that blood and treasure into policies that could *prevent* insurgencies in the first instance?

Notes

1. The ramifications of colonial counterinsurgency policies in Kenya are finally impacting on UK domestic governance as a result of legal challenges from the victims. In October 2012, three former members of the Mau Mau uprising against British military occupation in Kenya won their UK legal battle to sue for damages over their alleged maltreatment/torture at the hands of the British army, which reportedly included systematic beatings, sexual assaults and castration. 62 years after the events had taken place Justice McCombe declared in the High Court that there was "ample evidence . . . that there may have been systematic torture of detainees" (Guardian 2012b).
2. This phrase was coined by former UK Home Secretary Reginald Maudling who boarded a plane after his first visit to Northern Ireland and remarked: "For God's sake bring me a large scotch. What a bloody awful country".
3. The IRA dropped the term "guerrilla" in favour of "volunteer" in its Green book from 1977 onwards (see Coogan 1993).
4. For detailed academic research on the issues surrounding "extraordinary renditions", see *The Rendition Project* at http://www.therenditionproject.org.uk/.
5. For further information see "Northern Ireland Report of an Amnesty International Mission to Northern Ireland" (28 November 1977–6 December 1977), *Amnesty International 1978,* available from http://cain.ulst.ac.uk/issues/police/docs/amnesty78.htm And for the Bennett Report, see "Report of the Committee of Inquiry into Police Interrogation Procedures in Northern Ireland", HMSO March 1979. Available from: http://cain.ulst.ac.uk/hmso/bennett.htm.
6. This was the parliamentary convention brought in by Harold Wilson in the 1960s, which prohibited covert surveillance of conversations between MPs and their constituents.

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