

Opinion: Guantanamo Is Not the Problem

By Frédéric Mégrét

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[1] The question of the detention of suspected Al-Quaida terrorists on Cuba is fast on its way to becoming a *cause célèbre*. It has all the attributes of it: the big names, the imminent courtroom drama, the drumbeat of the media. Camp X-Ray has become a symbol, although, of what is not entirely clear.

[2] No doubt this is partly justified. The image of suspected terrorists in shackles being submitted to « sensory deprivation » was appalling. It is at times difficult to see how a ragtag band of exhausted and disoriented former-fighters could be of much danger to ultra-prepared US marines. The withholding of prisoner of war status seems petty and almost specifically designed to create a situation outside the law. Even the grudging admission by the US administration that some prisoners are worthy of the protection of the Geneva Conventions seems designed to deny the status to others.

[3] Still, it is hard not to think that the issue is being substantially overinflated. There seems to have been an early misunderstanding about how representative the photos that supported the polemic were. The prison regime seems tough, but not much more so than at a number of high security penitentiaries that dot the US and much of Europe. At any rate, it is hardly as if the US has lapsed into barbarity and much of the discussion seems to revolve around details that one might think were better left to Red Cross specialists.

[4] There is of course a slippery slope argument at stake. One thing that all grave violations of elementary standards of humanity seem to have in common is that they began with what were apparently benign or at least marginal encroachments of human rights. In this context, it would seem to make sense to act earlier rather than later in order to prevent further abuses. Guantanamo might be seen as the symbolic frontline where this struggle is being fought.

[5] But it is not clear that this is in fact the argument that is being made. Even if it is the argument that is being made, one might think that the plight of prisoners in Afghanistan should be just as if not more worthy of concern. This, of course, is not to mention the plight of the Afghan population in general. That the issue of the Guantanamo prisoners should have nonetheless attracted so much attention brings attention to a series of paradoxes.

[6] The first is that the 'West' is often likely to be more obsessed with its self-image than with any overall measure of the actual harm it may cause. It is, in other words, more likely to worry about faults that are directly and vividly attributable to it, than about the far-reaching collateral consequences of its interventions. In our ultra-mediatized societies, the orphans, the cripples, and thousands of hungry stomachs in Afghanistan are simply no match for a few dozen kneeling prisoners when it comes to news impact.

[7] The second is that, all other things being equal, the 'West' will tend to be more obsessed with its self-image closer rather than further from home. Even as a fairly remote outpost of the « homeland », Guantanamo is a little too close for comfort. Public opinion may be able to stomach violations of international humanitarian law in Tora Bora, but things start to get distinctly uneasy when the application (or non-application) of constitutional guarantees on a US base in the Caribbean is at stake. The same applies to the nationality of the prisoners : the fact that some of them have Western passports at times seems to be the most compelling reason to find their treatment scandalous.

[8] The third is that the 'West' is more likely to be obsessed with its self-image when a dispute allows it to engage in neat family quarrels about who is the true standard-bearer of civilization. It is not a coincidence that the debate has taken a vigorously transatlantic tenor, with Europeans purportedly standing up for the rule of law, while Americans are portrayed in the European press as happily forfeiting it. That there are fairly immediate political agendas behind such moves should be obvious. For Blairite Britain, for example, the Guantanamo episode makes it possible to strike a more European note after months of unconditional backing of US policy; to claim innocence from the act, while being a party to the play.

[9] The problem is that, taken together, these paradoxes may also serve to obscure a number of more fundamental dangers. As if the worst thing that could be said about the intervention in Afghanistan was its treatment of prisoners. In focussing on relatively minor violations of international humanitarian law, it delays the debate on the conditions under which the war was waged, including the considerable amount of civilian casualties. Furthermore, in concentrating on the tail-end of the application of force, such criticism obscures the extent to which it is really the use of force as such that is still very much an unresolved issue for international law. In not raising the real problems, finally, there is a real risk that the whole polemic will become part of how they are perpetuated.

[10] It may be that the bigger problem sometimes needs to be treated through the lens of the smaller, symbolic one. But that should be no excuse for mistaking the smaller problem for the bigger one.