

THE EMPIRE'S NEW CLOTHES

Jay Rosen likes to talk about the Snowden effect – the events that have followed on Edward Snowden's leaks that lead to more public knowledge.

This is surely a superb example of it. Someone has leaked the US Redlines – US negotiating goals aiming to curtail the German-British proposal to recognize an international right to privacy in electronic communications – to Colum Lynch. Lynch writes,

Publicly, U.S. representatives say they're open to an affirmation of privacy rights. "The United States takes very seriously our international legal obligations, including those under the International Covenant on Civil and Political Rights," Kurtis Cooper, a spokesman for the U.S. mission to the United Nations, said in an email. "We have been actively and constructively negotiating to ensure that the resolution promotes human rights and is consistent with those obligations."

But privately, American diplomats are pushing hard to kill a provision of the Brazilian and German draft which states that "extraterritorial surveillance" and mass interception of communications, personal information, and metadata may constitute a violation of human rights. The United States and its allies, according to diplomats, outside observers, and documents, contend that the Covenant on Civil and Political Rights does not apply to foreign espionage.

The Redlines set three goals:

- Clarify that references to

privacy rights are referring explicitly to States' obligations under ICCPR and remove suggestion that such obligations apply extra-territorially.

- Clarify that the focus of the resolution is on "unlawful" or "illegal" surveillance and interception of communications.
- Clarify that violations of privacy rights do not necessarily violate freedom of expression.

The Redlines, along with a basic understanding of the degree to which the US dominates global telecommunications networks, make it clear how important retaining this advantage is to the American Empire. After all, a limit on extraterritorial spying primarily limits the US and its partners, because no one else has the ability to operate extraterritorially at such scale. And assuming the US can limit the application of privacy to nation-states, then limiting the resolution would exempt all the extraterritorial dragnet that would otherwise be in violation. I'm perhaps most intrigued by US insistence that massive dragnets don't violate freedom of expression, because while that's obviously false, the US already depends on that false claim to conduct its dragnet domestically.

This is, then, in addition to being a perfect example of the Snowden effect, it's also a perfect example of what Henry Farrell and Martha Finnemore have described in their essay on American hypocrisy and what I elaborated on here.

█ US hegemony rests on a lot of things:

the dollar exchange, our superlative military, our ideological lip service to democracy and human rights.

But for the moment, it also rests on the globalized communication system in which we have a huge competitive advantage. That is, one reason we are the world's hegemon is because the rest of the world communicates through us – literally, in terms of telecommunications infrastructure, linguistically, in English, and in terms of telecommunications governance.

Aggressively hacking the rest of the world endangers that, both because of what it does to our ideological claims, but just as importantly, because it provides rivals with the concrete incentive to dismantle that global infrastructure.

We're opting to retain the ability to spy on everyone else, all using the increasingly flaccid claim of terrorism, all while pretending that simply endorsing this basic principle of human rights won't devastate one tool of our Empire.

But as the leak of these Redlines makes clear, we clearly do believe it would undermine the Empire.