

Post-War Constitutions: Privatization and Empire-Building

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*The following is a 2011 article by Mahdi Darius Nazemroaya for the Italian journal **Eurasia** about the manipulation of national constitutions as a neo-colonial means of modern empire-building. The article presents an important overview of the U.S. empire-building process. The original print version was published in the Italian language and translated by Pietro Longo.*

ABSTRACT: *The U.S.A. has re-written the constitution of vanquished nations since the Second World War. In the last two decades, however, Washington has managed to totally restructure vanquished states economically and politically by de-centralizing them and legalizing foreign tutelage over their political structure and their national economies. From the former Yugoslavia to Afghanistan and Iraq, this process has gone hand-in-hand with war and both an immediate and extended foreign military presence. In this regard the new national constitutions of these countries have been central to the process and opened the door for the integration of these states into Washington's empire-building project.*

The geography of a nation is also fixed in its national constitution, such as the state's definitions of its own national and internal borders. Taking this observation one step further, it has to be said that constitutions can also be utilized and redefined to meet specific geo-political objectives. This is where an important and very relevant modern geo-political issue comes into the forefront of analysis when looking at countries that have been at war with the United States of America and its allies. Looking back at the Second World War, the constitutions of Japan and Germany were re-written after their defeats either directly by Washington or under Allied supervision. The Pentagon also erected military bases in both Germany and Japan that began to alarm Soviet leaders. The reconfigured of both Germany and Japan served Washington's geo-political interests. This is evident when studying the Japanese Constitution, which was written by the U.S. military. Article 9 of the Japanese Constitution renounces Japan's sovereign right to declare war or to maintain a standing navy, air force, and army.[1] Japan was effectively neutralized by its new national constitution as a potential military rival or threat in East Asia and the Pacific. The last two decades have seen an even more profound interplay between new national constitutions and the geo-political and strategic objectives of Washington.

Nation-Building and Nation-Breaking: A Vital Ingredient for Empire

Roughly speaking within the last two decades the U.S.A. and its allies have been engaged in the practice of what can be called “nation-building.” National constitutions have been re-written within the dynamics of this so-called “nation-building” process in the countries that are “re-built” under the political and military supervision of Washington. This “nation-building” process is not some benign process, but part of a strategy to direct the countries that are being “re-built” to serve global empire and the process of modern-day empire building. In this regard constitutions are re-written to: (1) subordinate countries into vassals or colonial territories; (2) create a niche for these vassal states in the global imperial system of modern empire; and (3) fit Washington’s geo-political objectives of empire-building or expansion.

That which is old must be destroyed or restructured first in order to create something new to take its place. In this regard, this process of so-called “nation-building” does not start without a process of “nation-breaking” taking place initially or simultaneously. This “nation-breaking” process is executed through a triad of economic, political, and military aggression by Washington and its allies, as well as through the international institutions and organizations that they control like the World Bank and the International Monetary Fund. In practice what this all means is that a process of warfare takes place in some form to (1) pressure, (2) shock, (3) disorganize, and (4) ultimately subvert the target countries into Washington’s system of modern empire. These wars can be conducted either in a covert or overt fashion. What usually happens is that this process of war starts secretly, but ends up being an open affair if the target countries do not capitulate during the covert phase of warfare. Sanctions, media demonization, political isolation, economic restrictions, and the fuelling of internal unrest are all part of the initial tactics of subverting the target countries. Even loans and aid are used as tools of war against the target countries.

The Structural Adjustment Programs (SAPs) that are instituted in target countries serve to privatize national industries and public-owned assets. It was under the pressure of the SAPs that civil war and ethnic tensions were sparked in the former Socialist Federal Republic of Yugoslavia that resulted in its exploitation and eventual division into several republics. If the target countries do not submit under this pressure, then some form of regime change is pursued by Washington. This regime change can take place via a colour revolution or through direct military operations. An open war inevitably results in some form of foreign military occupation. In this regard, Washington and its allies portray the act of military conquest and territorial occupation as an act of “liberation” or “humanitarianism.” At the same time the foreign occupying soldiers are presented as “peacekeepers” like in the case of Bosnia-Herzegovina or as members of “stabilization missions” like the International Security Assistance Force (ISAF) in the case of NATO-occupied Afghanistan. In reality the foreign troop presence is meant to enforce the restructuring of the occupied country into a modern colony or protectorate that is incorporated into Washington’s global empire.

Transitional Governing Bodies and an Overview of the “Liberated” Lands

Under foreign occupation by Washington and its allies the occupied or so-called “liberated” countries have their political, legal, and economic institutions restructured. From NATO-garrisoned Kosovo to occupied Iraq, the White House and Pentagon have installed transitional governing political authorities in these conquered territories. These administrations in reality are the modern equivalents of colonial administrations. The word “transitional” in the case of these governing bodies is very misleading, because these so-called transitional governing bodies, such the Transitional Federal Government of Somalia, usually run the occupied or imploded territories for many years.[2] For example the United

Nations Interim Administration Mission in Kosovo (UNMIK) has been running Kosovo from 1999 until today while NATO has militarily controlled it under Kosovo Force (KFOR). Even with the establishment of a Kosovar national government, Kosovo is still subordinate to the rule of UNMIK which serves the interests of Washington and the major powers in the European Union. Under these neo-colonial administrations Washington and the E.U. have escaped all their international responsibilities as the occupying powers for guaranteeing the wellbeing of the occupied countries and their societies. At the same time the U.S.A. and the E.U. use these colonial administrations to appropriate all the target countries assets and natural resources through a wave of foreign privatization. They also open the occupied territories to plunder through trade liberalization that destroys local businesses that are unable to compete with foreign competitors. The local agricultural and financial sectors are also attacked and aggressively taken over. Like in the colonial era, any local form of indigenous agriculture is disrupted. The local agricultural sector is now ruined by foreign-imported genetically modified organisms (GMOs). Water resources and other public resources are also privatized. Eventually famine, poverty, and poverty-induced crime and violence proliferate.

Colonizing through Constitutions: Yugoslavia, Iraq, and Afghanistan

Central to the restructuring process is the drafting of a new national constitution in the occupied country. A national constitution acts as the DNA of a country. Constitutions are the central document and legal core of all national laws that govern the functions of government, the divisions of internal power, the national economy, foreign relations, national positions on bilateral and international treaties, military relations, monetary standards, investment, and trade. The new constitutions of “liberated” states are being designed to subvert these countries politically and economically. The Bosnian Constitution is a primary example of this. The Bosnian Constitution was drafted as a part of a broader peace agreement known as the Dayton Accords, which was written at a U.S. military base in Ohio and was later signed in 1995. The Dayton Accord and the acceptance of the foreign-drafted Bosnian Constitution effectively transformed Bosnia-Herzegovina into a modern protectorate. Under the new constitution, a new political and economic framework and model would be imposed in Bosnia-Herzegovina under the watchful eye of NATO soldiers. Under the Bosnian Constitution the country legally became run by non-Bosnians and the actual head of the Bosnian government was the individual who holds the office of High Representative of Bosnia-Herzegovina.[3] The High Representative is not a Bosnian citizen and is effectively a colonial governor who is an official from Brussels that is assigned by the European Union. The High Representative has also simultaneously been the Special Representative of the European Union in Bosnia-Herzegovina since 2002.[4] At the same time the Principle Deputy High Representative has always come from Washington.[5] The head of the Bosnian Central Bank is also a foreigner who is hand-picked by Washington, Brussels, and the International Monetary Fund.[6] The Bosnian Central Bank has actually become subordinated to the banking systems of the U.S.A. and Western Europe and could not even issue credit or issue its own currency under the guidelines of the Bosnian Constitution.[7] Before Kosovo officially declared its independence in 2008, the case has also been the same there. Since 1999, fiscal and economic policy in Kosovo has been dictated and governed by Washington and Brussels. UNMIK even de-linked Kosovo from its economic unity with Yugoslavia by replacing the Yugoslav Dinar with the German Mark on September 9, 1999.[8] UNMIK also encouraged the people of Kosovo to do business using multiple foreign currencies, including the U.S. dollar, which benefited Washington and its Western European allies.[9] Despite the fact that it was still officially a part of Yugoslavia

and Serbia, Kosovo would also switch to the euro in 2002 and UNMIK never even entertained the idea of a local currency in Kosovo.[10]

The colonization process in Afghanistan and Iraq is no different than the model applied in the former Yugoslavia. These processes all start with a new governing authority that is set up after a war or invasion. The new administrations then reconfigure the occupied territories and create new national constitutions. The national economies are destabilized by violence, divisions are fuelled by foreign catalysts, and the countries begin to dissolve as cohesive entities. Finally protectorates or colonies that include imperial military garrisons in the form of U.S. military and NATO overseas bases are established. This military base infrastructure is similar to those in the Roman frontier territories of the past as the Roman Empire expanded. In 2003, a foreign administrator was also appointed in Anglo-American occupied Iraq by the White House. This was initially done under the post of a Provisional Director in the Office for Reconstruction and Humanitarian Assistance (ORHA), which then evolved into the Coalition Provisional Authority. The supervisor of the second transitional administration in Iraq was called by many names including the Special Representative in Iraq, the High Representative in Iraq, the Administrator of the Coalition Provisional Authority, the Governor of Iraq, the Consul of Iraq, and the Proconsul of Iraq. The last two titles of Consul of Iraq and Proconsul of Iraq are names that come straight out of the history books and were used by the Romans. Moving forward, the Administrator of the Coalition Provisional Authority served a similar purpose as the High Representative of Bosnia-Herzegovina. Under the Coalition Administrator a whole series of reforms would take place and in 2004 an interim Iraqi constitution known as the Transitional Administrative Law was arbitrarily imposed in Iraq. The centrality of a new constitution was so important to the U.S. government that in 2005 an Iraq parliamentarian, Mahmoud Othman, stated: "They gave us a detailed proposal, almost a full version of a constitution. [...] The U.S. officials are more interested in the Iraqi constitution than the Iraqis themselves." [11] A national constitution, based on the Transitional Administrative Law, was eventually drafted overtime that served to legitimize (1) the de-centralization of Iraq that would result in the creation of a fragile federal system and (2) the almost immediate foreign privatization program that the Coalition Provisional Authority had initiated in 2003 under Coalition Provisional Authority Order Number 39.[12] Article 10 of the Afghan Constitution, which was written in 2004, has also pushed for a private market that officially resulted in the start of a foreign-directed privatization program in 2006 that began the liquidation of most of Afghanistan's state-owned assets and resources to foreign buyers.[13] The same model is an objective that is slated to be applied to Libya as a new protectorate after the NATO war in North Africa ends. The Transitional Council in Benghazi, which is supported by NATO just as the Kosovo Liberation Army (KLA) was supported by NATO in Kosovo, has already created a new central bank and a new reconfigured national oil corporation that are under foreign influence.[14]

De-centralization of the State: Opening the Door for Imperial Armies and Future Wars

Under the new legal framework and constitutions established by Washington and its allies any central authority within the conquered countries are systematically eroded and devolved. The political sub-units of these countries, such as cities, counties, governorates, provinces, and regional political groupings are given increased autonomy, especially in regards to their trade and their relationships with the occupying powers. This is how the Kurdistan Regional Government (KRG) was able to sidestep Baghdad, despite the objections of the Iraqi Oil Ministry, and separately sign 40 energy contracts for oil extraction with

foreign oil companies.[15] This externally-induced devolution of the central authority of the occupied country has political, economic, and sociological ramifications. Social Disorganization Theory can be extended in its understanding at both the micro-structural and the macro-structural levels to explain these changes and how they are utilized by Washington and its allies to manipulate and engineer the occupied country's society into reconfiguration.[16] Sociologically speaking, the fabrics of the occupied countries are altered. This includes a change in societal unity/division, the social system of values, and the concept of national identity. The fabrics of national unity are weakened at every level and social anomie takes hold of the occupied country effectively creating a state of social chaos where the different groups in the occupied society become hostile and differential towards one another. This works as a counter-balance to internal resistance trying to fight the occupation and foreign tutelage. The same social standards and rules that were in place prior to the occupation no longer apply in these socially de-regulated environments. In these socially de-regulated environments Washington has attempted to engineer new social structures usually through division. These new divided societies, which are always internally weak, then are prompted to function as a part of Washington's system of global empire. This scheme has also been endemic to Africa and has direct ties to European empires and colonialism.

These conquered countries become acquiescent to the geo-political and strategic objectives of Washington and NATO by also becoming the homes to a series of military bases that are supported under their new national political and economic structures and by the divided or fragile characteristics of their societies. Like the new national constitutions, the new foreign military bases are part of the logistics of empire-building and serve as forward posts that protect Washington's military supply lines, energy routes, and transport corridors. In NATO-garrisoned Kosovo there is Camp Bondsteel, which is located near the borders of Albania and the Former Yugoslavian Republic (FYR) of Macedonia. Bondsteel was established by the Pentagon after the NATO war with Yugoslavia in 1999. It serves as (1) NATO headquarters in Kosovo, as (2) protection for the planned Albania-Macedonia-Bulgaria Oil (AMBO) Pipeline that is supposed to be built to bring Caspian Sea oil to Western Europe by bypassing the Russian Federation, and (3) as a forward military outpost in the Balkans. Its creation was part of the larger military movement inward towards the Eurasian Heartland. It was also used along with the military infrastructure that the Pentagon was creating in Eastern Europe (replacing the military infrastructure in Germany) to attack Afghanistan in 2001 and Iraq in 2003. Both Afghanistan and Iraq on the other hand are also now dotted with Washington's bases. Iraq also has a Status of Forces Agreement (SOFA) with Washington, which is a replication of the 1960 SOFA between Tokyo and Washington that formalized Washington's post-Second World War military presence in Japan. The U.S. military bases in Iraq are positioned very close to the borders of Iran and Syria, while the military bases in NATO-occupied Afghanistan, such as Camp Dwyer and Camp Rhino, are situated in close proximity to the borders of Iran, Turkmenistan, Uzbekistan, Tajikistan, Pakistan, and the People's Republic of China. These countries are all objects of geo-political foci for the Pentagon. Just as the new protectorates in the former Yugoslavia were used to advance into Afghanistan and Iraq, the protectorates or colonies being created in these states will be used to encroach into these Eurasian states under the modern empire-building project of the United States of America.

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Notes

[1] *The Constitution of The State of Japan*, Chapter II: Renunciation of War, Article 9, 3 November 1946.

[2] The Transitional Federal Government of Somalia is mentioned as an example. It was also formed outside of Somalia in Kenya with the support of the U.S.A. and the E.U. and the intent to use the Transitional Federal Government of Somalia to expand their influence in Somalia and the Horn of Africa.

[3] Michel Chossudovsky, *The Globalization of Poverty and the New World Order*, 2nd ed., Pincourt, Québec: Global Research, 2003, p.258.

[4] Office of the High Representative and EU Special Representative, *The Mandate of the OHR*: <http://www.ohr.int/ohr-info/gen-info/default.asp?content_id=38612>.

[5] *Ibid*, *All Hr’s and Deputy Hr’s*: <<http://www.ohr.int/ohr-info/hrs-dhrs/>>.

[6] Michel Chossudovsky, *op. cit.*, pp.258-259.

[7] *Ibid*.

[8] Saumya Mitra, ed., *Kosovo: Economic and Social Reforms for Peace and Reconciliation*, Washington, D.C.: World Bank, 2001, pp.22-23.

[9] *Ibid*.

[10] *Ibid*.

[11] Jonathan Finer and Omar Fekeiki, “U.S. Steps Up Role in Iraq Charter Talks: Envoy Offers Plan To Settle Dispute, Legislators Say,” *The Washington Post*, August 13, 2005.

[12] Coalition Provisional Authority, *Coalition Provisional Authority Order Number 39* (September 19, 2003): <http://www.iraqcoalition.org/regulations/20031220_CPAORD_39_Foreign_Investment_.pdf>

[13] *The Constitution of Afghanistan*, Chapter I: State, Article 10, 3 January 2004;

Afghanistan Investment Support Agency (AISA), Privatization:<<http://www.aisa.org.af/english/privatization.html>>.

[14] William Varner, "Libyan Rebel Council Forms Oil Company to Replace Qaddafi's," Bloomberg, March 22, 2011.

[15] Aiyob Mawloodi, "Iraqi Parliament to discuss Kurdish oil contracts," The Kurdish Globe, May 7, 2011.

[16] William Isaac Thomas and Florian Znaniecki, *The Polish Peasant in Europe and America*, vol. 2, N.Y.C.: Dover Publications, 1958, pp.1127-1133.

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