

— COMMENT —

## Governance by Universal Justice or Serial Warfare?

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This article re-evaluates the UK government's 'moral' case for war with Iraq with a view to identifying a more pressing issue, which the moral case obscures, in order to clarify, first, why this issue – namely, the denial of equity and international justice primarily for reasons of wealth accumulation – generates resentment and terrorism, and second, how the pursuit of wealth in this manner is, as the United States is witnessing, producing enemies that it cannot defeat. In this light, it follows that respect for international justice and the expansion of minimum rights and liberties everywhere and for everyone that that wealth generation involves becomes an argument for mutual security. Among the possible means to this end, particular attention is paid to the development of rights-compatible energy sources (which power the production of wealth), the replacement of those international financial institutions which promote warfare by other means with those which promote prosperity by just means, and the equalisation of the legal standing of governments.

The question of a sufficient justification for war with Iraq had always been a problem for Tony Blair. Whereas Iraq's suspected weapons of mass destruction offered a necessary but never sufficient condition, few took Mr Blair's concern for democratising Iraq any more seriously than, some would argue, he did the democratic verdict of his own country on the matter of war. In some ways the most persuasive justification, and a linchpin for these arguments, lay in Mr Blair's 'moral' case. Used extensively during the parliamentary debate on the motion that authorised war, the moral case argued that we in the UK do not have the right to ignore the pervasive bloodshed and suffering caused by Saddam Hussein's regime, and that, like it or not, war was the necessary means to prevent this. The question of the immorality of the recent Iraqi regime may be beyond doubt, but such details do not mean that the validity of Mr Blair's shifting rationale for war should, even now, be left

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unquestioned. Iraq constituted but one part of the US's growing 'axis of evil' and the importance of a reconsideration of Mr Blair's rationale grows with the likelihood that it will be used to further effect. That the moral case for war in fact obscured the more pressing, deeper-lying issue of the denial of universal justice, and that the continued refusal to acknowledge this issue may be instrumental in creating conditions (terrorism) which threaten our collective security, is a perspective that appears to have bypassed those convinced of the morality and necessity of the war with Iraq. As a consequence, bringing to light and adequately addressing this issue becomes an argument for mutual security and a means of disabling the logic of the necessity of serial warfare.

#### NEO-IMPERIALISM WITH A UTILITARIAN FACE IS STILL NEO-IMPERIALISM

It is difficult to forget Tony Blair's much repeated 'moral' or 'humanitarian' case for war. On the day of the largest anti-war protest in history, the prime minister argued that it would be 'inhumane to leave Saddam Hussein in power'.<sup>1</sup> Even if there were 500,000 people marching against a possible war with Iraq, Mr Blair reasoned, that would be 'less than the number of people whose deaths Saddam has been responsible for'.<sup>2</sup> In reference to morality, Mr Blair was, as he is today, speaking in broadly utilitarian terms. Utilitarianism justifies an action if that action leads to an outcome of the greater happiness for the greater number, or a decrease in pain for the greater number and, on this view, invasion would be better than no invasion if the invader's kills were fewer than those killed by Saddam Hussein's regime.

But such an accounting betrays a lack of precision. To make this comparison meaningful, the number of Iraqi civilian deaths beyond which an invasion would have become immoral should have been given. Without a stated, even anticipated, figure, it is simply not possible to conclude on this basis that war was morally justified. Likewise, the exclusion from this 'cost-benefit analysis' of Iraqi suffering of, for instance, the possible terrorist-caused deaths in the UK as a result of predictable Islamic outrage at apparent aggression by the UK-US military alliance against what was already considered a broken country, casts further doubt on Mr Blair's moral judgement.

The main problem with the utilitarian line of reasoning is that it has long been considered politically imprudent to use for making decisions of gravity such as the one Mr Blair faced.<sup>3</sup> This is because the argument excludes all but two options and so cannot accurately reflect the reality of the situation. As many individuals reason, and as the governments of

Germany, France and Russia long insisted, there were more than simply the options of war or inactivity. The utilitarian line of reasoning is useful, however, in adding weight to the general aim of persuasion once a decision has already been made.

A consequence of framing the debate in terms of war and inactivity is that the moral onus was, and still is, placed on those who resist war. For example, Mr Blair's morally repugnant riposte to the millions protesting was that the call for peace would itself be 'paid in blood',<sup>4</sup> as if, perversely, resistance to war amounted to indifference to Iraqi suffering. Instead, the true onus was, and still is, on those who rejected Hans Blix's calculated judgement that the UN weapons inspections though not unproblematic were working, and that Iraq had conceded to many of the UN's demands. It should be asked of the Blair government just how moral it was to force upon the Iraqis (and on us) the military option when diplomatic procedures were nowhere near exhausted.

It should also be asked why moral rectitude should fail coalition forces during the invasion of Iraq precisely when it had a chance to prove itself. First, an ample provision of troops was made to secure oil fields and the Ministry of Oil in Baghdad at a time when the mass looting of Iraqi hospitals – already short of supplies and overwhelmed with war victims – was ignored and when coalition 'hospital ships' were being ordered out of the Gulf.<sup>5</sup> That the government's questionable claim that securing the oil is important for the 'prosperity of a future Iraq' should be marked by such indifference to Iraqi suffering, underlines the concern of those who resist war that the moral argument amounted to a smokescreen for the coalition's long suspected prioritisation of oil (for which soldiers lives are also evidently worth expending) and which has now *in fact* been paid in blood.

The second and perhaps more serious cause for moral alarm was the failure, some time after fighting had ceased, to prevent the looting of Iraq's nuclear facilities.<sup>6</sup> Given that one of the main pretexts for invasion was the fear of nuclear, biological and chemical weapons falling into terrorist hands, and given that it is hard to imagine a more effective way of permitting components for such weapons to fall into terrorist hands, the question must be raised as to just how plausible is the incompetence of leaving nuclear facilities unguarded? If instead this pretext is of less importance than is, say, the allies' gain made by invading select states – which it helps to justify, then the possibility of nuclear material having moved into terrorist possession makes the rationale for war immediately reusable, and serial warfare is facilitated.

The narrow utilitarian argument that the prime minister continues to pursue, which 'justifies' military intervention over inactivity, is a natural

consequence of the equally ill-thought out post-September 11 assertion by President Bush that 'if you are not with us, you are against us'. This attitude betrays a deep unwillingness to handle moral complexity. Whilst there are few who do not feel the tragedy of the Jihad attack and would not wish the perpetrators be brought to justice, there are just as few who are not dismayed at America's apparent lack of reflection upon what it is that it is doing to generate such an attack. To acknowledge this moral ambivalence requires those authorities in favour of serial warfare to abandon their knee-jerk rationale and ask themselves three questions.

First, how are military intervention and the consequent slaughter of innocent civilians ethically superior to the actions of Saddam's regime? The apparent willingness to engage in the killing of large numbers of wholly innocent people reduces Blair and Bush to the same moral status as Saddam. The pretence to the moral high-ground on the basis that fewer deaths ensued from the invasion than allegedly would have from inactivity is, in non-triage situations where other options were available, as absurd as it is morally bankrupt.

Secondly, how is the world a safer place with the US now widely perceived to be a power unencumbered by international law and global public dissent? The failure to obtain lawful authorisation from the UN security council for military action not only taints the claim that this action was just but also positions the US and its allies in the same camp as so-called 'rogue states', namely, outside the law. This makes the indictment of rogue states for breaching international law meaningless as a rationale for military action.<sup>7</sup>

Thirdly, Blair and Bush must ask themselves how these actions make future terrorism less likely. The longer this point is glossed over, the greater the importance to seek an explanation from them as to just how moral it is to jeopardise our country's collective security by, on the face of it, a means *par excellence* of recruiting for bin Laden, for reasons that failed to convince the UN, not to mention the majority in this country.<sup>8</sup>

A possible answer to all three points involves returning, in a sense, to the question of why it is that prosperous countries, in particular America, are the target of terrorist attacks. Indeed, is it coincidence that America, whose wealth is founded on the impoverishment of other peoples and *their* environments, has been so targeted?<sup>9</sup> Most people and peoples detest nothing more than being made isolated, worthless and powerless. The gathering global realisation post-September 11 is that some of this anger is now being channelled into major acts of international terrorism and that all national boundaries are vulnerable. If a country's prosperity is derived in such a way as to generate such hatred, then, as America is witnessing, that wealth will create enemies it cannot defeat.

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The response to this predicament so far has been to act in such a way that hatred of, and terrorism in, the UK and US become more likely. The logical and, it increasingly appears, only reliable means of ensuring internal security, is to generate prosperity in a manner that does not itself undermine security, that is, in a manner that enhances or at least protects minimum human rights and liberties everywhere and for everyone it involves. If terrorism originates from the denial of basic rights and liberties that wealth accumulation can cause, then respect for rights and liberties becomes the best means of countering terrorism.<sup>10</sup>

Blair's mistake was to frame the moral issue in terms of war and inactivity with the number of civilian deaths as the arbiter. With greater perspective, the moral issue is the trade-off between our wealth generation and others' economic, political, ecological and psychological impoverishment, with the degree of respect shown to those involved in the production of this wealth the chief guarantor of mutual security.

This basic economic trade-off ensures that a presumed right to wealth for a minority is asserted at the expense of the basic rights of a majority, creating a kind of inverse utilitarianism which concentrates the greater 'happiness' in the hands of the smaller number. Such predatory-based inequity is typically masked by the verbal inclusion of that majority within our moral community, as Mr Blair's moral argument attempts, while pursuing economic and military policies which contradict this aim.<sup>11</sup> Clearly, those whose rights are not respected *in practice* do not form part of our moral community, and comparisons such as that of the number who resist war with the number of Iraqis ostensibly killed by the former regime are empty because, as is evident in practice, the right to life of one Westerner outweighs that of one Iraqi.

The defining feature about basic rights, such as that to life, is that they are absolute. They are justified not as the utilitarian would have it, by way of their tendency to promote overall happiness, but because such rights are a good in themselves. This means that a single person's life has absolute value and cannot be traded off against, say, the security of the majority; even more so when other avenues have not been exhausted. To do so is deeply immoral. This, it would appear, is the Blair government's position. Because not all avenues had been exhausted their willingness to sanction civilian deaths in Iraq was evidently immoral.

## OVERCOMING ECONOMIC NEO-IMPERIALISM

Among the obstacles to the expansion of minimum equal rights and liberties, perhaps three of the more important include: (1) the means of powering the production of wealth, (2) institutions whose function

tacitly denies basic rights, and (3) the ambition of major powers to set themselves above the law.

(1) If as some maintain the US-UK invasion of Iraq was motivated predominantly by the economic and strategic leverage afforded by possession of the world's second largest oil reserve,<sup>12</sup> and if that invasion has increased the risk of terrorist reprisals against the US and UK (in whose name the war was supposedly fought), then the quest for oil involves the denial of our right to security and, for some, to life by a presumed right to wealth which oil, by powering production, makes possible.<sup>13</sup> A possible rectification of this inequity could take its lead from current efforts to mitigate the central consequence of oil dependence, namely, global climate destabilisation.

The climatic destabilisation of society from fossil fuel-based economic growth is, like potential oil-generated terrorism, usefully understood as the tacit trade-off by some countries' assumed right to GDP of others' actual right to survive, which is compromised by the emission of greenhouse gases from the production of that GDP. The problem that is dawning on over-polluting countries is that this economic growth is, again like the rise in terrorism, generating a threat to their own security. (Insurance leaders' account of the current financial impact alone shows that the costs of global weather-related damage are rising exponentially by 10% pa, and should this continue, as it shows every sign of doing so, within two generations the damage costs from production will equal the global wealth generated (at 3% pa) by that production, making *inter alia* much investment self-defeating).<sup>14</sup> Since, as organisations such as GCI argue, a global solution to the climate threat from which no one is immune requires global agreement, the necessary condition for the possibility of which is the recognition of the equal right to survive, the assertion of equity becomes an argument for mutual survival.<sup>15</sup> In the interest of national security, it follows that oil and other forms of energy generation which discount basic rights and liberties be replaced by alternate means of energy generation, such as wave, wind, coppice and other energy technologies, which avoid climate damage and, by decentralising power generation, avoid conflicts over reserves and distribution which characterise much of the recent history and the present of the Middle East.

(2) Another obstacle to the expansion of minimum equal rights and liberties is international institutions which operate on the basis of their unequal expansion. Among those eligible, the World Trade Organisation, an international forum for negotiating, monitoring and enforcing trade

agreements, provides a prime example.<sup>16</sup> Its current mandate to eliminate all 'non-tariff barriers to trade', essentially any local and national legislation which protect labour rights, public health, animal welfare, the ecology and so forth that might be construed as delivering 'unfair' trade advantages,<sup>17</sup> subsumes the basic rights of a majority under an ostensible right to wealth for a minority, which such trade facilitates by prioritising 'free trade' over all such social goods.<sup>18</sup> The relation of 'free trade' to war clarifies when it is realised that by overruling legislation which safeguard public health, labour practice and environmental safety, the denial for some of the right to life and for the majority of the right to be free from damage caused by others' accumulation of wealth, makes the difference between 'free trade' and war a difference of degree, if by war is meant the organised suppression of others' rights to liberty and to life in the name of one's own interests. The same denial of the fundamental rights of those involved in the production of our wealth that *inter alia* gives rise to terrorism and, in turn, to the 'necessity' of a war on terrorism, forms the core of institutions such as the WTO whose mandate amounts to legitimating, enforcing and advancing warfare by other means.<sup>19</sup>

In a society that presumes the right to life sacrosanct, justification must be sought of institutions which presume it unequal. If justification cannot be met – and the burden of proof lies with those who think the denial of basic rights necessary – those institutions ought to be declared illegitimate, dismantled as one would any other illegitimate authority and replaced with those which promote prosperity by just means. For instance, the equity-based solution to climate change provides an example of how the right to wealth may be enjoyed in a manner that safeguards a basic right of those involved in its production: the equal right to survive, a precondition of any agreement to the global climate threat, may translate economically as the per capita equal right to the use of the limited resources of the global commons within limits that are safe for all.<sup>20</sup>

(3) A further condition for the expansion of minimum equal rights and liberties is the reduction of world powers who set themselves above the law to the same moral and legal status as the rest of us. This would have meant in Iraq's case indicting Saddam Hussein for crimes against humanity. While this would not have been easy to achieve, the difficulty of this move should never be an argument for the prevention of international justice from prevailing over war. Indeed, overturning impunity happened to Pinochet and Milosevic, is likely to happen to Sharon (by Belgium)<sup>21</sup> and may happen to Kissinger (if found guilty of authorising the mass murders which brought Pinochet to power in Chile). Trying Saddam rather than bombing Iraq clearly would have

offered a stronger moral case than war since it would have avoided risking further bloodshed and trauma to innocent Iraqi people. Had international resolve gone into creating a precedent for upholding such justice, rather than pre-emptive strikes on grounds of an unproven threat to self-defence, an immeasurable amount of good would be done for world peace and the rights of the individual.<sup>22</sup>

So why did the Blair government not pursue this legitimate and easily justifiable means of bringing the dictator to justice? Perhaps some of the reasons turn, to its shame, on the US administration's steadfast refusal to support instruments of international justice. More than any other country the US has refused to heed UN's rulings not in its favour.<sup>23</sup> Further reasons rest with Blair and Straw who, to their shame, agreed late in 2002 to US demands to disable the International Criminal Court, which their government helped to draft, by exempting the US from its remit.<sup>24</sup> This action has crippled the court's prime objective of strengthening universal jurisdiction and eliminating impunity. It has also undermined the House of Lords' historic ruling in the Pinochet case that international law can hold despots to account. Consequently, not only would the efficacy of a possible indictment of Saddam Hussein have been weakened by Blair and Straw's assent to US demands, but their agreement now prevents any US citizen suspected of war crimes from facing charges in this country. Precisely how one can undermine a legitimate, effective and *humane* means of bringing mass murderers to justice, and place one's allies above justice, and condemn those who seek a peaceful resolution as being complicit with the recent Iraqi regime's brutality in order to force through a war option made more plausible by the denial of international justice, and claim to be answering to a morality that supersedes global dissent, simply beggars belief.

No doubt international justice was denied for (at least) two reasons. If Saddam were on trial, the US would not have been able to seize Iraq's oil reserves; these would have instead transferred to the remaining government of Iraq. Secondly, the trial of Saddam for *inter alia* state terrorism would have set an unacceptable precedent for those authorities in favour, it seems, of the suppression of international justice. Accusations from the White House that the supporters and suppliers of terrorists are to be regarded as terrorists themselves is contradictory since on those grounds, there would appear to be good reason to indict the likes of Donald Rumsfeld and Margaret Thatcher for, among other things, supplying Saddam Hussein with the means to develop weapons of mass destruction throughout the 1980s (whose use at Halabja Mrs Thatcher dismissed in the British parliament) which the dictator used in wilful and largely foreseeable acts of terrorism, as

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defined in the US code and in US army manuals, on the Iranians and on Kurds in Iraq.

Those who deny international justice for their own perceived gain, however, may soon become an endangered species. We are entering a time when the need for internal security may become so dire that political leaders prefer to relinquish international policies, trade agreements and energy options which make threats to our security more likely and to extend to those involved in the generation of our wealth minimum rights and liberties. September 11 forces on us the ironic and belated realisation that self-interest (survival), today, means egalitarianism. The expansion of minimum basic rights and liberties, the development of rights-compatible energy sources, the replacement of institutions which promote warfare by other means with those which promote prosperity by just means, and the equalisation of the legal standing of governments, offer the safest, most moral and, increasingly, the sole reliable means of avoiding threats to mutual security.

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## NOTES

1. Tony Blair's speech to Labour's local government, women's and youth conferences, 15 February 2003, SECC, Glasgow, accessed at [www.labour.org.uk/tbglasgow](http://www.labour.org.uk/tbglasgow). See also 'Overthrowing Saddam would be an act of humanity, says Blair', *The Independent on Sunday*, 16 February 2003.
2. Ibid.
3. See, for example, J. O'Neill, 'Managing without prices: the monetary valuation of biodiversity' *Ambio*, Vol.26, No.8, December 1997 (for a concise account); A. MacIntyre, 'Utilitarianism and cost-benefit analysis: an essay on the relevance of moral philosophy and bureaucratic theory' and A. Gewirth, 'Human Rights and the Prevention of Cancer' in D. Scherer and T. Attig, *Ethics and the Environment* (Englewood Cliffs, New Jersey: Prentice-Hall, 1983); J. Smart and B. Williams, *Utilitarianism: For and Against* (Cambridge: Cambridge University Press, 1973); A. MacIntyre, *A Short History of Ethics* (London: Routledge & Kegan Paul, 1967), ch. 17.
4. Tony Blair (note 1). See also 'Blair's warning: "Weakness will be paid in blood"', *The Observer*, 16 February 2003.
5. See, for example, 'The hell that once was a hospital', *The Guardian*, 12 April 2003; 'In an Iraqi hospital which ran out of oxygen, hope is in short supply', *Daily Telegraph*, 14 April 2003; 'Americans defend two untouchable ministries from the hands of looters', *The Independent*, 14 April 2003 (which reports how US forces positioned hundreds of troops in the Ministries of Oil and of the Interior while permitting the looting and burning the Ministries of Education, Culture, Public Information, Planning, Irrigation, Trade, Industry and Foreign Affairs, and found it possible to allocate 2000 US troops alone to secure the Kirkuk oil fields (near Mosul) when not even 200 could be spared to defend the hospitals, museums and libraries - the looting and destruction of which, incidentally, was later dismissed by Donald Rumsfeld by likening it to mere football

- hooliganism; see 'Looters like soccer fans – Rumsfeld', *The Times*, 28 May 2003) and 'US neglect casts dark shadow over a city without light or much love for the invaders', *The Guardian*, 16 April 2003. On the British hospital (or 'primary casualty reception') ship in the Gulf, the *Argos*, being sent home together with US hospital ships, see 'Written Ministerial Statement to the House of Commons by Secretary of State for Defence, Geoff Hoon, on 11 April accessed at [www.operations.mod.uk/talic/statement\\_sofs\\_11april.htm](http://www.operations.mod.uk/talic/statement_sofs_11april.htm).
6. 'UN wants to investigate Iraq nuclear looting' *Reuters*, 5 May 2003 accessed at [www.reuters.com](http://www.reuters.com), BBC News (10 o'clock) 5 May 2003, and 'In the wreckage of Saddam's nuclear research centre, villagers take their pick of lethal spoils', *The Independent*, 10 May 2003.
  7. Further exposition of the self-placement of the US and UK in the same camp as 'rogue states' is found, for example, in N. Chomsky, 'Rogue Gallery: Who Qualifies?', *Harvard International Review*, Summer 2000.
  8. The claim that the invasion of Iraq and earlier, of Afghanistan, underscores the US's commitment to punish terrorism is countered by the 'rogue state', North Korea, whose alleged proliferation of weapons of mass destruction appears to have served thus far as a remarkable deterrent to the US's punitive measures.
  9. Among the numerous studies on this connection, a few include: N. Limnatis, 'Globalization and Modern Philosophy', *Radical Philosophy*, 119 (May/June 2003), pp.25–31; N. Chomsky, 9-11 (New York: Seven Stories, 2001), 'Socioeconomic sovereignty' in *Rogue States* (London: Pluto, 2000) and *World Orders, Old and New* (New Delhi: Oxford University Press, 1994) ch.2 (4); T. Hartmann, *The Last Hours of Ancient Sunlight* (London: Hodder & Stoughton, 1999) pp.46, 49–77; L. Despouy, *The Realisation of Economic, Social and Cultural Rights*, UN Commission on Human Rights, Economic and Social Council, e/CN.4/Sub.2/1996/13, 1996; T. Hayter, *The Creation of World Poverty* (London: Pluto, 1990); S. George, *A Fate Worse than Debt* (London: Penguin, 1988); E. Wolf, *Europe and the people without a history* (Berkeley: University of California Press, 1982) and the earlier, K. Polyani, *The Great Transformation* (Boston: Beacon, 1957); F. Fanon, *The Wretched of the Earth* (London: Penguin, 1967); E. Hobsbawm, *Industry and Empire* (London: Penguin, 1969), R. Hilferding, *Finance Capital* [1968] (London: Routledge & Kegan Paul, 1981) and J. Hobson, *Imperialism* (London: Nisbet, 1902).
  10. Analyses such as Hill et al.'s otherwise helpful account of global consumption inequities from a Rawlsian perspective are marked by a failure to link such inequities with the implicit denial of rights. Making this link transparent, rather than merely exposing and lamenting inequalities alone, would more effectively advance the justice 'as fairness' thesis by dovetailing Rawls's quasi-transcendental arguments, notably the 'veil of ignorance' (transcendental in the sense of providing the necessary conditions for the possibility of universal justice), into existing conditions of global Realpolitik, several of which have been argued in this essay: a minority's wealth accumulation premised on the denial of others' basic rights which gives rise *inter alia* to such global threats as international terrorism, climate change and the perceived need to disable instruments of international justice. See R. Hill, R. Peterson and K. Dhanda, 'Global Consumption and Distributive Justice: A Rawlsian Perspective' *Human Rights Quarterly*, Vol.23 (1), 2001, pp.171–87.
  11. This tactic will come as no surprise to those familiar with the Blair government's 'Third Way', for the move is symptomatic of its general attempt to uncouple democracy from justice by emphasising liberal over social rights and 'inclusion' over equality.
  12. A possible further motivation was Iraq's announcement, curiously coincident with the period when US hostilities against Iraq were gathering momentum (Autumn 2002), to switch its oil trade from US dollars to Euros, thereby undermining the global pre-eminence of US dollars, strengthening the currency of its main competitor, the EU, and setting a precedent for other oil exporting nations to possibly follow suit. See 'Iraq nets handsome profit by dumping dollar for euro' *The Observer* 16 February 2003.
  13. The industrial CO<sub>2</sub> (from fossil-fuel burning)/GDP lockstep is well documented in A. Meyer, *Contraction and Convergence: The Global Solution to Climate Change* (Totnes: Green Books, 2000) pp.28–9, 32, 36–7. See also the earlier F. Hoyle, *Energy or Extinction?* (London: Heinemann, 1979), p.24. In addition, such conflict may, together

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- with famine and mass migration, be set to increase with, as some geologists discern, the imminent peaking of global oil production – when increasing demand outstrips decreasing supply – and the subsequent inexorable rise in oil prices ‘raising the prospect of economic chaos’, major ‘problems transporting food and other supplies, and even war as countries fight over what little oil is available’. B. Holmes and N. Jones, ‘Brace yourself for the end of cheap oil’, *New Scientist*, 2 August 2003, pp.9–11.
14. Munich Reinsurance and other insurance leaders comments are found in A. Meyer, *Contraction and Convergence*, pp.30–33. See also Global Commons Institute at [www.gci.org.uk](http://www.gci.org.uk) for further details. In this light, it would be pertinent to compare a projection of the possible climate-related damage from the likely increase of CO<sub>2</sub> released from fossil fuel burning as a result of the US/UK’s de facto control of Iraq’s oil extraction and distribution with anticipated damage from Iraq’s suspected weapons of mass destruction, so as to clarify which is the more dangerous weapon of mass destruction.
  15. See A. Meyer, *Contraction and Convergence*, ch. 2.
  16. Other international financial institutions notably the IMF, World Bank and the OECD, together with various corporate lobby groups at the forefront of their policies could provide further example. See N. Chomsky, ‘The United States and the ‘Challenge of Relativity’’ *Rogue States* (London: Pluto, 2000); S. George, *A Fate Worse than Debt* (London: Penguin, 1988), ch. 3, 10.
  17. See, for example, *Industrial Tariff Liberalisation and the Doha Development Agenda* WTO discussion paper No.1 (Geneva: WTO Secretariat, 2003) and *WTO Analytical Index – A Guide to the WTO Law and Practice*.
  18. A logical conclusion of this mandate, and one that is already happening in some parts of the world, is the ability of corporations to sue states for ‘expropriation’ – effectively the failure to meet their demands for free access to resources and markets. See N. Chomsky, *Rogue States* (London: Pluto, 2000), p.118. To give an example, the Ethyl Corporation sued the Canadian government for the ‘expropriation’ of its ‘property’ (namely the anticipated profits) and the ‘damage’ to its ‘good reputation’ caused by the parliamentary debate on its product, methylcyclopentadienyl manganese tricarbonyl (MMT), a fuel additive which is mixed with petrol to prevent engine knocking, but which many scientists believe is also a dangerous neurotoxin. (Manganese entering the body through the lungs causes nerve damage which can lead to psychosis, memory loss and early death.) Ethyl took its suit to NAFTA, where a secret tribunal – whose records are not disclosed and whose decisions cannot be appealed – began to assess the case. At that time (Autumn 1998), realising its chances of success were approximately zero, the Canadian government settled with Ethyl. It agreed to allow the corporation to resume sales of MMT in Canada and agreed to pay Ethyl \$13 million (of public money) in compensation. Upon settling, it announced that ‘MMT poses no health risk’. See G. Monbiot, ‘Running on MMT’, *The Guardian*, 13 August 1998 for further details.
  19. A further point merits attention. The standard problem, from the point of view of corporate power, of government being to a degree accountable to the public and offering avenues for public participation – which is partly overcome by the steady transfer of responsibility into the hands of corporations (e.g. as some would argue is occurring in the UK under such guises as the Public Private Initiatives for education, health, transport and so forth) who are protected from scrutiny by the grant of personal rights and able to plan and decide in insulation from the public, thereby administering domestic and international markets through their internal operations – is reduced by another level of magnitude when government power is transferred to international organisations which adjudicate transnational conflicts in favour of corporate power. The point of note here is whether representatives of peoples (i.e. governments) can wilfully relinquish the sovereignty of their subjects and still legitimately claim to represent? Even for such classical liberal thinkers as John Locke, one of the few grounds for overthrowing a government, whose duty, according to him, is to protect the interests of its individuals, lies in the breach of trust by, for example, allowing them to be enslaved or taking away their property. See J. Locke, *The Second Treatise of Government* (Oxford: Blackwell, 1966), ch. XIX. In signing up to the WTO, what the UK government has done is effectively disenfranchise its subjects (us) by abdicating its authority the basis for which, for Locke and others, is the general will of the population – as is also articulated

in articles 19 and 21 of the Universal Declaration of Human Rights – which has now been dismissed – to an unelected, anti-democratic authority which influences and controls the public via governmental ‘agreements’ but which refuses to acknowledge public influence or control. Clearer grounds for the overthrow of government are, some would argue, difficult to find.

20. For further details of how prosperity may be promoted by just and sustainable means, see, for example, R. Douthwaite, *The Ecology of Money* (Totnes: Green Books, 1999). In addition, if a significant proportion of government and corporate power derives from taxes (for the latter, from the transfer of public funds via subsidies to industry) which is used for activities which, intentionally or otherwise, deny the basic rights of others, that is, criminal activity, it follows that each and everyone of us should ask ourselves what proportion of tax we ought to withhold in order to avoid being complicit in national and, particularly, international crime.
21. ‘Belgium ruling key precedent for human rights’ *Human Rights Watch Press Release*, 13 February 2003, and ‘Belgium asserts right to try Sharon’, *The Guardian*, 13 February 2003.
22. There is no legal precedent in international law for the use of force to change a regime, particularly when such an action is carried out by overriding the UN Security Council. See, for example, ‘Law unto themselves’, *The Guardian*, 14 March 2003.
23. ‘One US rule for Israel, another for Saddam’, *The Observer*, 16 February 2003, ‘US accused of double standards at UN’, *The Guardian*, 12 September 2002. Numerous examples could be cited. For example, the US stands accused before the International Court of Justice for the ‘unlawful use of force’ in its terrorist war against Nicaragua, contemptuously vetoing a UN security council resolution calling on all states to observe law and rejecting repeated UN General Assembly pleas to the same effect (see International Court of Justice Year 1986, 27 June 1986, General List No.70; *New York Times*, 29 October 1996; *Extral* (FAIR), December 1987). One could also take the US’s record, worst in the Western Hemisphere and Europe, with the exception of El Salvador and Lithuania, of refusing to ratify International Labour Organisation conventions guaranteeing labour rights (including conventions on child labour and the right to organise). The fact that it, the wealthiest nation on earth, stands in ‘arrears to the ILO to the amount of \$92.6 million... seriously jeopardises the ILO’s operation’ the Lawyers Committee for Human Rights notes, and, with Washington’s plans for larger cuts in ILO funding ‘would primarily affect the ILO’s ability to deliver technical assistance in the field’, thus undermining still further Article 23 of the Universal Declaration of Human Rights worldwide (*In the National Interest: 1996 Quadrennial Report on Human Rights and US Foreign Policy* (New York and Washington, DC: Lawyers Committee for Human Rights, 1996). This is only part of the huge debt to international organisations that the US refuses to pay (in violation of treaty obligations). Unpaid back dues to the UN are estimated at \$1.3 billion. ‘Our doors are kept open,’ Secretary-General Kofi Annan explains, ‘only because other countries in essence provide interest-free loans to cover largely American shortfalls – not only NATO allies... but also developing countries like Pakistan and even Fiji’ (K. Annan, ‘The unpaid bill that’s crippling the UN’ *New York Times*, 9 March 1998). For further comments on these matters, see N. Chomsky, *Rogue States* (London: Pluto, 2000), pp.12–19, 128–55 and *Deterring Democracy* (London: Vintage, 1992), pp.96–7, 187, 195–6, 199.
24. Editorial, *The Independent*, 2 July 2003; ‘Are you ready for this national humiliation?’, *The Observer*, 29 September 2002; ‘Britain accused of sacrificing court’, *The Guardian*, 1 October 2002 and ‘United States efforts to undermine the International Criminal Court’, *Human Rights Watch Press Release*, 30 September 2002.