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## TERRORISM AND HUMAN RIGHTS



### INTRODUCTION

The September 11 2001 tragedy has again revived debate over the need to combat international "terrorism". For those of us who have written about "terrorism" over the decades there is a sense of weariness.

In my case, the living with terrorism came via the development of the law of armed conflict from the late 1960s onwards, which included attending the Geneva Diplomatic Conference on the Reaffirmation and Development of the International Law of Armed Conflicts 1974-77, where there were various discussions of the subject.

To the veterans of terrorism discussions, then, there is a sense of here we go again with yet another fresh bout of enthusiasm and determination to oppose terrorism. In each flurry of activity, there may be the creation of declarations and treaties. But they never amount to very much by way of practical action. I doubt that the current flurry of activity will be any more successful than the previous attempts.

International treaties can be created but they will not amount to much if there is no change in political will. The problem, then, is essentially political - not legal. Once the political dimensions have been resolved - and they have not been so far - then progress could be made in developing effective international law.

It is necessary to put this current flurry of activity into context and provide a sense of history to the attempts to curb international "terrorism".

Ironically, given one's definition of "terrorism", it may well be that international law could be of great assistance in combating international terrorism -

though not quite in the way intended by much of the current nationalistic rhetoric.

The US's "war on terrorism" could be greatly aided by following human rights norms. At present, it seems that human rights are more likely to be the victim of the "war", rather than a key factor in winning it.

This presentation begins with the problems of defining "terrorism". It then looks at the first international attempt to outlaw terrorism (an initiative of the League of Nations). It then looks at the UN's work. It concludes with an alternative grand strategy for the US's "war on terrorism" based on the international protection of human rights.



## NO AGREED DEFINITION AND APPLICATION



### Terrorist or Freedom Fighter?

The basic problem with trying to create an international regime against "terrorism" is that there is no agreed definition of it for practical purposes. For example, the International Law Association (ILA) 1984 Paris Conference, defined "acts of terrorism" as including but not limited to: "atrocities, wanton killing, hostage-taking, hi-jacking, extortion or torture, committed or threatened to be committed whether in peacetime or in wartime for political purposes" .

The practical problem is that one government's "terrorist" is another's "freedom fighter". Indeed, it is possible for a person to move from "terrorist" to "freedom fighter" and even become a head of government. For example, Nelson Mandela recalls in his memoirs how his liberation movement decided not to use "terrorism" but instead opted for "sabotage" (he defines neither phrase) . However the South African government regarded him as a "terrorist" and so throughout the 1960s to late 1980s refused to negotiate with him. Later there was a change in the political circumstances and he was released from prison and went on to become South Africa's president.

Similarly, in 1947 the Jewish Irgun group that fought against the British for the creation of an independent Israeli state - which the British considered a terrorist group - had Menachem Begin as a leader and he was later to become a prime minister of Israel. Indeed, many of the first generation of leaders of the new countries created out of the former British and French colonies had served time in prison or had been on the run for offences which their colonial masters had regarded as one form of terrorism or another. Presumably the first examples of such persons included George Washington between 1776 and 1783. Thus, "terrorism" is a pejorative and politically coloured phrase devoid of legal meaning.

There is also the implication that the victims are innocent and unarmed (as distinct from being combatants taking part in an armed conflict).

But about 90 per cent of victims of modern conflict come into that category. Indeed, in percentage terms, even more journalists are killed in conflict than civilians. Thus, in the current era of warfare, combatants have - in percentage terms - a low rate of casualties. On this approach some people may feel that the Afghani civilians who have been killed as "collateral damage" in the US-led campaign against Osama bin Laden would come into the category of being innocent and unarmed victims of terrorism. This is especially so since few if any Afghans were involved in the September 11 attacks in the US, and the "training camps" of the September 11 personnel were often established educational institutions in western countries and not necessarily in Afghanistan.

### ✓ Inconsistent State Practice

This lack of a generally accepted definition helps explain the inconsistent pattern of state practice. Here are four sets of examples.

First, the first major use of aerial hi-jacking was made by east Europeans fleeing communism in the early years of the Cold War. They stole aircraft to land in western Europe (usually West Germany). These people were seen as heroes in western countries and were not returned to their communist rulers - as the communist governments demanded. Western countries only began to regard aerial hi-jacking as a crime when their own aircraft were being used.

The 1963 Convention on Offences and Certain Other Acts Committed on Board Aircraft (the "Tokyo Convention") deals with the safety of aircraft and maintenance of order on board. However, the problem of unlawful seizure is considered only in Articles 11 and 13 and there is no obligation on states parties to prosecute or extradite the alleged offender. Their obligations concern only the release and safe return of the crew, passengers, aircraft and cargo.

Then in the late 1960s, the hi-jacking of aircraft for political motives (as distinct from asylum seekers fleeing from governments) became more widespread, particularly against western governments. The 1970 Convention for the Suppression of Unlawful Seizure of Aircraft (the "Hague Convention") goes considerably further than the Tokyo Convention and deals explicitly with aerial hi-jacking. This was followed by the 1971 Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (the "Montreal Convention"). There is also the 1988 Protocol on the Suppression of Unlawful Acts at Airports Serving International Civil Aviation, which adds to the definition of "offence" given in the Montreal Convention. Taken together, these treaties represent a very different attitude towards aerial hi-jacking than the cavalier approach in western countries in the early Cold War years..

Thus, some progress has been made in devising ways of clamping down on aerial hi-jacking. However, the September 11 tragedy showed that aerial hi-jacking is still possible, irrespective of the considerably increased range of treaties and airport security. But this is a problem for all legal systems.

For example, all countries have laws against murder but murder is still committed.

Second, the current round of conflict in Northern Ireland began in the late 1960s. British politicians and Northern Ireland Protestant groups have complained about the way in which elements in the US (such as the legal system and non-governmental fund-raising) have assisted the IRA (Irish Republican Army). But the US ignored British government requests that it clamp down on fund-raising in the US for the IRA.

Third, Russia has its own inconsistencies. The Economist magazine reported in late September 2001 how a former KGB officer reminisced about playing football with "Carlos" (Ilyich Sanchez) a terrorist trained in the USSR, who operated against western interests and who is now in a French prison.

The article continued: "In the 1990s Russia flirted with terrorism as a way of unsettling uppity bits of the former empire. Igor Giorgadze, an ex-KGB man wanted in connection with the attempted assassination in 1995 of Georgia's president, Edward Shevardnadze, escaped on a Russian military aircraft to Moscow. Russia brushes off Georgian extradition requests, pleading ignorance of his whereabouts - although journalists have no trouble finding him."

Finally, there is the role of "rogue states". The term has been used by the US to describe countries that, among other things, facilitate terrorism overseas (always against the US). The list from the US State Department has contained: Cuba, Iran, Iraq, Libya, Syria, North Korea and Sudan. But there is little consistent state practice. Not all other countries agree with that list - and some countries move on and off the list. New Zealand and almost all the other countries in the UN (except for Israel) do not agree that Cuba is a "rogue state" and each year the UN General Assembly adopts by a very large majority a non-binding resolution calling on the US to end its unilateral sanctions against Cuba.

Meanwhile, Libya has stopped being a "rogue state". On December 21 1988 a bomb exploded in the cargo hold of Pan Am Flight 103, killing all 259 passengers and crew, as well as 11 residents in the Scottish town of Lockerbie where the wreckage of the Boeing 747 crashed. Two Libyan agents were suspected by western intelligence agencies of planting the bomb. Throughout the 1990s, Libya refused to hand them over for a trial in a western country. Libya was the subject of international sanctions and was isolated from most of the rest of the world. Eventually, in 2000 the United Nations brokered an arrangement whereby the two suspects went on trial in a former NATO base in The Netherlands under Scottish law. In February 2001, one suspect was found guilty and the other released. The sanctions have been lifted against Libya. Western companies are now back trading with the oil rich country. There remains, of course, the mystery of how one or two

agents were able to mount such an operation, and the extent to which members of the Libyan Government were also involved in the operation.

## ✓ State "Terrorism"

A second problem is that the word terrorism is usually applied to only non-state actors (such as the PLO or IRA or Tamil Tigers) and so ignores the role of governments in terrorism. Terrorism is what is done to a government - and not by it. Again, depending on one's own approach to terrorism, it could be argued that the worst terrorists in the previous century have all been recognized leaders of government: Stalin, Hitler, Mao Zedong (Mao Tse-Tung) and Pol Pot. The 1984 ILA definition of "acts of terrorism" would apply to the activities of these leaders. These leaders killed many of their own people through "purges" etc - almost all of whom were innocent victims rather than being armed opponents of the regime. In almost all cases, the victims were killed in appalling circumstances with no adequate trial. They were simply in the wrong place at the wrong time or had the wrong economic, social, ethnic or religious background.

Indeed, more people were probably killed last century by their own government than by an attacking one. Certainly, given the new era of warfare, most victims today of violence are victims of their own government and not foreigners.

Similarly, a number of regimes in the post-Second World War era used (according to the definition of some people) terrorism on their own people and were supported by the US. For example, Chile was one of the few countries (possibly the only one) in Latin America with an established tradition of democracy. President Salvador Allende was elected in 1970 and instituted a programme of socialist reforms. The US Government (under President Richard Nixon) retaliated with a destabilization programme. General Augusto Pinochet led a military takeover on September 11 1973 to stop the reforms. President Allende was killed in the military coup. The military then cracked down on its opponents. Pinochet in retirement was arrested in the UK in October 1998 on a Spanish warrant for offences committed against Spanish citizens during his time in power. The general eventually returned to Chile. The most well known US citizen implicated in the Chile tragedy is Henry Kissinger (who was the US Secretary of State at the time) and some have claimed that he is vulnerable to a similar indictment as one of the chief architects of the destabilization programme.

The destruction of the Greenpeace vessel "Rainbow Warrior" is a good example of both state terrorism and inconsistent state practice. The vessel was destroyed in Auckland Harbour on July 10 1985 by members of the French secret service (DGSE: Direction Generale De Securite Exterieur).

Forty kilos of explosive were used to sink the ship, thereby also killing one crew member. The ship had been campaigning against nuclear testing in the South Pacific. All but two of the French agents escaped back to France. The two who were caught on July 12 pleaded guilty on November 4 1985 to the lesser charge of manslaughter (rather than murder). They were each sentenced to 10 years in a New Zealand prison. The New Zealand Government was subjected to a considerable pressure by France for the agents to be released immediately. Eventually, the UN Secretary-General provided a mediation of the dispute in which the agents were transferred to serve in a French prison (from which they were released prematurely), with the payment of compensation by France. In July 1991, one of the agents received a French decoration.

The destruction of the "Rainbow Warrior" was conducted by French agents. Not even the French Government denied that. But there remains a lack of clarity as to why France did it (because the vessel had also been monitoring the impact of US nuclear tests three decades earlier in Micronesia) and who in Paris authorized the attack (given the amount of resources involved, this was more than just a few agents operating on their own initiative).

Meanwhile, the word terrorist was never applied by the allies of France (who were also supposed to be allies of New Zealand) to this attack. New Zealanders were angered by the lack of support from their erstwhile allies (not least the UK, where the "Rainbow Warrior" was formerly the "Sir William Hardy" a British fisheries research vessel and which was registered in the UK). New Zealand, with David Lange as prime minister, was then an outspoken critic of the nuclear arms race and had alienated itself from the US and Australia (which led to the suspension of the Australia New Zealand United States (ANZUS) defence alliance). Therefore, the UK, US and Australia decided not to assist it over the "Rainbow Warrior" tragedy. They did not regard France as a "rogue state".

To sum up so far, "terrorism" is far more a political term than a legal one and its use varies according to the political expediency of each government at the time. This helps explain the lack of real progress in international legal action against terrorism.



## **THE FIRST ATTEMPT TO CURB INTERNATIONAL TERRORISM**

The word terrorism has often been applied to assassinations. These have been a staple item of political life since at least Brutus stabbed Julius Caesar in 44BC. In the European Middle Ages, kings, queens and heirs to the throne were often killed. In the late 19th Century, victims of this form of terrorism included Tsar Alexander of Russia, President Carnot of France, President McKinley of the United States, the Empress of Austria, the King of Italy, and in June 1914 Archduke Francis Ferdinand (which provided a trigger for the First World War).

The first international treaty on terrorism arose out of the assassination of King Alexander of Yugoslavia in October 1934. Hitler had come to power in Germany in 1933 and France, then a great power, was positioning itself vis-a-vis Hitler and Mussolini in Italy. The King had been invited to France by the French Foreign Minister Louis Barthou as part of France's plan to improve its strategic situation in the Balkans. In Marseilles, a Macedonian revolutionary incited by a fanatical group of Croatians assassinated the King, and Barthou was struck at the same time.

Elizabeth Wiskemann, a journalist at the time of the murder and later Professor of International Relations at the University of Sussex, noted: "The murder at Marseilles was one of the most appalling events of the inter-war period and it was most injurious to France which had been unable to protect its royal visitor; Barthou's death was said to have been due only to delay in supplying medical care" . She also noted that the British politician Lord Avon (previously Sir Anthony Eden, the Foreign Secretary for part of the 1930s and 1940s) said: "These were the first shots of the Second World War". The murder was also caught on news film and so was well publicized by the media standards of the day. (The film can be viewed – if you have enough broadband – at [www.watsoninstitute.org](http://www.watsoninstitute.org)).

In 1934, the League of Nations Council (the forerunner of the United Nations Security Council), in pursuance of a proposal made by France, concerned by the King's assassination, took steps to prepare an international convention for the prevention and punishment of acts of political terrorism. The Council took the view that states had a duty to suppress terrorist activity and to comply with any request for help in putting down adventurers foraging within their jurisdiction.

A treaty was adopted at Geneva in November 1937: the League of Nations Convention for the Prevention and Punishment of Terrorism. Under this treaty the contracting states undertook to treat as criminal offences acts of terrorism, including conspiracy, incitement and participation in such acts, and in some cases to grant extradition for such crimes. However, the treaty never entered into force (only one country - India - ratified it). The British government, then responsible for India's external affairs, agreed to ratify it on behalf of India - but decided that it did not need to become a party itself to the treaty it helped write because it could never foresee a time when terrorism would take place in the UK!

The 1937 treaty set the pattern for the subsequent flurries of activities: there is a tragedy which is extensively reported in the media, a demand from the public for something to be done, an agreement on an international text (declaration or treaty) condemning terrorism, and then little if any action to follow it up. The issue then lies dormant until there is another tragedy.



## THE UNITED NATIONS AND TERRORISM

While, for political reasons, it has not been possible to obtain international agreement on a definition of terrorism, this has not prevented countries from co-operating extensively in adopting measures against specific acts. The United Nations website (<http://untreaty.un.org/English/Terrorism.asp>) has a list of treaties adopted under its aegis. The list is probably longer than is commonly thought. Besides the four treaties mentioned above dealing with aerial hi-jacking and airport offences, there are also: 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (this applies to the crimes of direct involvement or complicity in the murder, kidnapping or attack, whether actual, attempted or threatened on the person, official premises, private accommodation or means of transport of diplomatic agents and other "internationally protected persons" (such as heads of government).

. 1979 International Convention against the Taking of Hostages (this applies to the offence of direct involvement or complicity in the seizure or detention of, and threat to kill, injure, or continue to detain a hostage, whether actual or attempted, in order to compel a state, an international inter-governmental organization, a person or a group of persons, to do or abstain from doing any act as an explicit or implicit condition for the release of the hostage). This entered into force in 1983.

. 1977 International Convention for the Suppression of Terrorist Bombings (this applies to the offence of the intentional and unlawful delivery, placement, discharge or detonation of an explosive or other lethal device, whether attempted or actual, in, into or against a place of public use, a state or government facility, a public transportation system or an infrastructure facility, with the intent to cause death or serious bodily injury, or extensive destruction likely to or actually resulting in major economic loss). This entered into force in May 2001.

. 1999 International Convention for the Suppression of the Financing of Terrorism (this applies to the offence of direct involvement or complicity in the intentional and unlawful provision or collection of funds, whether attempted or actual, with the intention or knowledge that any part of the funds may be used to carry out any of the offences described in the treaty's annex, or an act intended to cause death or serious bodily injury to any person not actively involved in armed conflict in order to intimidate a population, or to compel a government or an international organization to do or abstain from doing any act. This has not yet entered into force.

. 1980 Convention on the Physical Protection of Nuclear materials (which deals with the protection of nuclear materials being used for peaceful purposes while in transport or storage). The treaty entered into force in 1989.



. 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (this applies to the offences of direct involvement or

complicity in the intentional and unlawful threatened, attempted or actual endangerment of the safe navigation of a ship by the commission of any of the following acts: seizure of or exercise of control over a ship by any form of intimidation; violence against a person on board a ship; destruction of a ship or the causing of damage to a ship or to its cargo; placement on a ship of a device or substance which is likely to destroy or cause damage to that ship or its cargo; destruction of, serious damaging of, or interference with maritime navigational facilities; knowing communication of false information; injury or murder of any person in connection with any of the preceding acts).

. 1988 Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf (this applies to the offences described in the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation when committed in relation to a "fixed platform", defined as an artificial island, installation or structure permanently attached to the sea-bed for the purpose of exploration or exploitation of resources or for other economic purposes).

. 1991 Convention on the Marking of Plastic Explosive for the Purpose of Detection (this requires each state party to prohibit and prevent the manufacture in its territory of unmarked plastic explosives). (For example, Semtex - which was probably used in the Lockerbie bombing - is almost impossible to detect by odour and it is translucent: hence its popularity in some circles). This entered into force in 1998.

There has been, then, some progress in the UN's devising treaties against "terrorism". There are also regional inter-governmental treaties, such as those devised under the aegis of the Council of Europe (for example, the 1977 European Convention on the Suppression of Terrorism). The international work continues, such as that in the Sixth (Legal) Committee of the UN General Assembly, with more treaties still being considered.

However, going back to the concerns raised at the beginning of this article, there is the irony that so many members of the UN condemn terrorism unequivocally and yet there is no universal agreement on what it is they condemn as "terrorism". All governments have criticised the September 11 attacks as "terrorism" and most have, to varying extents, supported the US-led campaign against Osama bin Laden and his al-Qa'ida network. But I suggest that this international consensus will erode as time goes by - it always has. It is noticeable that not all countries agreed with the US/UK/Australia argument that it was necessary to attack Iraq in early 2003 as part of the "war on terrorism". Most people did not believe that Saddam Hussein, no matter how appalling his human rights record, had anything to do with the September 11 attacks.



## A GRAND STRATEGY BASED ON HUMAN RIGHTS



### Protecting Human Rights

The first conflict of the 21st century has been fought with techniques much like those of the previous centuries. It remains to be seen how successful the US's grand strategy will be against the al-Qa'ida network. I was opposed to that strategy on the grounds that anyone smart enough to plan the September 11 attacks would have also factored in a US military retaliation. Indeed, an over-reaction may have been part of the calculations.

Terrorism is partly designed to provoke a harsh response by a government so that (in theory) the resulting oppression will lead to a public backlash in favour of the terrorist organization's political aims. (I am sceptical of the theory but that is a justification for terrorism). Therefore a standard military campaign (which is what the US has been conducting) would be fighting on the agenda drawn up by Osama bin Laden. Therefore, the US could be led into in an ambush of some sort. The military response could isolate the US rather than Osama bin Laden's network.

An alternative grand strategy could have been based on trying to build up the international human rights order and denying the other side an opportunity to win martyrdom status in the many developing countries where US economic and foreign policy is not liked. Here are four steps that could have been followed:

. First, the US could have said that it would not attack Afghanistan because the Afghans had already suffered so much from the Soviet invasion and subsequent civil war and drought.

. Second, the US could have decided, instead, to provide extensive amounts of foreign aid (to win the hearts and minds of Afghans and others in the Islamic world). In short, the US could have launched a "charm offensive" – and so neutralize the "Islamic" dimension. Moslems around the world could see how the "Christian" US was helping one of the world's poorest countries.

. Third, the US could have offered a very big reward (such as US\$500 million) to entice groups in Afghanistan to hand over Osama bin Laden dead or alive. Bear in mind, that owing to the US's "charm offensive" many Afghans would now be willing to help the US. (For half a billion dollars, the Russian Mafia could even have got involved in the manhunt!)

. Fourth, the US could have sought to follow the Lockerbie solution to have an ad hoc international tribunal try Osama bin Laden, if he were captured alive. The Lockerbie trial would have provided an example of what could have been done.

This grand strategy would have required a great deal of advocacy, not least because so many Americans (if the conventional media are to be believed) just wanted Afghanistan destroyed. However, such is the leadership role of US presidents - if they want to assume it. The president of the day can talk an issue up - or he can talk it down. It would have required President Bush to ask if there were another way to behave and so encourage creative thinking based on human rights norms. Instead, I fear that human rights will be undermined because of the increase police power that has been granted to government agencies.

It may be that this grand strategy would have been too ambitious for any president. But I have raised it because so often people persist with a military solution on the basis that "there is no alternative". Thus we continue to get, what we have always got. The human race does not seem to move forward. My philosophy in life is to try to make lemonade out of a lemon – how to use a bad event to create a better future. This requires a greater degree of creativity than we currently have in politics.

September 11 presented us with some opportunities for creative thinking – and we have missed them. Human rights norms were not uppermost in our minds (or at least those in the White House). If there had been greater sensitivity to human rights principles, then the White House staff may have been more creative in their response to September 11.

## ✓ Using Human Rights to Create a Better World

In a broader sense, the lessons of September 11 suggest that the expansion of international law could lead to a better world. This is not to recommend the creation of still more treaties on terrorism. Instead it is necessary, first, to recognize that terrorism may take place no matter what arrangements are made (just as murder is still committed within societies, even though it is prohibited and there are the police and prison services - which do not exist at the international level). At the personal level, it is important to note that the object of terror is to terrorize. If you are terrified, then the terrorist has won. Therefore, people who cancel travel plans etc are giving into terrorists. As Winston Churchill said at the height of the German bombing "blitz" on London on July 14 1941: "You do your worst - and we will do our best". Terrorism can be reduced by it cannot be eliminated.

Second, the potential for "terrorism" can be reduced by addressing the underlying causes of violence in the first place – especially by giving more attention to the protection of human rights. This will mean, among other things, a greater sense of US multilateral engagement with the world, rather than a withdrawal from multilateral involvement in global affairs. For example, President Clinton in 1999 was angered by the Congress's refusal to provide sufficient funds for US foreign operations: "It is another sign of a new isolationism that would have America bury its head in the sand at the height of our power and prosperity", claimed the president. The

fiscal year 2000 foreign operations bill totalled US\$12,600 million, US\$1,990 million less than the president requested. "It is about half the amount available in real terms to President Reagan in 1985 and it is 14 per cent below the level that I requested". The president warned: "If we underfund our diplomacy, we will end up over-using our military". That turned out to be a good prediction.

Finally, this grand strategy would require the US's re-involvement in creating a better international legal order. The US needs the international co-operation it has thrown away. The "isolationism" identified by President Clinton has increased. Indeed, not only has the US decided not to become a party to the Rome Treaty for the International Criminal Court (ICC) but three weeks prior to the September 11 tragedy Congress was debating a proposal to further reduce US contributions to the UN to "undercut" the ICC initiative and so punish the UN for persisting with the ICC initiative. In July 2001, the conservative British magazine The Economist, asked rhetorically if "George Bush has ever met a treaty he liked?" It listed the following decisions:

January 2: the President announced that he will not send the Rome Treaty to the Senate for ratification.

March 28: the US abandoned the 1997 Kyoto Protocol on climate change.

July 21: the US threatened to withdraw from a UN conference to impose limits on the illegal trafficking of small arms.

July 25: the US rejected the proposed enforcement measures for the 1972 Biological Warfare Convention.

In December 2001, the US announced that it would withdraw from the 1972 Anti Ballistic Treaty (ABM) treaty to proceed with its controversial national missile defence system.

Therefore, the US should reaffirm its commitment to wanting to work with other countries through international organizations – notably the UN - to develop the international legal order. Non-governmental organizations such as UN Associations across the world have also provided many ideas for projects that could enhance the international legal order. The problem is not so much a shortage of legal ideas as a shortage of political will.

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NOTES

- . [Report of the 61st Conference, Paris, 1984](#), London: International Law Association, p 320.
- . Nelson Mandela [Long Walk to Freedom: The Autobiography of Nelson Mandela](#), Boston: Little, Brown, 1994, p 246.
- . "Poacher Turned Gamekeeper", [The Economist](#) (London), September 22 2001, p 50.
- . The "poor Henry" argument as it is called, is one explanation for the US's refusal to support the Rome Treaty for an International Criminal Court (ICC). In fact, an eventual ICC could not deal retrospectively with the Chilean tragedy from the 1970s. But the argument has been widely (if wrongly) used in the US. See: Nicholas Guyatt [Another American Century? The United States and the World After 2000](#), London: Zed, 2000, pp 101-2. Also see:

Christopher Hitchens [The Trial of Henry Kissinger](#), London: Macmillan, 2001.

- . Elizabeth Wiskemann [Europe of the Dictators 1919-1945](#), London: Fontana, 1971, p 106.
- . "Clinton on Veto of Foreign Operations Bill", Washington DC: State Department Media Statement, October 18 1999.
- . "Stop the world, I want to get off", [The Economist](#), Jul