

The Education of Nations... in Securing Peace and Avoiding War

January 2020 onwards

Peter M. Southwood (Dr)
Law Officer for Public Benefit in England and Wales
(*de facto* but not yet *de jure*)
www.directionofconflict.org

BULLETIN OF 11 SEPTEMBER 2020

Who Governs in England and Gaza? A Rule of Law Compared

Why?

1. This topic might seem an unlikely one since the two governments appear to be founded on different and conflicting principles. It is rarely appreciated how much they have in common when it comes to actual practice. Since I do not believe that I can lawfully communicate directly with the Hamas government in Gaza, this Bulletin is being copied to the President of the Palestinian Authority and the Speaker of the Palestinian Legislative Council in the West Bank respectfully requesting that it be forwarded to the Minister of Justice or other appropriate official in the Gaza. It is also being sent to the offices of all living Attorneys General in England since 28 June 2000.
2. On 4 August this year there occurred in Beirut an explosion as shocking in its way as the collapse of the Twin Towers on 9/11, which we remember today, both being man-made disasters. The mushroom cloud over the Lebanese capital lacked only – by the mercy of God – the blinding light ‘brighter than a thousand suns’ to have produced a public panic across the world never seen in human history before. Still, it symbolised the ultimate bankruptcy of politics in that unhappy land calling forth our compassion for its long-suffering people.
3. I do adjure the reader – especially members of the three Abrahamic faiths – in the name of the living God to study this Bulletin well and, if the material facts cannot be refuted nor the soundness of how each faith understands itself be seriously challenged, then to act on that common understanding. For it is sure that we will either submit to the light of God’s revealed truth or face the light that would plunge us into darkness and take most of us from this earth.

My Purpose:

To forewarn the public one more time that the world is heading for another Great Power war.

As in 1920, the reason is the failure of political institutions to apply ‘an irenic perspective’ even-handedly. Post-Cold War, the term was first defined in English charity law on 9 October 1998, drawing on a United States case of 1917, and affirmed by the Court of Appeal on 28 June 2000.

110 Purves Road, London NW10 5TB, England.
Mobile no: 07821 390492 (voicemail) Email: consultant@directionofconflict.org

How?

4. To answer the question posed by this Bulletin, let us take each jurisdiction in turn.
5. In England, the Attorney General is the Government's chief legal adviser charged with upholding the 'rule of law'. Lord Goldsmith, who held that post at the time of the United Kingdom's invasion of Iraq in 2003, later defined one element of that role as being 'partly respect for the courts and their judgments' but also about 'being sure within appropriate boundaries... we subject ourselves as Government to the scrutiny of the independent courts'. I can demonstrate that none of this applies in England to three civil cases concerning the general desirability of a state of peace (an 'irenical perspective') and how it is to be achieved. The consequences of this rejection, as 9/11 and the Iraq War amply illustrated, can be measured indirectly in terms of flesh and blood.
6. In Gaza, where Islamic law is applied, an educational project based on this irenical principle, between academics involved in the International Peace Project²⁰⁰⁰ (IPP) and a certain educational body in that territory, was prevented from proceeding by the Hamas government. This will demonstrate that the politics of that body was interfering, or seeking to interfere, in the role of their own scholars (part of the 'ulama') in developing education, in full conformity with Islamic law and practice, for the advancement of international peace. Again, the indirect consequences were war, as I predicted in the first IPP Briefing on the Israeli-Palestinian conflict (January 2006).
7. This comparison will reveal the true relationship between politics, on the one hand, and religion and law, on the other, in each jurisdiction. From this, it should become clear who really rules in England and Gaza and, by necessary implication, across the whole world and what the implications must be for governments and peoples in relation to peace or war; life or death.

What Facts?

- England

8. The three legal cases were comprehensively summarised and analysed in 2019 on the 100th anniversary of the Paris Peace Conference 1919, which created the conditions (or 'climate') for what became the Second World War. At an early stage of that process, I became the *de facto* Law Officer for Public Benefit in England and Wales ('LawPB') because the *de jure* Law Officers would not defend the public benefit of education on an irenical perspective. Only what is material from those cases is highlighted here. It has not so far been challenged as to accuracy. It will be convenient to summarise the cases chronologically in relation to the events they covered:

Case 1 – 1990 to 2000 concerning the end of the Cold War and the charitable status of the Project on Demilitarisation ('Prodem'). *See the Appendix.*

Case 2 – 2000 to 2010 concerning the Israeli-Palestinian conflict and the charitable status of The Atlantic Council of the United Kingdom ('Atlantic Council'). *See below.*

Case 3 – 2009 to 2018 concerning the Iraq Inquiry Report and a judicial review application on the conflicted roles of the English Attorney General. *See the Appendix.*

9. The Test of a 'legal' judgment, untainted by politics, is whether the relevant law was applied to the material facts of a case without falsification of evidence or leaving out relevant legal principles, and the sources they arise from, without excuse or justification. In a scientific age there can be no legitimate complaint about this test of legal veracity. I presented all three legal cases and this principle was set out clearly in the first one and was never challenged by any judge or government lawyer. The predictions and rationale summarised below (and in the Appendix) are mine alone.

Case 2

Prediction: On the unilateral Israeli withdrawal from Gaza in 2005:

'For the Palestinians, therefore, neither military 'victories' nor economic separation nor a two-state solution can in themselves secure the peace for future generations. **The prediction is for war without end until the greater jihad assumes priority in practice over the lesser jihad in the Palestinian national movement's relations with Israel.**' [Emphasis in the original.]

'For the Israelis, therefore, neither military victories nor economic separation nor a two-state solution can in themselves secure the peace for future generations. **The prediction is for war without end until peaceful initiatives – like the unilateral Israeli withdrawal from Gaza – can assume priority in practice over political and military strength in Israel's relations with the Palestinian national movement.**' [Emphasis in the original.] IPP Briefing No. 1 (January 2006), pp. 37-8.

Rationale: As for Prodem, but now set out more fully and precisely in this IPP Briefing (at p. 38):

'Reviewing the prospects for war between Palestinians and Israelis hereafter [as at late 2005] would be based on two simple assumptions:

1. The greater the imbalance in military power between parties in dispute the greater the likelihood of war (because either the more powerful side will be tempted to use that military might to enforce its will or the weaker side will resort to indirect military methods such as guerrilla war and terrorism);
2. The greater the imbalance between one party's peaceful methods of conflict resolution as compared to others (the 'balance of peace') the greater the likelihood of war (because lack of reciprocity tends eventually to undermine peaceful methods of conflict resolution in favour of military methods).

Or vice versa, in predicting the prospects for peace. An imbalance of military power need not matter if it is off-set by a favourable "balance of peace" between the parties.'

Legal Test: *Administrative Court decision* (on the papers): 17 June 2009.
Oral hearing before a second judge: 26 and 28 August 2009.

Our IPP case was conducted against the new Charity Commission by way of an application for permission to apply for judicial review against their initial decision that the IPP Trustees did not have standing to seek the removal of the Atlantic Council from the register of charities. This, in turn, was based on the Court of Appeal *ratio decidendi* in the Prodem case that 'Nor, conversely, could the court recognise as charitable a trust to educate the public to an acceptance that war is best avoided by collective security through membership of a military alliance – say, NATO.' Despite the success of IPP's trial Peace Games on the Israeli-Palestinian conflict (see 'Verdict' below), IPP could not compete with such a political body on the register of charities as the Atlantic Council (or bodies behaving in a like manner).

The second judge (a Liberal Democrat peer) refused permission to the IPP Trustees and agreed with the Charity Commission not only on their lack of standing but (without a hearing) on the charitable status of the Atlantic Council. In so doing, he

- Falsified material facts in, and made misleading statements about, the IPP case;
- Overlooked allegations of misconduct against Charity Commission officials; and
- Undermined the *ratio* of the Court of Appeal with respect to the Atlantic Council.

Court of History's

Verdict: Wars between Israel and Hamas in Gaza broke out in June 2006 (overshadowed by the subsequent conflict between Israel and Hezbollah in Lebanon), with further wars in December 2008/January 2009, November 2012 and July/August 2014. The allegations of misconduct by the second judge (and Charity Commission officials) were fully documented but dismissed by the Office for Judicial Complaints, as relating to the judge's case management. The Metropolitan Police, responding to my complaint in 2012, accepted that an offence may have been committed but considered it impractical to investigate. In May 2014 I sent a letter to every member of Parliament seeking the judge's removal. He retired year-end and left the LibDems.

- **Gaza**

Prediction: The Hamas government in Gaza was elected shortly after publication of IPP Briefing No. 1 in January 2006. IPP Trustees held a well-attended seminar at the American Colony hotel in Jerusalem on 30 September 2007 involving Israeli and Palestinian academics. Subsequently IPP produced proposals in mid-2008 for a Briefing E/1 provisionally entitled 'A Comprehensive Israeli-Palestinian Peace Process: Moves to a Different Kind of Conflict?' The overall purpose by 31 October 2008 was to:

Present contrasting views on the current state of the conflict, and the Annapolis peace process of supporters of different faith communities with a common heritage in Abraham and the patriarchs. [The process ended in war.]

Rationale: My chapter in IPP Briefing No. 1 had noted (at p. 29) that

...the much longer history of conflict between Muslims and Jews (and of both with Christians) is considered relevant here because there must be real doubt as to whether a political settlement between Israelis and Palestinians, if achievable at all, is sustainable in the long term without a 'peace settlement' between these three monotheistic faiths.

Legal Test: However, when I (for IPP) approached a certain educational institution in Gaza to invite cooperation with Briefing E/1, it was not allowed [by Hamas]. The evidence for this cannot be revealed to protect the scholars involved from harm. It is submitted by LawPB that there was absolutely no basis in Islamic law for any political interference.

Court of History's

Verdict: The Hamas claim of a 'military victory', in Israel's withdrawal from Gaza, is secular.

A Rule of Law?

- **England**

10. In principle there can be no difference between an accountant who 'cooks his books', i.e. falsifies his accounting records, and a judge who 'cooks his judgment', i.e. falsifies his judgment. The latter is illustrated by the Court of Appeal judgment in Case 1, the second Administrative Court judgment in Case 2 and both the Administrative and Court of Appeal decisions in Case 3. However, in Case 1 the Appeal judges were under intense political pressure in their courtroom and managed to produce a constructive result by a 'deeper' reading of their judgment. There were no redeeming features in the second Administrative Court decision in Case 2, which was the most blatant rigging of a judicial result this writer had ever witnessed until Case 3. In each Case a false impression was created, just as false accounts are meant to mislead the public. In England, the latter is a criminal offence. The former, as Case 2 illustrated, does not even lead to disciplinary action. The primary responsibility rests with Law Officers since civil court judges do not execute their own judgments.

11. What the Legal Test applied above reveals, even though the Attorney General as an Interested Party decided not to take an active role in Case 2, is that neither the Charity Commission nor the English Law Officers have accepted the consequences of the judgments in the Prodem case. These are that from 28 June 2000:

- (i) The advancement of international peace (an 'irenical perspective') is an educational, rather than a political, object so it must follow that the primary means of achieving it are education and religion in the legally charitable sense. (The latter was never in dispute.)
- (ii) Whether or not governments were, therefore, putting an '...emphasis on peaceful, rather than military, techniques for resolving international disputes...' became an objective and legally defined standard for assessing the prospects for peace or war.
- (iii) In turn this gave to education and religion – but only in the legally charitable sense – a decisive role in the study of the prevention and resolution of armed conflicts.

12. Every English Attorney General since 10 March 2000, when the Prodem appeal was heard, has opposed, or been disinterested in, the application of an 'irenical' standard as Cases 1 to 3 show:

Sir Ross Cranston QC – Solicitor General but acting with the full powers of the Attorney General.
Lord Goldsmith QC – also accused by Law PB of an offence under the Perjury Act 1911 in Case 3.
Baroness Scotland of Asthal QC

Dominic Grieve QC

Jeremy Wright QC – also accused by Law PB of an offence under the Perjury Act 1911 in Case 3.

Geoffrey Cox QC – also accused by Law PB of an offence under the Perjury Act 1911 in Case 3.

(Additionally, this Attorney General inadvertently broke his oath or affirmation of allegiance to Her Majesty the Queen in the legal advice provided to her on the prorogation of Parliament.)

Suella Braverman QC MP – current Attorney General.

The lengths to which each Attorney General would go to oppose the application of an irenical perspective provides the rationale for a *de facto* LawPB. It also demonstrates who 'wears the trousers' in the relationship between civil court judges and Law Officers – a colloquial English expression meaning 'who's boss?' – whenever public opinion is not or cannot be engaged. The implications for academic freedom under the law to question received wisdom must be faced.

- **Gaza**

13. The ultimate purpose of Islam appears clear even to those who subscribe to militant versions of 'jihad'. One, by M.J. Akbar, was cited in IPP Briefing No. 1 as follows (at p. 109):

When Muslims take the name of their Prophet, Muhammad, they always add a prayer: Peace be upon Him. Peace is the avowed aim of Islam, a word that means surrender; as-Salam, or the Peaceful, is one of the names of Allah. But the Islamic faith also demands, from time to time, in a holy war defined by specific circumstances, the blood of the faithful in the defence of their faith. This is jihad.

14. The question that then arises, which LawPB cannot answer here as being outside his jurisdiction, is what the relationship between Islam and politics is? Logically, politics is subordinate, but only Islamic law, as understood by the ulama, can supply an authoritative answer for Gaza. What can be said by an outsider, though, is that actual practice by Hamas in Gaza also supplies an answer. This, too, has implications for Islamic scholars under the law to fulfil their role in God's purpose: Peace. So, we now turn to practice in both England and Gaza, in relating law to politics.

Whose Law Prevails?

15. Despite the dominance of politics not civil law in England, according to the 'Legal Test', it remains to establish how actual practice in Gaza by Hamas indicates that Islamic law has been subordinated to politics there, too. Yet when the direction of the conflict in each jurisdiction is compared it becomes obvious that *the political powers are emphatically not in control of events*. Nor should this occasion the slightest surprise to members of the three Abrahamic religions for whom it is axiomatic that God – and He alone – controls the destinies of nations. His ultimate blessing through our forefather, Abraham, of peace with justice and mercy will be fulfilled only by our complete submission to His will and laws. Hence the important role of scholars in each faith.

- Gaza

16. It is illuminating to compare the achievement of the Prophet of Islam in eight years, from the *Hijra* to his return to Mecca, with that of Hamas in over 14 years from 2006 to the present. For he accomplished in a decade what Christianity had not done in six centuries and Judaism even longer.

The Prophet of Islam

17. The facts of the Prophet's life, briefly summarised by Momen (a non-Muslim scholar) in a work that compares Shi'i and Sunni Islam, point incontrovertibly to the religious foundation of his mission. Indeed, a political perspective on his early life, from the time of the first revelation from God, could make no sense at all for it brought him into fierce conflict with almost everyone. He did not focus on building up his political support but in promoting an uncompromising message of divine origin which, once adopted, would transform political life in Arabia.

18. The scale of the Prophet's social achievement is aptly summarised by Momen as being '... the welding together of a hundred or more disparate and feuding tribes into one nation, a union that overrode the ties of kinship and the enmity of blood-feuds.' Yet it is Momen's own assessment of the Prophet's approach to resolving conflict which is worth quoting in full (also at p.9):

His judgement was renowned both in dealing with his adversaries and in settling disputes between individuals and clans. In his political dealings he never used force where negotiations would suffice nor did he initiate aggression but only moved against those who had already demonstrated their hostile intentions. He was a gentle man, to whom the sight of human suffering caused sorrow and pain and he would grieve if ever his followers went beyond what was immediately necessary in the process of fighting and killing. The few executions that were carried out on his orders were of men who had continually striven to undermine his position over a long period of time despite many warnings or who had professed Islam and then betrayed their fellow believers. To other enemies he was often magnanimous in victory to such an extent that his own followers sometimes complained that he treated his enemies better than he treated his followers.

While there are those who would want to qualify this assessment, its importance lies in reflecting what, today, I would call in secular terms an 'irenical perspective'.

Hamas in Gaza

19. Since their rise to power in Gaza, there have been four wars with Israel; each effort at achieving peace and reconciliation with their fellow Muslims in Fatah has failed; and no progress has been made towards a settlement of the Israeli-Palestinian conflict – exactly in accordance with my prediction! How can this deviation from Islamic practice towards that of English Attorneys General be explained?

- **England**

20. The point of comparison between English Attorneys General and the Hamas government, and their equivalent of a Law Officer in Gaza, does not stop at their combined rejection of an irenical perspective. It extends to their refusal to accept the adverse consequences of so doing, learning nothing from experience. For in England too, as the Prodem and IPP legal cases illustrated, the 'success' of the *de jure* Law Officers and their regulatory allies in court was achieved by methods that were not exclusively lawful and objective. Yet the Court of history in each case went on to deliver its judgments on the actual direction of conflict post-Cold War, and post-Israeli withdrawal from Gaza, which showed where the truth lay.
21. The secular basis of governmental decision-making in England, despite the existence of an established Church which has long since ceased to count except as the organiser of religious ceremonies, does not obviate the rich Christian historical traditions stretching back more than a thousand years. What most leaders in the United Kingdom have forgotten, or never knew, is the reason for the success under God of the leaders of the three Abrahamic religions – Moses, Jesus Christ and the Prophet Muhammad – even though each of them started from an apparently powerless position. It was their utter dependence on God. Any politics was subordinated to faith in God as understood by each religion without compromise to their respective visions. This did not need to lead on, nor must it in future, to enmity and violence between these faiths as it often has done. Their founders' success reminds us of the limits of politics when it challenges God's laws.

- **Conclusion**

22. The fundamental flaw of governments in Gaza and England is the priority given to politics over the laws of God even though historical perspective has time and again shown the futility of this rebellion. For He has shown that no one can defy Him with impunity. His laws are encapsulated in how parties in conflict treat each other (as reflected in the rationale outlined on page 3 above). The summary of these laws is often known as the Golden Rule and I believe each of the Abrahamic faiths has a similar understanding: treating others as we would wish to be treated ourselves. The shocking finding of this writer's work is that it applies in practice to how State parties behave towards each other, too. The English Court of Appeal accused me of a lack of realism in 2000, in trying to justify its own misconduct. It may have appeared so then but not in 2020 when God's realism has vindicated the warnings given through my Prodem Briefings and the Court judgment.

A Final Blessing?

23. Remember, as a warning, the mushroom cloud over Beirut. The explosion of ammonium nitrate, carelessly stored, did not discriminate in its effects between Jew, Christian or Muslim. Those of faith and of no faith were alike caught in its devastating consequences. The politically correct were treated in the same way as rebels against the system. Children had no more protection than adults. Yet this was not a natural disaster, an act of God, but the result of indolence and mismanagement; the ultimate consequence of a State where sectarian politics infect religion and education by blinding many people in power to God's priorities of truth, justice and mercy.
24. One Holocaust, together with countless previous persecutions of the Jews, helped bring about conditions that led to the founding of the State of Israel. Another Great Power war, however arising, would create the conditions for a nuclear exchange. Whether Israel has its own nuclear weapons or not, the danger is that it might be caught up in some else's war over which it would have no control. Its ultimate defence lies not in such weapons, if it has them, but in God. The same is true of Palestinian Muslims and Christians and those of other faiths or none. If a worldwide nuclear holocaust is to be avoided, then it means that Almighty God, who controls the destinies of nations, will fulfil His promise to Abraham that all nations would be blessed through him.

25. This, in turn, will require a fundamental change of perspective on humanity's part that God, not politics – not even liberal democratic or religious politics – is our Master. The leaders of the three Abrahamic religions demonstrated this to be true in their time on earth. Contrast this with our own time. For stripped of all disguise, the supposed 'victory' of the West over Soviet Russia and of Hamas over Israel were both the product of an all-too-worldly 'bargaining from strength' mentality wholly at odds with their example and practice. In both modern cases the emphasis on military, rather than peaceful, means of conflict resolution has led straight back to the conditions for conflict and war, as this writer predicted it would, including (from 1995) a Great Power war.
26. Jews, Christians, and Muslims are members of different branches of the same family whose doctrinal differences cannot disguise the fact that all have been called by God to bring the blessings of peace – not pacifism – to humanity. Our love for one another can, by God's grace and the love we owe to our Creator, overcome the hurt and pain of so much injustice and wrongdoing over the centuries. Our salvation lies with Him and, though our understandings of who is a believer differ in much, it does not differ in what matters most: the peace with justice and mercy He wills for us and all humankind.

What Now?

27. This writer has not claimed, nor does he do so now, that his predictions are prophecy in the Judaeo-Christian sense. For that would mean claiming that they are the Word of God which, being spoken, brings about what it declares. As the Book of Deuteronomy in the Jewish Scriptures makes clear, the true prophet will be known by whether what he foresees comes true. The penalty for false prophecy is death. Yet biblical prophecy is usually conditional – Jonah being a delightful example! – and secular prophecy, in which I have placed my own forecasts, is the same: that which is predicted will happen unless there is a conversion. This is a turning away from rebellion and a turning to God. Or a turning away from political and military triumphalism and a turning to peaceful means of conflict resolution, objectively determined and 'tested' against the Court of history. From its judgments there is, and can be, no appeal for God reigns supreme.
28. LawPB has argued that, despite profound political and ideological differences, Hamas shares with English Attorneys General the following features:
- i. The subordination of law, religious or secular, to political interest in pursuit of peace.
 - ii. The same belief in bargaining from strength, contrary to their own religious traditions.
 - iii. The subordination of their scholars, willingly or unwillingly, to their worldly values i.e. the rejection of an 'irenical perspective' which is but the secular expression of the higher and spiritual concept of the Kingdom or Reign of God on earth found in the Abrahamic faiths.

LawPB's simple message to the Justice Minister, or equivalent Law Officer, of Hamas is:

Set your Islamic scholars free from political interference or provide a justification NOW!

Otherwise the dead end into which you have led your people will continue. There must be something wrong with your approach or the comparison with that of your Prophet would be less unfavourable than it appears to be.

Your scholars must be set free to work, in full independence under Islamic law, with academics from the other Abrahamic faiths and secular scholars for God's purpose of a state of peace on earth. There is an agenda for them to pursue that does not interfere directly with Palestinian politics and may even help to overcome divisions.

29. This dialogue between the Abrahamic faiths, it must be said, is without any compromise whatever to their respective beliefs, e.g. LawPB is absolutely committed to belief in one God, the Holy Trinity, which is completely at odds with Islamic belief in one God. Each scholar will retain and uphold the integrity of his or her respective religion. In 2018 Israel wrote into its Basic Laws that it is 'the nation-state of the Jewish people' This provides an unprecedented opportunity for Jews, Christians and Muslims – especially scholarly communities – to address the relationship of politics and religion as the one, true and only God has ordained it to be. Such questions as these arise:

- For is not belief in that one God the defining characteristic of Jewishness – allowing for the modern innovation of an agnostic or even an atheistic Jew?
- Is it not this quality and devotion that has enabled the Jewish people, beloved by God, to endure and survive persecution and mass murder?
- Can any serious Jew, Christian or Muslim doubt that their salvation lies ultimately in God alone and not in any state's possession of nuclear weapons?
- Is the holy city, Jerusalem (the 'city of peace'), where heaven and earth meet, and the three Abrahamic religions join hands, not to fulfil the internationalist vision of Isaiah and other Jewish prophets and the covenant that Abraham would be a blessing for all nations?
- Did not the angel of the Lord visit Hagar, the Egyptian slave-girl, in her distress – and who could be more distressed than a Palestinian people, mostly Muslims and all beloved by God, under occupation for over 70 years – and promise that she would be blessed, too, through her son Ishmael?
- And was it not a tragedy and a dark day in history when the Prophet of Islam early in his mission reached out to his Jewish and Christian brethren and was rebuffed?
- And did not Christ die, and in Christian belief, rise again (in fulfilment of the Abrahamic covenant) as a redemption for the sins of all people?
- And can it not be in the mind of Almighty God, the merciful, to make the three Abrahamic religions – without the slightest doctrinal compromise to what each believe – work together for shalom, peace, salaam on earth to His eternal glory...?

The Author

This Bulletin has been written and published by Peter M. Southwood (Dr) who accepts full and sole responsibility for its contents. He describes himself as the Law Officer for Public Benefit in England and Wales or LawPB (*de facto* but not yet *de jure*) because the *de jure* Law Officers for England and Wales responsible for upholding the public benefit of education on an 'irenic perspective', as the English courts determined it to be in the Prodem case [9 October 1998] and [28 June 2000], have not.

Translations of this Bulletin

No translation of this Bulletin of 11 September 2020 into Arabic or Hebrew (or any other language) is permitted for publication anywhere in the world unless it carries the official approval of Peter M. Southwood, the author of this original English version. This restriction is made to avoid any accidental or deliberate misrepresentation of the Bulletin's contents and the harm that may be caused thereby.

Copyright

Peter M. Southwood believes that quotations in this Bulletin are within the limits of fair dealing for the purposes of criticism, review or quotation.

© Peter M. Southwood, 11 September 2020.

Distribution

This Bulletin may be freely copied and circulated but only in its entirety and without financial charge.

Privacy Notice

The database used for the circulation of this Bulletin by email is 'one-off' and there will be no follow-up unless a recipient chooses to request one.

The circulation of printed copies of the Bulletin is entirely impersonal, i.e. it is directed at no named persons but only postholders.

Notes and References

Many relevant references – apart from my personal testimony here – will be found in the letters, articles and Closing Bulletins of the Paris Peace Conference 1919 Remembered series. Note, especially, Letter and Article nos 1 and 2, and Letter no. 4 at: <https://www.directionofconflict.org/what-we-do>

The **Education of Nations** series [cf. League of Nations on its 100th anniversary] in 2020 consists of three Bulletins: an indictment of a book on the future of war on 27 January; an indictment of charity regulation in England and Wales on 10 April; and this Bulletin of 11 September 2020.

Para. 1 Proscribed Terrorist Organisations (UK Home Office, 17 July 2020), p. 12 lists Hamas Izz al-Din al-Qassem Brigades - Proscribed March 2001. It is difficult to see how the military arm of a Hamas government can be viewed as a terrorist organisation but not the government itself.

Para. 2 Brighter Than a Thousand Suns is the title of a book by Robert Jungk about the Manhattan Project and the German atomic bomb project. The title is a reference to The Bhagavad Gita (11: 12) recalled by J. Robert Oppenheimer, Scientific Director, Los Alamos at the Trinity nuclear test on 16 July 1945. This writer's own knowledge of the background to the dropping of the first atomic bomb comes from Gordon Thomas & Max Morgan Witts, Ruin from the Air: The Atomic Mission to Hiroshima (Book Club Associates with Hamish Hamilton Ltd, 1977).

Para. 5 Constitutional Role of the Attorney General, [UK] House of Commons Constitutional Affairs Committee, Fifth Report of Session 2006-07, HC306 (Stationery Office, 19 July 2007), para. 21.

Para. 8 See <https://www.directionofconflict.org/> and my notes above.

Para. 9 For the background to Case 2 see The Israeli-Palestinian Conflict, Briefings on the Prospects for Peace, Briefing No. 1 (International Peace Project, January 2006) available from: <http://www.ipp2000.org/> (scroll to bottom of the Home Page). The Prodem court judgments are also available on the Law page. For a summary and analysis of the legal case brought by the IPP Trustees see <https://www.directionofconflict.org/what-we-do> Article no. 2 (6 March 2019), especially pp. 13-18 on Case 2. (All three legal cases are addressed in this Article.)

Para 11 (ii) is a quote from the trial judge in the Prodem legal judgment (9 October 1998), para. 26.

Para. 12 See <https://www.directionofconflict.org/what-we-do> for details of my criminal case v. AGs.

Para. 13 M.J. Akbar, The Shade of Swords: Jihad and the Conflict Between Islam and Christianity (Routledge, London, 2003).

Para. 17 Moojan Momen, An Introduction to Shi'i Islam: The History and Doctrines of Twelver Shi'ism (Yale University Press, 1985) cited in my Foundation Briefing of The Movement for Truth (24 October 2015) at <https://www.mft2015.com/> Hamas is Sunni but Iran and Hezbollah are Shi'i.

Para. 27 A.S. Herbert, The Book of the Prophet Isaiah 1 – 39, The Cambridge Bible Commentary on the New English Bible (Cambridge University Press, 1988) p. 11. Holy Bible, New Revised Standard Version, Deuteronomy 18: 20-22; Jonah 3: 1 – 4: 11.

Appendix – Analysis of Cases 1 and 3

Case 1 End of the Cold War and the charity law case: Project on Demilitarisation (Prodem)

Prediction: **‘We are on the road to war.** After the Cold War and the Gulf War [in 1991] the next war is just waiting to happen... wherever it may be. The facts of recent history lead inexorably to this conclusion. Yet only three short years ago, when the Berlin Wall came down, the prospects for peace had never looked brighter. What went wrong? And why? And how could we be on the road to war when we could and should be on the road to peace?’ [Emphasis in the original.] Prodem Briefing No. 1 (March 1993).

Rationale: Western claims that bargaining from strength ‘won’ the Cold War (‘power of coercion’) would over time undermine the prospects for peaceful means of conflict resolution (‘power of cooperation’) creating the conditions (later called ‘climate’) for war not just between East and West but, by example, across the world.

Legal Test: Our Prodem case was conducted against the English Attorney General (AG) on the refusal of the Charity Commissioners to register Prodem as a charity.

High Court judgment on 9 October 1998: agreed with Commissioners on AG’s reasons.

On appeal, we fully accepted the trial judge’s statement of relevant legal principles including his definition of an ‘irenical perspective’ as a basis for genuine education. However, appealed on grounds of his errors of fact and misapplication of the law arising from AG’s dictionary definitions of ‘militarism’ in his own affidavit evidence.

Court of Appeal judgment on 28 June 2000: dropped AG’s, and most of Commissioners’, reasons for refusing registration in favour of the Charity Commission’s legal department’s first response in January 1993 but

- Asked forgiveness from Dr Southwood for not addressing his skeleton argument;
- Falsified, apparently deliberately, a material fact as to who edited Briefing No. 1;
- Left out a relevant legal principle, accepted by the High Court, as to the probative value of the last Prodem Briefing (A/3) in October 1995 in determining Prodem’s true purposes. (It contained in Appendix E a proposal for competing analyses of conflict areas to predict future peace or war in various regions of the world); and
- Provided the precise wording for the objects’ clause of a charitable trust to take forward the (Prodem) Briefings on an ‘irenical perspective’ which the AG and Commissioners had rejected as a basis for genuine education.

Court of History’s

Verdict: The Cold War ended in 1990 and the global ‘war on terror’ started post-9/11, 2001. The first Gulf War ended in 1991 and the Second Gulf War started in March 2003. The International Peace Project was registered as a charity on 6 February 2004 with the objects clause defined by the Court of Appeal to take forward ‘Peace Games’ as proposed in Appendix E of Prodem Briefing A/3.

Case 2 Israeli-Palestinian Conflict and the charity law case: The Atlantic Council of the UK

See pages 3-4 above.

Case 3 Report of the Iraq Inquiry and a Judicial Review application by Peter M. Southwood

Prediction: *'There is, therefore, a great danger of the UN being drawn into wider conflicts by the major NATO states that cannot be resolved by this huge over-concentration on military security – to the neglect of their economic, social and environmental aspects. This may not be rectified until Western political leaders and their generals have committed another major foreign policy blunder involving serious loss of Western lives and resources...'* [Emphasis in the original.] Prodem Briefing A/1 (September 1993), p. 19.

On the generals:

'Yet this seemingly impregnable position faces a major test. The very cautiousness of British and American generals militates against going to war except when victory is certain. But unless they do go to war from time to time – and win – the legitimacy of their force levels and role will be questioned. If a new Saddam conveniently sets himself up to be hammered into the ground then the military security concept will gain a further lease of life. More likely is that eventually vital Western interests will be challenged by a political crisis which mirrors all the complexity of Bosnia [in 1993-94] but cannot be sidelined. Suddenly the avoidance of casualties would no longer be possible because this implies the conflict is not that important. The two linchpins of the generals' approach to war in the Gulf [in 1991] – extreme caution and avoidance of high allied casualties – would be lost. If, to cap it all, the scenario involves economic and political instability, ethnic conflict and social and environmental disaster, as most civil wars do, the risk of Western political and military failure would soar.' [Emphasis in the original.] Prodem Briefing A/2 (April 1994), p. 13.

Rationale: As for Prodem in Case 1 above.

Legal Test: *Administrative Court decision on 30 April 2018.* After this, I alleged that the current, and a former, Attorney General committed offences under the Perjury Act 1911. *Court of Appeal (Civil Division) decision on 1 November 2018.*

This third case arose out of the UK's invasion of Iraq in 2003 and the resulting Iraq Inquiry, set up by the UK government in 2009, whose report was published on 6 July 2016. My claim for permission to apply for judicial review against the then Attorney General, with the current Attorney General as Interested Party, affirmed his

Failure to act as Law Officer [and public protector of charity], in his advice to the UK government on the legality of the invasion of Iraq, by omitting from his deliberations an 'irenical perspective' as previously defined in law and revealed in The Report of the Iraq Inquiry.

The basis for this claim was the Inquiry Chairman's central conclusion, presented at the launch of the Iraq Report, that:

We have concluded that the UK chose to join the invasion of Iraq before the peaceful options for disarmament had been exhausted. Military action at that time was not a last resort.

I offered no view in this case as to whether UK military action in Iraq was legal, rather the focus was on the potentially conflicting roles of the Attorney General as chief legal adviser to the government, Law Officer and public protector of charity. He had manifestly not applied, or even considered, an 'irenical perspective' as defined in the Prodem case which as Law Officer and public protector of charity he was bound to do.

The Court of Appeal decision (on the papers) upheld the Administrative Court decision that the claim was '**totally without merit**'. [Emphasis in the original.] But the judge:

- Without excuse or justification, made no reference to the basis of the claim, i.e. in the Prodem case;
- Described my request for the Court's direction on whether the allegation of offences under the Perjury Act should be referred to the police as 'misconceived' yet did not give a reason, let alone a good reason, for this view;
- Demonstrated who is really the boss in English civil courts where the Government is involved, and public opinion is uninformed or quiescent. Successive UK governments have rejected an irenic perspective as the basis for advancing international peace despite the emphatic endorsement of that principle by all judges in the Prodem case. Consequently, the central conclusion of the Iraq Inquiry Report has also been rejected.

Court of History's

Verdict:

It is beyond argument that over the 30 years since the end of the Cold War relations between the West and Russia have become less peaceful. So, weapons of mass destruction, which were not found in Iraq post-2003 (except relating to pre-1991), are now at greater risk of being used than at any time since the most dangerous moments of the Cold War. Their actual use in Salisbury, England in 2018 by a foreign power for purposes of assassination, and their potential use for terrorism, is impossible to deny.

In the UK, the application of an irenic perspective is officially totally without merit, despite overwhelming evidence of the disastrous consequences arising therefrom.

End of Bulletin