



IRAK, A PREVENTIVE WAR?

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FROM BOSNIA TO IRAK

By Luis Sols Lucia

1. International handling of conflicts after the cold war

The disappearance of the political and military block that had been constituted around the Soviet Union modified profoundly the international political order that had dominated the world scene during the cold war. Up to that time all conflicts – both internal and external – that any country was involved in was interpreted in relation with a confrontation between the two blocks, such that – almost invariably – the United States ended up helping one party and the Soviet Union, the other. This dynamic tended in principle to aggravate conflicts and convert them into chronic ones. However, as time dragged on, the difficulty itself of victory for one of the contending parties favoured the establishment of peace conversations sponsored by the two superpowers. The dependence that the contending parties had on the supply of arms from the great powers inclined them to accept dialogue. Many were the conflicts that were solved – totally or partially – in this way, and so the international order of the cold war turned out to be a relatively stable though profoundly unjust order.

The fall of the Berlin Wall raised great hopes. For the first time in almost half a century, there opened out an opportunity of constructing on a firmer footing a more just international order based on International law. The invasion of Kuwait by the Iraqi Forces in August 1990, was interpreted by many as a clear violation of International Law to which some type of collective response had to be given, understanding that this response would establish the way of resolving international conflicts in the new era.

Steering away for the moment from the true causes of the so-called “Gulf war”, what is certain is that the North-American administration of President Bush – father of the present President - promoted a multi-lateral handling of the conflict, in the frame of the United Nations. This meant that five countries – the five with the right of veto in the Security Council – arrogated the right to speak in the name of the international community and to establish legality. The system left aside entire areas such as the Near East, India, Sub-Saharan Africa or Latin America that together comprise more than half of the human race and which are only represented in the Council through countries with no right of veto. At any rate, it was considered that those five countries – China, the United States, the Soviet Union, France and the United Kingdom – were sufficiently diverse to exercise a strong mutual control. However, that Security Council – with the Soviet Union in full crisis and China somewhat weakened after the events of Tian-Anmen – appeared quite docile to the wishes of the United States, although the forms of international legality were maintained. Bush senior acted at all times with the approval of the other four countries and the Security Council directed – at least formally – the conflict. The idea appeared to be accepted that in the new international order the United States was affirmed as the only superpower; however, it was accepted that international conflicts should be resolved in the multilateral frame of the UNO, more specifically in

the frame of its Security Council, as had been established in the Founding Charter that the United States had ratified.

In 1994 a terrible civil conflict broke out in the Africa of the Great Lakes. The downing of an aeroplane which was carrying the presidents of Burundi and Ruanda, provoked in the latter country a wave of terrible bloodshed between Tutsis and Hutus. The role of the great powers in the genesis of this conflict have raised many questions but the fact is that in the international press it only appeared as an action of Hutus against Tutsis. The dimension of the massacre – about a million assassinated – convulsed international public opinion that could not understand how nobody could do anything to detain that terrible slaughter. With information every day more globalised, it has become evident that it is necessary to have an international system with the capacity to respond to situations like that. The crisis was dealt on the margin of international organisations and turned out fundamentally in favour of the interests of the United States.

The dismemberment of Yugoslavia, begun in 1991, questioned anew the international order, since half a century before it was one of the most sensitive and conflictive places on the European map. Discrepancies in the Council – Serbia was a country traditionally close to Russia and France – led to relative passivity on the part of the international community. This being the case, when the conflict spread to Bosnia, the Security Council agreed to sending UN interposing troops – to stem the conflict and protect the civil population – and, as response to certain killing authorised limited interventions of NATO. In this conflict – which had its culminating moment in 1995 with the massacre of Srebrenica – international public opinion exerted pressure to get somebody to stop the killing. This state of opinion, and especially the political and economic fragility of Yeltsin's Russia, made it possible for pressure to be exerted on Russia, reluctant at first, to authorise international intervention. And so appearances were kept and the interventions were able to count on the authorisation - more or less explicit - of the Security Council, although the initiative as also the greater part of the armed actions were at all times taken by the United States.

A little later, from 1998 onwards, the conflict moved to the territory of Kosovo, belonging to the Serb Republic. Apparently both the civil conflict as also the international response bore certain similarity with what had occurred in Bosnia. The relatively controlled personality of President Clinton and the apparent existence of a “just cause” prevented international public opinion from perceiving that this time there were substantial differences which implied a serious distancing from the international order in force. In the first place, Kosovo belonged to the Serb republic and the Yugoslav Constitution could not concede the right of secession which it granted – with certain limits – to the confederated republics. Moreover, it is probable that the real conflict was amplified by the international media which were rather favourable to an intervention. Seemingly, the United States wished to finish off as soon as possible with the authoritarian regime of Milosevic and needed to create a state of opinion that was propitious to armed action. Yeltsin continued to be weakened by economic problems and by the unresolved conflict in Chechenia but was unable to give support to a NATO intervention against a country that was traditionally orthodox and friendly to Russia, and which would challenge the nationalist feeling of the majority of Russia's population. His intention to veto in the Security Council a NATO attack made Clinton decide to act on the margin of the UNO.

So, NATO, a strictly defensive organisation, carried out a very severe attack – almost three months of bombing in the Spring of 1999 – with no authorisation from the Security Council, against a country that no longer threatened any other. Prestigious diplomats like the former Secretary General of the UNO, Javier Pérez de Cuéllar energetically denounced this action, conscious of the very grave consequences that it entailed for international relations.

The rise to power of Bush – and the group of extremist collaborators that surround him – has permitted people to see with clarity the progressive unilateral bent that North American policy followed in these conflicts. What initially was presented as an international order arbitrated by the Security Council of the United Nations, has finally ended up being converted into an international system dominated by the United States in which the UNO is invited to keep up appearances, if it wishes to remain being “relevant”.

The September 11 attack was interpreted as an “attack” that justified a “response”. To this end – despite the scarce causal connection and the evident disproportion in human damage – international public opinion contemplated with understanding – not exempt from resignation – the North American intervention against Afghanistan. But the intention of Bush to attack Iraq, his consideration of the UNO as of little consequence and the reasons adduced by him that offend intelligence¹, have raised against him international public opinion – particularly European opinion – which has organised the biggest protest marches of history, perhaps the first of the “global era”. In Germany, a candidate to the Presidency of Government whose victory was believed to be assured has been left in the opposition on account of his bellicose ideas. France, with the collaboration of Germany, has led the opposition to this expansionist and unilateral policy, challenging thereby the terrible pressure of the United States. At the moment these pages are being written, France has obtained the support of the majority of the member countries of the Security Council and has thus prevented an attack under the shelter of the ONU.

2.- International relations in the era of globalisation

To explain what is the true meaning of the North American policy, one has to refer to the theory of the international relations and debates that were carried out decades ago in universities and centres of strategic studies. There, far from mass media and electoral campaigns, the true motives that move international relations are set forth in all crudity. Later, politicians formed in these centres occupy spheres of power and – although they are forced to cover or to sweeten them – are ruled by the criteria that they believe are serious and responsible.

During the cold war two tendencies rivalled for supremacy. The “realistic” tendency attributed the leading role to power and to the states. From their perspective one advances only if the others go back and vice-versa. International policy is a game of “zero total”. One is more powerful in the measure in which the others are less. The primary objective is always security.

The “transnational” or globalist tendency believes that international co-operation generates benefits for all. It is a game of “positive total”. This tendency considers as

important not only states but also other agents such as companies and international organisations. Economic welfare is a prior objective, although security is also valued.

Military organisations such as NATO or the Warsaw Pact were the reply to the realistic paradigm. On the other hand, the greater part of organisations affiliated to the UNO, such as WHO or UNESCO are the reply to the transnational paradigm. In the United Nations the right of veto of the five main powers in the Security Council respond to the realistic paradigm and the General Assembly, on the other hand, responds to the co-operative or transnational paradigm. The “realism” of the cold war always had a multilateral character, which was necessary given the rivalry of the blocks and the necessity to build alliances.

The fall of the Berlin Wall and the process of globalisation have made it necessary to make a reformulation of these theories. A global world requires global replies and, in certain measure, global management. As we have seen, public opinion demands that things be done in a way that avoids human tragedies or ecological disasters. Finances too have been globalised and a crisis in Mexico (1994) or in Thailand (1997) can seriously affect the economy of all countries in the world. For this reason responses have arisen as to how globalisation should be governed. From the stance of neoliberalism an attempt has been made to give an eclectic response putting forward a world in which states lose influence in favour of big multinational companies and a reduced group of rich countries that impose their interests on the rest of the world. Influenced by the “Washington consensus”, the IMF and the World Bank have oriented themselves towards this paradigm represented in an emblematic way by the G8.

The anti-globalisation movement has rebelled against this way of organising the world and is demanding an international co-operative and sustainable order that works for the benefit of all, and not only for rich countries. But before the urgent need of global responses there appears, although in an incipient way, the possibility of a new paradigm, based on institutions of a world reach with true supranational power. The recent creation of the International Penal Tribunal - despite all obstacles and pressures from the Government of the United States - responds to this paradigm. The success - on a more reduced scale - of the European Union shows that - although difficult - it is possible to create institutions with true supranational power.

The United States - and in a special way the right wing of the Republican Party as for instance, Foster Dulles and Henry Kissinger - have practically always been dominated by partisans of the realistic tendency. It was a question, as we have seen, of a multilateral realism that believed above all in power - especially in military power - but which tried to constitute alliances. Nevertheless, people were not lacking who claimed the abandonment of the impediments of multilateralism in favour of imposing their own criteria in a unilateral way. The foreign policy of Reagan, with its enormous increase in military expenditure, entailed already a certain inclination in this direction. The fall of the Eastern block and emergent globalisation gave a new impulse to the unilateralists, despite the concern to maintain the forms of Bush senior and the relative moderation of Clinton.

Unilateralist realism accepts the idea that the globalised world should be governed and proposes that it be governed from one country alone. This country should have extraordinary military strength - and should exercise it at certain intervals - to impose international order in consonance with its interests. For this it is fundamental to avoid the existence of any alternative power with dissuasive capacity. This role,

naturally, corresponds to the United States. According to Condoleeza Rice, assessor of National Security of President Bush, the mission of the United States is to guarantee security and Europe should take care of aid to developing countries. International order in consonance with the interests of the United States would be, naturally, a neoliberal order in which economic interests would be subordinated to security, that is to say, to military interests. In this sense the contrast between the results of the administration of Bush and that of Clinton would offer interesting lessons.

3.- The construction of an empire

So the model that is proposed by the theoreticians of international relations close to the present governing body of the United States is what in history has been termed traditionally "the empire". It is surprising that a country that was given birth to by an anti-colonial uprising, and which is still ruled by a Constitution approved in that epoch, has ended up adopting imperialist ideas. However, it is not something entirely new. The annexations by force of arms of territories of the Indian and Mexican tribes were of a clearly imperialistic nature. The watchword of "America for the Americans" contained too an imperialistic wish that materialised later in the innumerable military interventions in Latin America. Its opposition to the European colonial empires separated it later from these attitudes, which were reconverted into economic imperialism denounced by Marxist authors.

Thus, the attitude of Bush to move towards an American empire has precedents, but the novelty is that now for the first time in history, it is about a world empire and its consequences can be more lasting than in any earlier empire.

In September of 2002, a document was presented with the essential lines along which the States believed should be the North American foreign policy of the XXI century. The document, signed by Bush himself, established that the United State was above international institutions like the UNO, indicating that it should work with them but without feeling obliged to respect their agreements which should rule for all other countries. As a criterion of action a unilaterally-decided preventive war was proposed: "we will not hesitate to act alone, if it is necessary, to exercise our right of self-defence with a preventive operation". Formerly this was called "aggression". The situation is established as irreversible: "Our forces will be sufficiently vigorous to dissuade potential adversaries to try a military rearmament directed to equal or surpass the strength of the United States", a consideration which makes a distinction between democratic and non-democratic countries. There can be no excessive doubts regarding what is referred to when speaking about "sufficiently vigorous forces".

What countries could rival the United States or dispose of a certain capacity of dissuasion? Evidently this is not made explicit in the document. But it is not difficult to guess. Certainly terrorism on a big scale - particularly Islamic terrorism - can attain dissuasive capacity and on this account combat against it has been established as a priority but it does not seem that secular Iraq has any relation with the terrorism that threatens the United States. Russia is very weakened economically, although its nuclear arsenal and reserves of petroleum give it a certain capacity of dissuasion. The European Union has evidently a wealth of economic power and if it succeeds in uniting itself could also attain great political power and eventually, military power. China, with its 1,300 million inhabitants, is experiencing a spiralling economic growth and it will not take long for it to convert itself into the country with the greatest GDP of the world in terms of parity of acquisitive power. But neither the European Union nor China have

petroleum. If the nation which controls petroleum has at its command sufficient military strength, it will not be difficult for it to block any attempt at rearmament.

The United States possesses today the military hegemony of the world. In the year 2004 its military expenditure will be 400,000 million dollars, more than all the other countries of the world put togetherⁱⁱ. It possesses also cultural hegemony (cinema, television, music, press agencies). It has besides financial hegemony (the dollar, Wall Street), technological and productive hegemony, although it has to share the latter with Europe and Japan. It only lacks energy, the control of petroleum.

From this perspective the double intervention in the Gulf acquires meaning. Iraq possesses 11.2% of the world's reserves of petroleum and together with Kuwait - a part of Iraq segregated by colonialism - more that 20%. Quality petroleum and easily accessible. By controlling Iraq - besides eliminating the only serious rival of Israel in the zone - the States could acquire the capacity to challenge a possible boycott of Saudi Arabia (26%) - converting it into a country on which pressure could be exerted - and it could control the petroleum necessary for the needs of China, the European Union and the United States itself. This in a country almost at the other extremity of the United States and bordering - if Turkey should finally be incorporated - the European Union.

It is not surprising that the countries linked more intimately with the European project - France and Germany - have reacted unfavourably to the project of occupation and plunder, just as European public opinion has done. An "Atlantic gap" has been opened. Just as the "challenge of the East" led to the creation of the European Union, it could be that now the "challenge of the West" could lead to the citizens of Europe rediscovering their identity and promoting "another possible world".

INTERNATIONAL LAW IN RESPECT OF THE WAR OF IRAQ

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I.- USA AND INTERNATIONAL LAW: SOME RECENT FACTS

Recent history reveals the existence of some strong resistance to the establishment of an international order, ruled by juridical norms and International Law. Part of this resistance can be attributed to the USA, the empire or current superpower.

We could highlight the resistance of the USA in four areas: world environmental problems, creation of an International Penal Court, maintenance of capital punishment and the attitude observed in the relation between terrorism and Human Rights

In respect of environmental problems (that are pressed on the whole of humanity), the USA has defended and defends state solutions; it is useless to demonstrate the climatic changes that are being produced or show that 25% of gases having the greenhouse effect proceed from the territory of the United States; it serves no purpose to prove that the disappearance of biological diversity is alarmingly on the increase. In international environmental negotiations the tactic always turns out to be the same: participate in the negotiating process to delay solutions and, when solutions are reached (although they be partial, as the Protocol of Kyoto in 1997 regarding the reduction of gases of greenhouse effect), the USA tries not to assume them, not to commit itself to these and even to pressure other States into not committing themselves to them either.

The creation of the International Penal Court (whose Statute of Rome of 1998 has already come into force) did not please the superpower. It participated in the negotiations, tried to get them to fail, and when they ended, not only did it not ratify the Statute but also began a double tactic: to try through bilateral agreements for its soldiers and agents not to be accused of crimes of humanity and of war, and if they were accused, to threaten with intervention in the places where they would be judged. As the International Penal Court has its headquarters in the Hague, the USA appear willing to invade and occupy that Dutch town...

In respect of capital punishment the American position is well known; the USA walks in dangerous company comprising among others China, Saudi Arabia and Iran. In the US territory executions are produced frequently and are suffered by blacks, Hispanic people, helpless individuals and people that were minors at the time of committing their crimes. They have even killed foreigners disrespecting their rights: two German citizens were executed without informing them of their right to the consular protection of Germany; the case was sentenced in 2001 by the International

Tribunal of Justice which condemned the USA; but it produced no great effect since Mexico has just filed another case before the same Tribunal for the same motive in an attempt to save more than 50 Mexicansⁱⁱⁱ from the death corridor.

On the other hand, it is necessary not to forget the attitude maintained in the relations between terrorism and Human Rights. Let it remain clear that the incidents of September 11, 2001 were criminal acts, in no way admissible. But to fight terrorism not everything is valid; Human Rights should be allowed to prevail when judging these acts. The Bush administration, however, preaches the contrary, detaining and keeping in prison for months on end hundreds of people. The same can be said of the maintenance of war prisoners in Guantánamo.

All these facts (more could be quoted as the case of Álvarez Machain, Mexican, kidnapped by United States' agents in Mexican territory and carried illegally to the USA - acts that received approval even by the US Supreme Court) provoke perplexity and indignation. Perplexity because they are acts that are carried out by a State of Law that constantly preaches Human Rights but is not too convincing at the time of respecting them; indignation because some of the US authorities give one to see that the USA acts in virtue of a divine mandate that designates them as a chosen people and permits them total freedom of action, without submission to any juridical norm.

II.- USE OF FORCE AND INTERNATIONAL LAW: TWO THEORETICAL-PRACTICAL SUPPOSITIONS

Let us go now to the use of force in current international order. The perspective to be followed can be no other than that of the Charter of the United Nations, the international treaty of great transcendence which the USA being one of the signing members is obliged to comply with.

In this perspective two theoretical-practical suppositions stand out: one: the prohibition of threat or use of force in current international relations and two: the only organ authorised to decide on the use of armed force is the Security Council.

A) The prohibition of threat or use of force in current international relations

The Charter of the UNO was adopted in 1945 – among other ends – “to preserve future generations from the scourge of war...and in order to reaffirm people’s faith in the Fundamental Rights of man, in the dignity and value of the human person, in the equality of the rights of men and women of great and small nations”^{iv}.

The Charter refers constantly to the maintenance of international peace and security. Its most important norm is without doubt art. 2, paragraph 4, which says textually: “The members of the Organisation, in their international relations, will abstain from having recourse to threat or use of force against the territorial integrity or political independence of any State or in any other form incompatible with the Aims of the United Nations”.

The norm quoted leaves no room for doubt: the use of force in international relations is banned and so too the use of threat. This ban extends to any form incompatible with the Aims of the Charter; so the use of force is valid only in the way that is compatible with these Aims.

The ban of threat and use of force in international relations does not leave any scope for unilateral actions; such actions are transformed into pure aggression except in two hypotheses:

- legitimate defence, individual and collective, or
- actions taken by the Security Council of the United Nations or authorised by it.

If we apply these norms to the current situation, we will discover that the USA and Great Britain that have been maintaining for the last few years the so-called “air exclusion zone” in Iraq, using part of the Iraqi air space as they please, violate clearly the Charter. This violation is certainly something very serious.

B) THE SECURITY COUNCIL, the only organ that can decide the use of armed force

We carry on with the reading of the Charter of the UN and in it there is admitted “the immanent right of legitimate defence, individual or collective, in the event of an armed attack against a member of the UN, up to such time as the Security Council has taken the necessary measures to maintain international peace and security^v. It remains clear that if a State is attacked, it can defend itself; this legitimate defence can take place until the Security Council takes the “necessary measures”.

Apart from cases of legitimate defence the problem posed is that of whether any organ or International Organisation can permit the use of force or use it directly. We can distinguish two hypotheses:

- In the first, the SC permits the use of armed force to a regional Organisation; this is perfectly valid, as we have seen in the reading of the Charter. On the other hand, if there does not exist a legitimate individual or collective defence, the use of armed force by a regional Organisation will be illegal, will violate the current International Law; this violation was unmistakably produced in the intervention of NATO in Kosovo, with no authorisation from the true main role actor in the matter, the SC.

Even when there exists authorisation, the Charter requires the regional Organisations to maintain “at all times the Security Council completely informed of the activities taken or planned” by such Organisations. The SC does have confidence in regional Organisations, but this confidence does not exclude control, which should serve to avoid abuses and deviations.

The SC can also permit a State or a group of States to use armed force; the authorised States should then respect the limits imposed by the SC. The case of the Gulf War of 1991, after the Iraqi aggression against Kuwait, constitutes a good example of this authorisation which I will refer to later.

- In the second hypothesis the SC acts directly without delegating or authorising anybody. In its intervention there exists a grading of actions:
 1. The SC adopts sanctions that do not imply the use of armed force (economic, interruption of communications, rupture of diplomatic relations, etc.)
 2. If such sanctions are inadequate, the SC “can exercise, by means of air, naval or land forces the action that may be necessary to maintain or re-establish international peace and security”^{vi}.

III.- RESOLUTION 1441 OF THE SECURITY COUNCIL

According to the Charter, the members of the UN agree to accept and comply with the decisions of the SC taken in accordance with this Charter. Therefore, the

resolutions of the SC are obligatory. Besides – as I have underlined before – we find ourselves before the only organ that has the capacity to decide legitimately about the use of armed force.

On November 8, 2002 the SC adopted its Resolution 1441. The ultimate cause of the Resolution lay in the aforementioned invasion of Kuwait by Iraq in 1990, which constituted an aggression.

Resolution 1441 points out that Iraq has not respected the previous Resolutions of the SC, especially those regarding its programs of weapons of mass destruction; specifically speaking, this State had made work difficult for the UN Special Commission, authorised to inspect those particular aspects.

What does the SC specifically decide in Resolution 1441? The most important decisions are as follows:

1. Iraq has incurred and carries on incurring a serious violation of its obligations by not co-operating with the UN.
2. It grants this State “a last opportunity to fulfil its obligations” in the matter.
3. It creates UNMOVIC (United Nations Monitoring, Verification and Inspection Commission) and authorises the International Organisation of Atomic Energy to send inspectors to that State.
4. It decides that Iraq should give inspectors “immediate, without hindrance, unconditional and unrestricted access to all and each one of the zones ... to all officials and other people”.
5. “It demands that Iraq confirm in the space of seven days ... its intention to fulfil entirely the present Resolution” and
6. It decides to meet once it has the report of the inspectors.

If we read with attention the analysed Resolution, we will see that it does not authorise anybody (whoever it be, US, NATO, EU) to use armed force against Iraq. The terms are clear and it becomes necessary to make a small comparative examination with those of Resolution 678, adopted by the SC on November 29, 1990. Paragraph 2 of Resolution 678 points out that the Security Council “authorises the member States who co-operate with the Government of Kuwait to use all the necessary means to obtain the fulfilment of Resolution 660 (1990) and all other pertinent Resolutions approved recently and to establish international peace and security in the region” in the event Iraq does not fully comply for January 15, 1991 or earlier with the preceding Resolutions, as indicated above in paragraph I.

Here we find an unequivocal authorisation for the use of armed force against Iraq for having invaded Kuwait. But similar terms are not found in Resolution 1441.

If we interpret Resolution 1441 without the necessary good faith, we can force the text to affirm what it really does not affirm. Keeping in mind its contents, there is no place for admitting the interpretations of people who – as President BUSH or President AZNAR – make a pure political operation or political interpretation, the key of their interpretation being not law but politics, an unjustifiable policy of power.

As I pointed out before, Resolution 1441 affirms that the SC “decides to meet once a report is received ... in order to examine the situation and the necessity of having all its resolutions in the matter entirely fulfilled, with the object of assuring international peace and security” (paragraph 12). Therefore:

1. The SC decides to revise the report
2. It will be the SC that examines the situation and necessity of all its resolutions being carried out

3. Contrary to what happened in 1990, in 2002 no authorisation is given to anybody to use armed force against Iraq.

This conclusion is confirmed by the second last paragraph of Resolution 1441. In fact, paragraph 13 “remember in this context, that it has repeatedly warned Iraq that, if it carries on infringing its obligations, it will expose itself to serious consequences”. The one who decides the consequences to which Iraq will expose itself is not the strategist of the White House, or that of London or Madrid, but the SC; and these consequences do not have to mean in any case the use of armed force; according to the Charter of the UN, the consequences could remain being economic sanctions (that hurt the Iraqi population so much and reinforce to a great extent the power of its dictator) or of another type: the maintenance of inspection, etc.

Resolution 1441 when read and interpreted in good faith, NOTHING IN IT PERMITS ANYBODY THE USE OF ARMED FORCE AGAINST IRAQ. Neither directly nor expressly nor implicitly does it grant to anybody the right to use armed force against that State. The opposite interpretation breaks two norms essential in any valid juridical interpretation: the current meaning of the terms employed and good faith.

IV.- THE SO-CALLED PREVENTIVE WAR, PREVENTIVE ACTION OR LEGITIMATE PREVENTIVE DEFENCE, PURE UNDISGUISED AGGRESSION.

I have recalled before the right of legitimate defence (individual and collective) that the Charter respects. Again with a forced and distorted interpretation of such a transcendental international treaty, the so-called PREVENTIVE WAR, PREVENTIVE ACTION or LEGITIMATE PREVENTIVE DEFENCE is adduced.

Any of these formulations places the accent on preventive attack, previous attack; its defenders affirm then that – as is said so frequently in competitive societies such as the current ones – “the best defence is a good attack”.

In recent History this theory was adduced profusely by ISRAEL, when it attacked the Arab States; in that way, Israeli ideologists affirmed, a future attack by Arabs was impeded.

At these moments the theory is alleged over and over again by President Bush; the inadmissible terrorist attacks of September 11 serve him as an alibi.

However, these formulations (whatever their express or implicit motives may be) violate unmistakably current International Law.

There exists since 1974 a Definition of Aggression, adopted by the General Assembly of the United Nations. According to this text – that codifies international norms – aggression is considered as the use of force by a State against the sovereignty, territorial integrity or political independence of another State or in any other form incompatible with the Charter of the United Nations.

The Definition enumerates a series of acts of aggression mentioning among others an invasion or attack of the territory of another by the armed forces of a State or any military occupation (even if it be temporary) or any territorial annexation derived from the use of force. When in 1990 Iraq invaded Kuwait, it committed without doubt a clear act of aggression. Furthermore, the following are considered aggression: bombarding the territory of another State, blocking its ports and coasts and, among other acts, the sending by a State of armed bands, irregular or mercenary groups.

On the other hand, the International Tribunal of Justice in 1986 (precisely in the NICARAGUA/USA case) affirmed textually: “In the case of legitimate individual defence, this right cannot be exercised unless the interested State has been a victim of an armed attack. The invocation of collective defence evidently does not change in any way this situation”.

In this respect it is convenient not to forget two additional aspects:

- No consideration of a political, military, economic nature or of any other type can serve to justify an aggression.
- The war of aggression constitutes an international crime, as can be deduced from article 5 of the Statute of Rome and for this, the International Penal Court was created. Could it be for this reason that the effective application of the Statute of Rome and the intervention of that Court has been so strongly opposed by the authorities of the USA, aware as they are of this norm?

IV.- TOWARDS PEACE BY LAW OR TOWARDS CHAOS’

As I pointed out at the beginning, the USA maintains an unequivocal rejection of International Law in various fields but without doubt the most dangerous rejection is that of the denominated preventive action or war that today it desires to wage against Iraq and tomorrow could wage against any other State, when the interests of its ruling minority advises that it should do so, whether there exists or not a real cause.

It is also interesting to remember History in a field as slippery as that of the proofs presented before the SC. The sinking of the battleship MAINE in 1898, constituted the pretext that the United States used to terminate the last Spanish power in America; the “proofs” presented then were totally incapable of withstanding an impartial analysis. It had juridical consequences, given that in 1899 the first Peace Conference of The Hague created a new way of settling differences: Investigation Commissions to determine facts. Well, this historical experience is repeated over and over again in the Foreign Policy of the USA and in the presentation of “proofs” which often are nothing else that its war propaganda.

Returning once again to the present, let us remember that the very States who today demand that Iraq fulfil the Resolutions of the Council, give support to certain other states guilty of not fulfilling other Resolutions such as those relating to the rights of the Palestinian and Saharai peoples. Therefore, if we really desire that peace be maintained and the SC does not lose the remainder of its already very weakened credibility, we demand that ALL ITS RESOLUTIONS be fulfilled, and not just those that benefit the reigning superpower or its allies.

It is convenient too that we raise two additional questions which complement each other: Does any sensible person consider that the armed attack against Iraq will serve to fight terrorism, as those spokespeople of war propagate with excessive frequency? Will not this attack serve as an excellent fertiliser – at least ideological – for new terrorist acts?

In the present situation, the final disjunctive appears clear: Either we walk TOWARDS PEACE BY LAW (with RESPECT FOR THE HUMAN RIGHTS OF ALL) or we follow the straight line TOWARDS CHAOS. And reality has already shown that in this chaos all of us lose, including the powerful United States.

I wish to end with the words – full of the past and present and impregnated with the worst premonitions for the future – of a famous personage from Aragon, Alejandro OLIVAN, who wrote in 1835:

“War is the opprobrium of reason and the oblivion of all law; and if we reflect that nations usually make peace after many years of combat and desolation on account of sheer tiredness and are more depressed than when the wars began, WE WILL NOT ONLY ACKNOWLEDGE THE MADNESS AND CAPRICIOUSNESS OF ALMOST ALL WARS, BUT WE WILL ALSO DEPLORE THE BACKWARD MOVEMENT THEY HAVE CONDEMNED THE HUMAN SPECIES TO” (La Abeja, Monday, May 11, 1835, n. 377, pg. 1, “De la intervención extranjera”)

Zaragoza, February 2003.

FROM WEST TO “THE FAR WEST”

A REQUIEM FOR REASON

By José Ignacio González Faus

“He who wishes to do justice by force
is like a eunuch longing to embrace a girl”
(*Ecclesiastes*, 20,4).

“Despite the fact that recent wars have brought very serious material and moral damage to our world, war still continues its work of devastation in certain parts of the globe.. With the use of scientific weapons of every nature in war, its intrinsic cruelty threatens to drive warring factions *to a degree of savagery that surpasses by far that of olden times...* In many cases the use of terrorist methods is admitted as a new system of warfare” (GS 79).

These words of the Second Vatican Council were spoken 40 years ago. If at that time they sounded obvious, today they have turned into a painfully prophetic reality. One has to take seriously the warning that in the last 40 years we have been able to attain in the name of progress and freedom “a degree of savagery that surpasses that of olden times”. Heading as we see ourselves towards a painful situation caused by the unbounded ambition of a well-armed country, it would be well worth considering some more explicit observations that the above-mentioned Council puts forward:

- The right of people (or international right) and its principles remain in force during the time of war
- “Criminals” are those who order acts that go contrary to those principles and they should be disobeyed without blind obedience being the excuse for those who carry them out.
- The valour of those who openly oppose those orders is to be praised;
- War strength does not legitimise military or political use of it (*ibid*).

When proclaiming these teachings, the Second Vatican Council was only summarising the traditional doctrine of Catholic morals in respect of war. And for this reason it goes on to say that with modern weapons a qualitative change has been produced which obliges all to “re-think war with a totally new mentality”, since the said weapons “surpass excessively the limits of legitimate defence” (nº 80). Pope John XXIII had written, exactly 40 years ago that “in our times in which atomic energy is striven for, it is *irrational* to think that war is an apt means to re-establish violated rights”. Vatican II believes that this re-examination of war in the current situation implies the establishment of “a competent international authority provided

with efficacious means” and implies in the second place, ending the arms race which not only prevents “remedying adequately the very many miseries in the world since it spends such enormous sums of money to maintain in readiness new weapons”, but is also “the most serious plague of humanity”.

The unreality that those words seem to be suffused with is the best test of the step backwards that humanity has taken in recent years, especially since with the fall of the East, the false “balance of terror” that kept us in peace was broken. At the end of the previous war of the Gulf the father of the present president Bush (in a talk that today is memorable for its ridiculousness) deceived us with the justification that that war would serve to create “a new international order” of peace and justice. Today, we see that that the announced new order merits fully the derogatory epithet of “more of the same old nonsense”.

We have said that, in the new world situation of globalisation and of atomic weapons, the old traditional morals on war have become insufficient. But perhaps it is worthwhile pointing out that the attack about to be launched against Iraq and before which Europe, the cradle of the “right of peoples” has adopted such a cowardly attitude – this attack can in no way be justified, *not even with the criteria of the old war.*

Traditional morals on war

Around 1538, the Dominican Francisco de Vitoria (whom treaties of political science consider the father of international law), explained in Salamanca:

- 1.- That the only just cause to declare war is after suffering an aggression. With words that seemed directed to the Emperor Carlos I, Vitoria explained that neither motives of expansion of religion^{vii} nor motives of ambition “of the Prince” or of expansion of the empire could justify a war^{viii}.
- 2.- That, even in that case, war has always to be the last recourse, when all other ways of pacific solution have been exhausted.
- 3.- That its declaration should be preceded by mature reflection not only by the chief of state (“Prince” in Vitorian terminology) but also by all the interested parties. Since “it is not enough that the Prince believe the war to be just for it to be really so”^{ix}. This observation led Vitoria, in the era of the birth of states, to envision the convenience of having a supreme authority in the international community, that could judge about the injustice committed to justify a war. Because if this was not the case, “the Prince” would be at the same time the author and judge of the war^x.
- 4.- War has besides, for Vitoria, a moral limitation of proportionality, both in respect of its duration, as also in the number of victims, which should be reduced to the minimum. War should not be converted into a war of extermination and should not use means that surpass the limits of legitimate defence. That means that the power of arms does not legitimise an indiscriminate use for political and military ends^{xi}. He who knows what “the Turks” were for Europe of the XVI century, will value this clear judgement of the lesson on the Indians (nº 36): “not even in a war against Turks is it licit to kill children”.

5.- War has also a juridical limitation: since both “subordinate authorities as well as simple soldiers have the duty to deny collaboration in an unjust war and in a policy of aggression”^{xii}.

Its non-compliance today

Let the reader judge, in the light of the doctrine put forward, if we can say that human beings have made progress, seeing that:

1.- Regarding the first reason *we have remained impassive before the passage of a war of defence to a preventive war*. The argument is a prodigy of good reasoning: “if it does not have weapons, it could have them; and if it has them it could use them against us”. This pair of conditionals would justify bombing on a wide scale, thousands of deaths, placing another dictator in Iraq provided he be a puppet, and taking charge of half of its petrol. These data are much more serious in an era which differs from that of Vitoria precisely on account of the establishment of democracy and the conquest of the secularity of the state. A democracy does not judge now on the “holiness” of causes, but on the means with which it wants to carry them out. The argument that Iraq has weapons is a smoke screen: since even if it had, war would not be justified.

2.- Regarding war as the last recourse we must say that it has been the first and only recourse of President Bush. One has only to recall his publicly declared haste and impatience as also his words (already in the electoral campaign!) on the necessity of “mobile, deadly and easy to deploy” Armed Forces. This is what the country feels and its allotment to military expenditure exceeds that of the whole European Union.

3.- Thanks to the UNO, war has not already broken out. A handicapped UNO has done almost more than it is capable of. And what it has done has served a lot but it has also shown the lack of capability of the United Nations and the necessity of a profound radical reform (that eliminates the right of veto of the big countries and punishes those nations who are bad payers of their quotas). I speak of the lack of capability of the UN, among other reasons, because now that resolution 1441 is invoked as reason to punish Iraq, even before its non-compliance has been proved, one cannot avoid adding that *at least* 91 other resolutions of the UNO have not been respected. Of these, 32 have been violated by Israel and 24 by Turkey^{xiii}. These are two countries that the USA consider very useful for what are termed their “vital interests” This shows that the empire only looks for cover for its excesses in the United Nations when its purpose is suited, and when not, it ignores them. A world authority cannot have this double measuring standard. And here is perceived the lucidity of Vatican II when it concluded that the only way of avoiding war is the establishment of a strong and independent international authority.

At any rate, it has become quite clear that the criteria of the UNO are opposed now to those of President Bush. And if the President truly wishes to finish off with wars (and not to annex the petroleum of other countries) the only way is to give to the United Nations the authority that they must have, without trying to escape from their laws, accepting institutions like the International Penal Tribunal and leaving the use of arms in the world to the authority of the UNO.

4.- It is a little known fact that in the wars of the XX century – in comparison with the old wars – the number of civil deaths in a war has risen by up to 90%. Today we

know that the bombarding with weakened uranium in the Gulf War entailed the appearance in Iraq of children with cancer in the last ten years. We know too that in answer to the question as to whether this sacrifice of children was justified, Madelein Albright was said to say “it was painful but necessary for peace”...

These facts highlight the lack of reason of our modern wars and the accuracy of Vatican II when it compared current wars to terrorism. It may be good to remember that the Biblical Law of Talion (“an eye for an eye, a tooth for a tooth”)^{xiv} which was presented to us as little civilised, was really a big step forward in the proportionality of war. Since what prevailed up to then was: “for a wound I will kill a man and for a bruise, a young man” (Gen. 4,23). It seems then that we are regressing to even before the law of Talion.

5.- For all this we must applaud the efforts of so many people who with almost impotent solidarity similar to that shown by the young people who went to Galicia to help, have tried to do the impossible (collecting signatures, attending protest marches, prayer meetings for peace...) to prevent this second “oil spill” and to keep up to date the old song “all we are saying: give peace a chance”.

In addition to this, we must say by way of conclusion that *from the viewpoint of Christian morals, the chiefs of state are obliged today to refuse the use of their bases for this war and that electors should not vote for parties that have not done so*. One does not act well by avoiding this obligation taking refuge in certain evident arguments that nobody denies (such as “between tyranny and freedom I choose freedom”), as our President tends to do with slogan replies that deserve to be recorded in one of those anthologies of the absurd, that reproduce answers of our students in their exams.

Unfortunately the two Booklets we published after the “terrorism of the Gulf” in 1991 still make topical reading. We refer the readers to them^{xv}.

And what is valid in this case on a Christian morals level, is valid also on the level of human rationality, although one is not a believer. The text of John XXIII that we have quoted before, spoke simply of war in our days as *irrational*. It is absolutely contradictory to have recourse to a pragmatic discourse to oppose “the ingenuousness of moralists”, and then fall back on a moral discourse to discredit the pragmatism of our enemies.

After S-11 we have passed from a culture that was believed to be of freedom to a culture of fear. In the issue of Iraq three different logic patterns are confronted with each other: the arguments of reason; *the evidence of fear* that is one of the most dangerous, and which, like all evident things, is irrefutable; and the logic of power that takes advantage of the panic of others (sown perhaps by power itself), for its own benefit.

What remains then of our poor Modernity? So much effort and so much desire to make humanity reasonable and now it turns out that in a flash we have passed from the “West” to the “Far West”, from “Enlightenment” to Destruction, from Modernity to Prehistory, and from Progress meaning that we do not kill one another to meaning that we do not kill one another by strokes of an axe but by strikes of missiles.

Poor Kant: so much of effort for men to learn to use reason: “dare to think!”. And now it turns out that, translated into English, that would mean: dare to bombard. Perhaps for this reason it is in the land of Kant that the war against Iraq meets with resistance yet. We have also to be grateful that at the time I conclude these lines, France appears to adhere to the German stance in contrast with the desire of all second-runners to thrive by the side of the powerful one. And in both cases one cannot help suspecting that motives could not be totally pure^{xvi}.

If Kant could rise from his grave...

Europe: Take care not to lose your soul

Permit me to close this chapter with a long quote of a paragraph that was written exactly ten years ago:

“What has triumphed with the fall of the East? Has freedom won or has injustice? Have “the people” triumphed or have “the nobility” (speaking economically)? In other provocative words: Has *only* the Iron Curtain fallen or has also a new “Maginot line”?

Undoubtedly the clamorous fall of the famous Maginot line around 1940, highlighted the greater *efficiency* of German Nazism over French military plans. But in the long run, the greater *immorality* at the root of that efficiency was also shown. And something very important: practically nobody saw that then! The triumphant opinion of the majority was then on the side of the German invaders, although today practically nobody sides with them.

Against those invaders, a group of believers founded quickly, desperately the magazine *Témoignage Chrétien*. The first issue of this magazine appeared in 1941 and was contemptuously looked down upon. It bore the title “France, take care not to lose your soul” and was the work of no less a celebrity than Gaston Fessard.

I would like to paraphrase this title today: “Europe, take care not to lose your soul”. But I insist: *Then* its diffusion was minimal and ridiculed in comparison with the success that was enjoyed by the written response of Father Lecaunier, published with Ecclesiastic sanction in which he declared that all who disobeyed “the authorities” disobeyed God. Or in comparison with the fear of Cardinal Suhard (“converted” later to the social left-wing) who, frightened, asked Gaston Fessard: “Do you not fear that by combating Nazism, you are playing along with Communism?” (In the collaborating work *El Neoliberalismo en cuestión*, Santander 1993, pg. 172-173).

Are you not afraid that by combating the war against Iraq you are playing along with terrorism? would be the variant of that question that many will ask us today. And to this question the best we can do is reply with another very old but bright question: Are you not afraid that by combating Hitler, you are playing along with Communism? To believe that one is battling against “total evil” is the best way of perverting oneself. And empires have need of absolute enemies and of “axes of evil” to carry ahead their imperial ambitions. “Blood for petrol” remains the best definition of that policy.

But, leaving behind for now the Empire and looking at us, Europeans, we could conclude with a question that parodies another well known Evangelical sentence: “What does it profit Europe to gain the Euro if it loses its soul?” Let us give to the sentence the meaning it has in the Gospels, where to lose one’s soul does not mean losing the transhistorical heaven but losing one’s own life, one’s own identity. In this context it has little meaning to discuss if Christianity must be quoted or not in the European Constitution: God will not be pleased with the use of big words in the declaration of Europeity and the abuse of exclusive economic interests in the realisation of those declarations. The fathers of Europe (Adenhauer, De Gasperi and Schumann) would not accept such hypocrisy. And the authorities of Europe should feel themselves more responsible before those sources of a united Europe. To be lamented too is the chronic absence of a joint international policy, which is due deep down to the fear of the empire that is typical of all second-runners. And it is to be desired that this defect will be corrected soonest possible in the near future.

(30 January, 2003)

“To overcome differences among nations, war cannot be considered as any old means that can be chosen depending upon considerations of interest or opportunity... all recourse to violence of arms, although it aims at a desirable objective for the common good, constitutes so serious a decision that it can only be taken as the last possibility and only in very strict conditions... At this moment, the information we have does not permit us to affirm that these conditions are given...”

(Declaration of the permanent council of the Episcopal Conference of France, 15.10.2002)

“War is a defeat of humanity... The world would be completely different if all the subscribed agreements are applied... The nations of the earth, as all their authorities, have to have the courage at times to say no to death, no to egoism, no to war which is never a simple misfortune and which could be waged against the inhabitants of Iraq (the land of prophets) extenuated on account of more than twelve years of embargo”

(John Paul II, Speech to the representatives of the Diplomatic Corps, 13 January, 2003)

IN THE NAME OF THE GOD OF THE VICTIMS “GO TO SAY TO THAT INSIGNIFICANT PERSON” (LUKE 13,32): «NO TO WAR!»

By F. Javier Vitoria Cormenzana

The war that is announced and is being prepared is immoral and illegitimate, and could have foreseeable dramatic consequences: firstly, it could cause without a doubt thousands of dead, wounded and displaced victims, and the Iraqi people would be its first victims, especially the civilian population; secondly, it would increase the abyss of lack of confidence and even hate that has already been established between western countries and the nations of the region^{xvii}.

While I write these reflections, the political debate on the war of Iraq has given way to pure and hard propaganda. An unequivocal sign that military intervention cannot be stopped. The North American administration is now only waiting for a propitious time to start its unequalled and infernal war machinery. The assault will take place in the first week of March with the arrival of a favourable moon. We are moving towards an unjust war that Bush, anointed by “god-Mammon” to govern the (North American) world empire, has with his team declared necessary. Since the fall of the Wall, we are living in a situation of a world empire. The events of September 11 have transformed the benevolent empire of Clinton into an aggressive empire of Bush, with a mortal enemy that has to be annihilated: terrorism. The moment has arrived to show the world the magnitude of power that that god (certainly not the One invoked so often in vain) has granted them for their mission in universal history: to defend freedom, the most precious divine gift, according to the North American President.

The political heads of the world accept the hegemony of Bush because he is the most powerful. In Europe, one of the rich regions of the empire, political heads are divided. The ones with the greatest autonomy strive to look for a legal way out for this abuse of power. A group of eight, led by J.M. Aznar have bowed submissively and without blushing to the desires of Washington. Illuminated by the revelation of the secret truth: Iraq has weapons of mass destruction, these heads of state are willing to sacrifice human rights, the European project, the multilateral system and above all, the lives of many people in Iraq^{xviii}.

After what has been written by my companions in this Booklet, it could be reasonably affirmed that the war against Iraq would be unjust as a result of the

uncommon disproportion between the evils the war would produce and the good that would be obtained with the unsure overthrow of Saddam and the destruction of his arsenals (supposing these do exist). The war is, therefore, morally unacceptable. For my part, I will limit myself to put forward some suggestions, with a view to dwelling a little more extensively on a reflection from the perspective of the victims.

The first that has constantly come to my mind in the last few weeks: the string of lies the American administration schemed to justify the previous Gulf War and the lies used by the British administration to justify the next war, deprive both Bush and Blair of all authority to say that Saddam Hussein is lying.

The second has just been suggested to me by the intervention of President Aznar in **Antena 3**. The Spanish President affirmed that the war against Iraq is another episode of the war against terrorism, that S-11 has changed the history of the world. And he explained how we could be left alone in our struggle against the terrorism of ETA if we did not collaborate in the war of Iraq. He did not consider, nor resolve the capital question, that is to say, what decision he would take if military intervention in the so-called preventive war is, as many specialists in international law think, no other than disguised aggression and an international crime. Supporting Bush in this case would constitute on his part the adoption of a "Batasuna-like" attitude vis-à-vis international terrorism which would strip him of all moral legitimacy to combat ETA with the weapons of the State of law.

How would it seem if, despite the reiterated pleas and gestures of the Pope against this war, Saddam and his apparatus of propaganda were to point out the silence of the Catholic hierarchy as one of the causes of the warring stubbornness of a Catholic like don José María! Is not this the same he does when, despite its repeated condemnations of violence, the silence of the Basque hierarchy is denounced by him as one of the causes of the persistence of the terrorism of ETA?

The crucified people of Iraq

According to the plans of risk of the United Nations, the conflict in Iraq could generate a million and a half of refugees, about another million of displaced people, twelve or thirteen million people could be left without drinking water and ten million people could need food during and after the war, not to speak of the dead and wounded. All these would be the invisible victims of such an unequal combat. All these would be the people who practically nobody would ever talk about and who practically nobody would ever remember in the future. They would have no public monuments, nor commemorative dates in the official calendar. In a year's time no ceremonies in their memory would be transmitted live by TV channels round the world. Before 1990 they were victims of the dictatorial regime of Saddam Hussein. As from August 2 of that same year they have been suffering the crucifixion of an embargo that has taken them back to the pre-industrial era, and have had to bear the burden of a profile of a poor country in terms of measurable indicators, especially in the rate of child mortality. A million children are under-nourished and there are estimates that 30% of them could die in the first weeks of bombing if the United States and its allies^{xix} carried out the attack.

These victims are the big missing people in the debate on the war of Iraq that has been taking place in recent months. War will be carried out with the big nations of the

world interchanging among themselves sacred words like freedom, security, democracy, human rights, no to the blackmail of international terrorism, etc. But these big nations will turn their backs on millions of mute Iraqi faces, saddened by misery and lack of future, and they will hide themselves from the look of the victims who we do not consider ours, since materially poor they are just poor victims.

It appears to me that there are more than sufficient reasons to apply to this majority of the Iraqi people the Biblical and Christian name of **crucified**. By doing so we will have joined the initiative of J. Sobrino and will have overcome a monumental scandal: *“the silence which hovers over them in our world and the rebuff – said suavely – which is made to God by ignoring His privileged creatures”^{xx}*.

Bearing the looks of the victims

I think that if the heads of the empire could bear their looks, perhaps they would see things in a different light.

They who have weapons of mass destruction, perhaps would discover that they possess them to defend an **economic system and a model of life of mass destruction**, whose dictatorship produces millions of premature deaths of human beings every year, and which blackmails and terrorises with hunger and misery a great part of humanity and destroys nature and the energy resources of the planet.

They who consider themselves the watchtowers of freedom and the defenders of international order in the face of aggression of “murderous identities”, perhaps would get to discover the criminal potential that is entailed in the reason Bush ventured to give when rejecting the agreements of Kyoto: *“What counts is the good of the people who inhabit this country”*.

They who think they have legitimacy to intervene in Iraq and in poor countries in order to safeguard law, perhaps would realise that there are two classes of human rights in current world policy: that of rich nations and that of poor nations. Where, for example, is the right of intervention of poor countries of this world when it comes to the dignity and freedom of their peoples?

They who consider themselves the defenders of democratic values, perhaps would come to consider as politically correct that poor nations have a right to get involved in the world policy of the industrialised countries of the North and to pressure them to carry out a decisive democratisation of the world economy. Perhaps they would dare to suspect that there could be the possibility of poor countries having a right to have their doubts about the sovereignty of rich countries who in the last analysis have not only been responsible for ecological catastrophes but who also have, by subjecting non-western peoples and cultures to the pressure of modernisation and acceleration, destroyed in those countries cultures and forms of life in consonance with human dignity, instead of promoting them^{xxi}.

G. Bush who admitted in the electoral campaign that the figure he admired most was Jesus of Nazareth and that “he had been born again” when helped by faith and religion, he had abandoned drinking seventeen years ago, perhaps he would get to understand that it is “Mammon”, the god who he has submitted himself to, mammon,

the one who has given him security and success, power and prestige; mammon, the one who consents to him appearing as a privileged person; mammon, who makes it appear that he has a special gift for leadership; mammon who permits him to feel the irresistible satisfaction of being respected and looked up to as a guide; and mammon again who makes him drunk with the vain illusion that he is doing all this for the salvation of the world and the glory of God.

Perhaps he would scandalously discover that his admired Jesus died on a cross, a victim of the mammonic order that prevailed at that time, the reason being that He had established an irreconcilable antinomy between God and Mammon (Mt. 6, 24), and had excluded from the familiarity with His Father all that had a pact with Mammon^{xxii}; it made no difference whether they were as important as the president of the most powerful nation of the world or as religious as the one presiding over the Breakfast of National Prayer.

If the heads of the empire could allow themselves to think twice about the victims, perhaps they would understand that in these times they cannot be politically responsible without *compassion*. If they could allow themselves to bear the sight of the Iraqi victims, perhaps they would be able to perceive their wounded and sorrowful looks, perceive that the most valuable gift of God, that which makes Him Father, is fraternity and they would perceive too, how contradictory it is to wage war to defend brotherhood.

If the inspectors of the UNO could bring themselves face to face with the Iraqi victims and hear their stories of suffering, perhaps in the midst of so much weeping they would be able to hear the voice of God shouting to them: “Go to say to that insignificant person” (Luke 13,32): NO TO WAR!

ⁱ It is adduced that Saddam Hussein possesses weapons of massive destruction. Countries that are so little pacific as Israel and so little democratic as China or Pakistan possess nuclear bombs which Iraq does not seem to have. It is indeed probable that Iraq has some chemical or biological weapons, as does the United States – in great quantities, moreover – and it was the United States that sold these to Saddam Hussein and again it is the US that has refused to ratify the international treaty that prohibits these weapons. The supposed relation between Bin Laden and Saddam Hussein – two figures who are totally opposed and hostile to each other – is inconceivable, at least previous to this conflict. Given the political profile of innumerable countries considered friendly to the United States, it is doubtful that the dictatorial character of the Saddam Hussein regime is the motive for intervention. The dictatorial regimes of Kuwait and Afghanistan – in which the establishment of democracy was also promised – constitute good examples.

ⁱⁱ According to the estimates of the UNO, with Bush's increase of military expenditure (100,000 million dollars annually) one could comfortably in a couple of decades provide food, health and basic education to the whole of humanity, attending besides to the most pressing ecological problems of poor countries.

ⁱⁱⁱ The decisions of the International Tribunal of Justice can be consulted in French and English in <http://www.icj-cij.org/>. On February 5, 2003 the said Tribunal dictated some provisional measures in which it required the United States to suspend the execution of three Mexican nationals.

^{iv} The text of the Charter as also the Resolutions of the SC and of the General Assembly can be seen in <http://www.lun.org/>.

^v Art. 51.

^{vi} Art. 42.

^{vii} This point was further insisted upon by Vitoria in his lessons on “Los Indios”.

^{viii} See: *Relectio de iure bellico. Paz dinámica*. Bilingual edition of CSIC, Madrid, pg. 122-127.

^{ix} *Relectio secunda de indis*, n° 20. In the edition of BAC, pg. 830.

^x See what Luciano Pereña writes in the Introduction to the quoted work in the previous note, pg. 74.

^{xi} Vitoria writes with certain mordacity: “it would be intolerable that if the French were to rob some cattle from the Spaniards or burn a village, it would be licit for the Spaniards to occupy the whole kingdom of France” (*the quoted work*, 195). The way of proposing the example, that refers to the obligations of his own country, and not to those of the “enemy” shows clearly how far Vitoria was from that Hispanic patriotism which the present government uses to try to get all of us citizens to accept many of their ethically doubtful actions.

^{xii} The quoted introduction, pg. 75. In *Relección sobre los indios*, Vitoria acknowledges that war can be just to assure the good and peace of the whole world. This argument which was valid for the Second World War, would not be valid today because the clear danger of an attack on Iraq is precisely that of developing a world catastrophe.

^{xiii} Data in *Le Monde Diplomatique* (ed. Castellana), December 2002, pg. 12 and 13.

^{xiv} Ex. 21,24; Lev. 24,20; Deut. 19,21- The law could have come from the Code of Hammurabi. This gives it universal value without limiting the law to something specifically religious.

^{xv} See Booklets 37 and 38 of the collection “Cristianisme i Justícia”: *La Iglesia y la guerra del Golfo, y La Guerra del Golfo. Reflexión de CiJ.*

^{xvi} On account of the economic crisis in Germany and the desire of European leadership in France.

^{xvii} See (*Digamos no a la guerra!*, a manifest promoted by a numerous group of Christian organisations and institutions headed by Justicia y Paz, in **Noticias Obreras Núm 1330 del 16 al 28 de febrero 2003**, pg. 2 and 4.

^{xviii} See M. AGUIRRE y J.M. PUREZA, *Quien rompe la unidad europea?*, El pais, Saturday, February 8, 2003, pg. 8)

^{xix} See FALEH A. JABAR, *Líneas de factura en el ejército irakí. Batirse, rebelarse o desintegrarse*, LE MONDE DIPLOMATIQUE (ed. Castellana), January 2003, pg. 14-15. I have collected these data from page 39 of **El Correo**, Friday, February 14, 2003.

^{xx} See *Nuestro mundo. Crueldad y compasión: Concilium 299 (Febrero 2003)*, pg. 21

^{xxi} See J.B. METZ, *Perspectiva de un cristianismo multicultural*, in J.J. TAMAYO (ED.), *Cristianismo y Liberación*, Madrid, 19, pg. 39-40.

^{xxii} “Mammon” is an untranslatable Aramaic Word that the synoptic Evangelists placed on the lips of Jesus. It is usually translated by the term “money” but is more than “money”. It is a sort of subtle force that operates within human beings, and also a sociological force that some theologians have named very accurately **capital** and which we could translate by the current economy of the market: See A. PIERIS, *El rostro asiático de Cristo*, Salamanca 1991, pg. 150-155.