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Editorial

Joining our voice to that of millions of citizens who demonstrated across the world last February and March, the CETIM denounces the war of aggression perpetrated unilaterally against Iraq by the United States, the United Kingdom and their allies. This military aggression constitutes a negation without precedent of international law, of the Geneva Conventions and their additional protocols, of the charter of the United Nations and of other universally recognized basic texts.

This war that the Bush and Blair governments have “sold” us as a “preventive war” against “Islamic terrorism” in the interests of “international peace and security”, constitutes a threat to peace. The peaceful coexistence of diverse cultures and religions across the world is dangerously undermined by this act. This has been one more step toward the establishment of United States planetary hegemony.

After two wars, a leaden dictatorship and 13 years of sanctions, the Iraqi people are being subjected not only to an imperialist war (whose driving force is the control of petroleum resources) but also to a veritable process of colonization, covered by the Security Council. By relaunching the “Oil for Food” Program, Resolution 1428 of last March 28 forced Iraq to pay for, out of its own pocket, the “humanitarian aid” that, it was claimed, the world wanted to send it, after having been hit non-stop by more than 3,000 cluster bombs (each comprising 200 to 700 bomblets) and hundreds of Tomahawk missiles. These bombings, according to various NGOs, caused between 5,000 and 10,000 deaths among civilians and dozens of deaths among the Iraqi military.

Since then, the Resolution 1483 of 22 May 2003, which ended the sanctions, has gone even further. Not satisfied to have approved the United States’ aggression, this resolution legitimizes in one fell swoop the take over by the occupying powers – called henceforth the “Authority” – of the management of Iraq’s natural resources and their political tutelage over the country, leaving them the discretion of creating those public institutions that they judge necessary, for an initial period of 12 months that may be extended.

These provisions are in total contradiction with law. Moreover, the allies have not hesitated to arrogate to themselves the reconstruction contracts for the country, and the management of the oil wells to their oil companies.

To denounce these facts, the CETIM launched, in April, an appeal to the Swiss Federal Council, to elected officials and to the media, entitled *Crime of Aggression against the Iraqi People – Switzerland must react!* You will find the text of this appeal and a partial list of signatories at the end of this bulletin. You will also find extracts of the interventions of the CETIM on this question made during the last Commission on Human Rights, concerning which the following article explains the heated debates on this subject.

59th session of the Commission on Human Rights (17 March - 25 April 2003)

*Will the war in Iraq be the death knell of the UN?**

On March 19, the United States and several other countries launched the war of occupation against Iraq. For months, ink had been flowing in abundance to put before the public the reasons, declared or not, true or false: disarmament of Iraq, creation of democracy, takeover of the oil, demonstration of power by the United States to establish its hegemony... But few media seriously questioned the consequences – real and foreseeable – of this war, on international relations and on the fate of the United Nations.

The stakes are immense. The unilateral military intervention by the United States undermines the very foundations of the UN, to wit preserving and restoring peace in where conflict threatens. In fact, after several months of gesticulating, the time seemed propitious for a “reconciliation” within the UN. If the citizens of the world do not exercise forceful pressure on their own governments – whether they sit on the Security Council or not – the entirely verbal references to “international law” may well yield to “realpolitik” with for sole point of reference a grab for a piece of the globalization cake, however small that piece may turn out to be. Under the pretext of urgency, the recent Security Council resolution to relaunch the “oil for food” program seems to have sketched out the way, even if the United States and the United Kingdom are designated therein under the term “occupying powers”.

Can one thus let the page be turned? Not to condemn the aggressors, not to demand that they stop this war, withdraw and pay reparations, is to accept that might makes right and to move the United Nations to the sidelines, reducing it at best to a humanitarian role, at worst to one of after-sales service.

The Commission Refused the Debate

On March 24, following upon the request of more than forty NGOs, nine member states¹ seized the Commission on Human Rights (CHR) “for the holding of a special debate on the consequences of the war on the Iraqi people and the humanitarian situation in this country and to reaffirm the applicability of the fourth Geneva Convention between belligerents”.

After a first try at obstruction by the Western group (Germany immediately demanded a legal opinion), the CHR ruled on principle on 27 March. From the beginning the Western organized itself to refuse this: “The CHR cannot and must not debate this, for the Security Council has been seized of the matter”; “the human rights situation in Iraq is already the object of a report [drafted before the intervention!] dealt with under item nine of the agenda”.

The refusal of this debate within the Commission aimed,

* Press article in *le Courrier*, 11 April 2003, over the signature of Malik Özden.

in reality, at only one thing: that the subject not at all be taken up by the UN. Everybody knows that the Security Council, divided as it is, was effectively blocked over the question and that no other organs were seized of it.

Finally, in the name of the Western group, Germany demanded a vote: 25 countries voted against holding the special debate², 18 for³, seven abstained⁴ and three turned out to be absent during the vote⁵.

It is interesting to analyze this vote in detail. Its composition shows the turn about of several countries, the gap between the speeches and the real intention, the abyss between the will of the people and the will of the rulers. Whereas the citizens of most of the European countries are 70%, 80%, indeed 90% against this was, their representatives within the Commission on Human Rights refused to discuss its humanitarian consequences.

Senegal, which was one of the countries that signed the appeal, “curiously” reneged on its signature and abstained. The Democratic Republic of Congo did the same. The vote was also the occasion of the first “diplomatic collateral damage” of the war. Following his conscience, the ambassador from Chili, Mr Juan Enrique Vaga, abstained, whereas his government had decided to vote no. He was forced to resign.

One can well imagine all the pressure exerted by the United States on the various countries in order to guarantee this refusal stemming from abstentions and absences. But one is hard put to understand the position of the European Union countries, in particular Germany, Belgium and France. Had not France not long before threatened to use its right of veto within the Security Council to oppose the war?

The Courage of Jean Ziegler

In this context, one can characterize as nothing less than heroic the position of the special rapporteur Mr Jean Ziegler. During the presentation of his report, he spoke with great emphasis of the humanitarian crisis triggered by the war, and this in spite of the United States’ effort to censure him. He denounced, notably, the destruction of the water pumping plants in the south of the country, the selective blocking in Kuwait of NGOs ready to intervene, the distribution of humanitarian aid by the military – all in violation of the Geneva Conventions and their Protocols. It is to be feared that the “audacity” of the special rapporteur will cause the wrath of the United States to be visited upon him, with the result that the renewal of this mandate will be blocked.

The UN is perhaps confronted by the greatest crisis of its history, for the states of the Iraqi conflict go well beyond the borders of this country. The disappearance of the UN would benefit only the United States, leaving them a free hand to impose their unilateral will and the “preventive wars”. It is imperative to defend the UN, to defend the primacy of law in international relations over the law that right makes right.

This is why it is vital that the member states of the UN organize and refuse the policy of the *fait accompli*, that they refuse that the UN be short circuited or turned into an instrument of United States foreign policy. Otherwise, they will be opening the door to the law of the jungle.

¹ Algeria, Burkina Faso, Russia, Lebanon, Malaysia, Congo DRC, Sudan, Syria and Zimbabwe.

² Germany, United-Kingdom, Argentina, Armenia, Australia, Austria, Belgium, Cameroon, Canada, South Korea, Costa Rica, Croatia, USA, France, Guatemala, Ireland, Japan, Mexico, Paraguay, Peru, Poland, Sweden, Thailand, Uganda and Uruguay.

³ South Africa, Algeria, Saudi Arabia, Bahrain, Brasilia, Burkina Faso, China, Cuba, Russia, Kenya, Lebanon, Malaysia, Pakistan,

Sudan, Syria, Venezuela, Vietnam and Zimbabwe.

⁴ Chile, Gabon, India, Congo DRC, Senegal, Sri Lanka and Togo.

⁵ Sierra Leone, Swaziland and Ukraine.



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Extracts from the CETIM Interventions

Illegality of the war in Iraq according to the Charter and the international law

◀ In conformity with Resolution 1514 (XV) of the General Assembly and according to Article 1 common to the two international conventions relative to human rights (economic, social and cultural rights and civil and political rights): *‘All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development. All peoples may, for their own ends, freely dispose of their natural wealth and resources...’*

The declaration annexed to Resolution 2262S (XXV) of the General Assembly stipulates that *‘Every State has the duty to refrain from any forcible action which deprives peoples referred to in the elaboration of the principle of equal rights and self-determination of their right to self-determination...’*

As for paragraph 4 of Article 2 of the United Nations Charter, it states that, *‘All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.’*

Taking these texts into account, the large-scale military aggression perpetrated against Iraq and its population by the United States of America and several other countries constitutes not only a flagrant violation of the right of peoples to self-determination but also a grave threat for peace and international security.

Indeed, how can one, in the name of preventive war or of exporting democracy (but in reality in the interest of taking over the wealth of a country), launch a war of aggression? How can one, while this war is going on, dispute market shares in the name of reconstruction? [...]

THIS BULLETIN IS ALSO AVAILABLE IN FRENCH AND SPANISH

What is said in the Convention (IV) relative to the Protection of Civilian Persons in Time of War (1949)

Article 23

Each High Contracting Party shall allow the free passage of all consignments of medical and hospital stores and objects necessary for religious worship intended only for civilians of another High Contracting Party, even if the latter is its adversary. It shall likewise permit the free passage of all consignments of essential foodstuffs, clothing and tonics intended for children under fifteen, expectant mothers and maternity cases. [...].

Article 55

To the fullest extent of the means available to it, the Occupying Power has the duty of ensuring the food and medical supplies of the population; it should, in particular, bring in the necessary foodstuffs, medical stores and other articles if the resources of the occupied territory are inadequate. [...]

... and the Protocol I relating to the Protection of Victims of International Armed Conflicts (1977)

Preamble

Recalling that every State has the duty, in conformity with the Charter of the United Nations, to refrain in its international relations from the threat or use of force against the sovereignty, territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations, [...]

Article 35

1. In any armed conflict, the right of the Parties to the conflict to choose methods or means of warfare is not unlimited.
2. It is prohibited to employ weapons, projectiles and material and methods of warfare of a nature to cause superfluous injury or unnecessary suffering.
3. It is prohibited to employ methods or means of warfare which are intended, or may be expected, to cause widespread, long-term and severe damage to the natural environment. [...].



Drawing by Chappatte published in Le Temps

The United States military doctrine at the disposal of its hegemonic ambitions

◀ The attack programmed against Iraq represents a threat without precedent for all of humanity, for it is one step further toward the establishment of the planetary hegemony of the United States based on its economic and military power, the objective proclaimed officially by the White House in the document, 'National Security Strategy of the United States', [...].

Among other things, the document says: 'Our forces will be sufficiently powerful to dissuade possible adversaries from pursuing any military aspiration to surpass or equal the power of the United States', and 'We will not hesitate to act alone, if necessary, to exercise our right of defense by acting preventively against such terrorists... to prevent them from attacking our people and our country'.

In the attack against Iraq, the United States once more put into practice its 'military doctrine', as it had already done in Vietnam and, more recently, in Afghanistan, this doctrine consisting of trying, before committing ground forces, to paralyse the adversary by means of massive bombing with missiles, aircraft flying at high altitudes aiming to destroy the civilian infrastructure and to terrorize the population, and even weapons prohibited by international humanitarian law.

The implementation of the 'military doctrine' implies the systematic violation of the law of war (1907 Hague

Convention, 1949 Geneva Convention and its 1977 Additional Protocols etc.).

The history of the ruling cliques of the United States regarding human rights enables one to foresee what awaits humanity if these cliques ever manage to put successfully into practice their ambition of absolute hegemony on a planetary scale. The United States not only refuses to ratify certain international agreements relative to human rights and the environment, but it has also systematically violated those that it has signed, both on its own territory and abroad.

The list is very long, but to mention only the most recent, the United States, on 18 December 2002, was one of the four countries (the other three being Nigeria, the Marshall Islands and Palao) that voted against the Optional Protocol to the Convention against Torture at the General Assembly of the UN, a document that sets up a system of visits to places of detention.

In December 2002, the United States also blocked, during a meeting in Geneva, the implementation of the agreement for the sale of medicines at a low price ratified by 143 countries within the framework of the WTO, and at the Security Council, on 20 December, it used its veto to block the resolution condemning Israel for the murder of UN international civil servants, murders committed by the armed forces of Israel in Palestine. [...]"

TO COME OUT IN SEPTEMBER Les sans-terre : la construction d'un mouvement social

by Marta Harnecker. 240 pages. In subscription until August 31, 2003, at the price of CHF 18.- or 12 Euro / US\$ (+ transport).

The workers without land movement (MST) was born in Brazil in 1984 as a response to the secular land search by the peasants who do not have any. While following a non-violent way, this movement became in a few years a revolutionary instrument of transformation of the Brazilian society. In this huge country, where some big farms exceed one million hectares, the latifundists started a real war against the small farmers; main enemies of the MST, they are prepared to use any means, even among the most criminal ones, under the eye of complicity of the authorities to say the least.

This book explains the fight of the MST, its goals, means and methods.

Campaign

Appeal to the Federal Council, to Elected Officials, and to the Media

"Crime of aggression against the Iraqi people - Switzerland must react!"

Some of the signatories:

ASSOCIATIONS AND PARTIES

ACAT – ASSP – AdG – Association suisse des amis du Monde Diplomatique – ASP – attac Suisse – CAPSDH – CODAP – Collectif No War – CUP, Genève – Comedia – CADTM – COTMEC – CUAE, Genève – Déclaration de Berne – E-Changeur – GSsA/GSoA – LIDLIP – LSDH – Maison Populaire de Genève – MRPM – OSEO – PPP – Parti Socialiste genevois – Solifonds – SIT – SolidaritéS – VPOD/SSP.

PRIVATE PERSONS

Claude **AUROI**, prof. IUED, Genève – Edith **BALLANTYNE**, WILPF, Genève – Christian **BALLY**, député Verts (VD) – Anne-Marie **BARONE**, juge, Genève – Gabriel **BARTA**, trésorier PS genevois – Jean **BATOU**, prof. d'histoire internationale, uni Lausanne – Anne **BICKEL**, resp. recherche de fonds PPP – Daniel **BOLOMEY**, secr. gén. Amnesty International, section suisse – Daniel **BRÉLAZ**, Syndic de Lausanne – Christian **BRUNIER**, député PS (GE) – Théo **BUSS**, secr. romand Pain pour le Prochain – Franco **CAVALLI**, conseiller national PS – Bruno **CLEMENT**, secr. rég. de comedia, Lausanne – Bernard **CLERC**, chargé de recherche, anc. député, Genève – Christian **COMÉLIAU**, professeur honor. IUED – Nils **DE DARDEL**, conseiller national PS – Olivier **DE MARCELLUS**, APCM, Genève – Alfred **DE ZAYAS**, secr.-gén. P.E.N., Gd Saconnex – Eric **DECARRO**, prés. VPOD/SSP – Jean-Marc **DENERVAUD**, président FGC – Claudine **DIND**, députée Verts (VD) – Jérôme **FAESSLER**, co-prés. attac GE – Christophe **GAGNEBIN**, député PS (BE) – Roger **GAILLARD**, coord. du Réseau Science et cité uni Lausanne – Jean-Pierre **GARBADE**, avocat – Victor-Yves **GHEBALI**, prof. de relations internationales IUHEI – Luc **GILLY**, GSsA, Genève – Fabienne **GIRARDIN**, prés. attac NE – Markus **GLATZ**, chef de la pol. de développement de PPP – Gaspar **GLAVICH**, viceprés. assoc. de chéniés résidents à Genève – Manuel **GRANDJEAN**, rédacteur en chef Le Courrier – Philip **GRANT**, Dr. en droit, avocat, Genève – Christian **GROBET**, député (GE) et conseiller national AdG – Bruno **GURTNER**, économiste de la communauté de travail des œuvres d'entraide, Bern – Dominique **HAUSSER**, prés. PS genevois – André **HEDIGER**, Maire de Genève, cons. administratif – Muriel **HERZIG**, Gemeinderätin Grüne, Zürich – Pascal **HOLENWEG**, CSSI Genève – Andrée **JELKPEILA**, cons. municip. solidaritéS, Lancy – Rudolf **KÄSER**, Grossrat SP (BE) – Carole-Anne **KAST**, cons. municip. PS, Onex – Daniel **KUNZI**, cinéaste, Genève – Hubert **LAUNAY**, prés. SSP-VPOD Genève – Ueli **LEUENBERGER**, député Verts (GE) – Daniel **LEUPI**, Gemeinderat Grüne, Zürich – Christian **MARCHIANDO**, cons. municip., Gd-Lancy – Ralf **MARGREITER**, Kantonsrat und Parteisekretär Grüne (ZH) – Christina **MATTHEY**, cons. municip. Verts, Genève – Liliane **MAURY PASQUIER**, conseillère nationale PS – Nicolas **MAYSTRE**, secr. CADTM, Genève – Anne-Catherine **MENETREY-SAVARY**, conseillère nationale Verts – Marc **MONNEY**, Centre Martin Luther King, Lausanne – Jean-Jacques **MONOT**, People's Health Movement Geneva – Patrice **MUGNY**, conseiller national et co-prés. des Verts suisse, cons. administratif (GE) – Peter **NIGGLI**, directeur de la communauté de travail Swissaid, Action Carême, PPP, Caritas, Helvetas, EPER – Olivier **NORER**, cons. municip. Verts, Genève – Jean-Luc **PITTET**, secr. gén. Terre des Hommes Suisse, Genève – Jamshid **POURANPIR**, syndicaliste, Châtelaine – Luc **RECORDON**, député Verts (VD) – Hans-Peter **RENK**, prés. VPOD-SSP section Neuchâtel – Claude **REYMOND**, secr. de la Communauté genevoise d'action syndicale – Carla **RUTA**, coord. camp. LIPA, jeunesse socialiste suisse, Genève – Dominique **RUTA-ROBERT**, membre PS, Muri bei Bern – Rudolf **SCHALLER**, avocat, Bellinzona – Elisabeth **SCHREPFER**, Kantonsrätin SP (SG) – Judith **SCHRIBER**, GSsA, Bern – Urs **SEKINGER**, Koord. SOLIFONDS, Zürich – Andrienne **SOUTTER**, prés. assoc. suisse des Amis du Monde diplomatique, Genève – Christoph **STÜCKELBERGER**, secr. gén. PPP, Zürich – Franziska **TEUSCHER**, Nationalrätin Grünes Bündnis – Françoise **THOMÉ**, médecin, Genève – Georges **TISSOT**, prés. Communauté genevoise d'action syndicale – Mathis **TREPP**, Grossrat SP (GR) – Pierre-Alain **TSCHUDI**, cons. municip. Verts, Meyrin – Pierre **VANEK**, député et secr. SolidaritéS (GE) – Alberto **VELASCO**, député PS (GE), anc. prés. attac GE – Salika **WENGER**, députée PdT (GE), syndicat Equité – Jean **ZIEGLER**, rapporteur spécial de l'ONU – Josef **ZISYADIS**, conseiller national POP.

However imperfect they may be, the Charter of the United Nations Organization (UN) and the other instruments of international law constitute the sole legal, moral and political framework for regulating relations among countries. To act unilaterally outside this framework, under any pretext whatever, represents a significant regression towards the principle that right makes right, towards the law of the jungle.

For this reason, we the undersigned, members of civil society, NGOs, religious communities, university students, and individual citizens appeal to the Federal Council in order that it set in motion every mean at its disposal in order that international law be observed, by intervening at the UN, notably with members of the Security Council that are not participating in the military action, by exhorting them to exercise fully their mandate and to condemn the aggression perpetrated by the United States and by the United Kingdom and to demand reparations.

We also request that Switzerland formally declare that the aggression against Iraq constitutes a crime with regard to international law (a crime against peace, and a crime of aggression)¹ and remind the international community of the serious accusation of war crimes that hang over the United States of America and the United Kingdom² (in particular violation of the fourteenth Geneva Convention).

Moreover, we request that Switzerland cease immediately all sale of arms, as well as all military collaboration with the occupying powers, keeping in mind, on the one hand, the commitment of Switzerland toward peace and international disarmament, and, on the other hand, the declarations of the United States administration relative to its future illegal armed interventions in other countries, in accordance with its doctrine of "preventive war".

The fact that Switzerland is the depository of the Geneva Conventions and its Additional Protocols (which codify humanitarian law and regulate the use of force in case of war), confers upon it, in our opinion, a very particular responsibility to see that they are observed, in keeping with the objective of promoting peace as provided for in its new foreign policy³.

Finally, we request that the Federal Council encourage and finance independent studies and university research on the accusations of war crimes committed by the armed forces of the aggressor countries, such as, notably, attacks against the civilian population and the independent media (deliberate and resulting from negligence), the destruction of civilian infrastructure, the use of weapons of questionable legality, the non-assistance to victims, the impediments to the work of humanitarian organizations, the failure to provide for security and to meet the needs of the civilian population under occupation.

We cannot tolerate a silence that equals complicity!

¹ See the Appeal of international lawyers concerning the recourse to the use of force against Iraq (signed by many lawyers internationally known):

<http://www.sqdi.org/documents/sqdiappel.pdf>.

² See the file assembled by the CETIM on the legal question:

<http://www.cetim.ch/activ/03irak-analyse.htm>.

³ Report on the foreign policy of Switzerland of the Federal Council, 2000: <http://www.eda.admin.ch/eda/f/home/recent/rep/forpol.html>.

This appeal was submitted to the Federal Council and to the presidents of the two chambers on 5 June 2003 in Bern.

You can continue the Appeal! The complete list of signatories is available on our web site: www.cetim.ch.