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## Picasso's Guernica

The e-mails from around the world are flooding in. One particularly revealing one is the following:  
"The reproduction of Picasso's famous anti-war mural, Guernica, hanging at the entrance to the United Nations Security Council... has been censored. Considered to be Modern Art's greatest statement against the horrors of war, officials at the U.N. had the mural covered with a curtain so as to prevent embarrassment for United States Secretary of State, Colin Powell, as he gave a speech that advocated the bombing and invasion of Iraq."  
As Maureen Dowd, in the New York Times, wrote:

"Mr. Powell can't very well seduce the world into bombing Iraq surrounded on camera by shrieking and mutilated women, men, children, bulls and horses."

Well said Maureen Dowd and all the other women dissidents who have opposed the war and whose voices are mounting in protest.

"So what did you do during the Iraq war, mummy?" should be our banner (in imitation of the famous line on the First World War which said "What did you in the war, daddy?") The answer this time is "We got on to the streets and protested, and protested in many other ways too!" ■

Courtesy, *Cat's Eye* 2 APRIL 2003

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## THE USE OF FORCE IN INTERNATIONAL LAW

As military operations in Iraq wind down and the dust settles on bombed out Baghdad, the international community has to take stock of not only the destruction in Iraq but also ascertain whether coalition action has undermined the status and legitimacy of international law and the United Nations. It cannot be denied that the coalition's use of force in Iraq has put in question the status of the United Nations and the legitimacy and force of the international legal framework that has been in existence since post World War II. U.S. Secretary of State, Colin Powell in his address to the UN Security Council on 5th February 2003 warned that the UN placed itself in danger of becoming irrelevant if it allowed Iraq to "continue to defy its will without responding effectively and immediately". Paradoxically, it appears that it is the "effective and immediate" use of force by coalition forces that has placed the UN in danger of becoming irrelevant.

Article 2(4) of the United Nations Charter prohibits the use of force. There are however two exceptions- use of force for individual or collective self-defence (article 51) or for the purpose of maintaining international peace and security (Chapter VII). Iraq evidently does not fall into either category, as neither the United States nor the United Kingdom or any other state was attacked by Iraq. It should however be noted that the definition of self-defence has evolved over the years to include the right to use force when an attack is "imminent". This is said to be justifiable when the need for action is "instant, overwhelming and leaving no choice of means and no moment of deliberation". Once again however, it clearly is inapplicable in the case of Iraq. It is important to note that even Article 51, which allows for the use of force in self-defence, does so only until "the Security Council has taken measures necessary to maintain international peace and security". This clearly suggests that the use of force is not justified if there is time to bring the matter to the attention of the Security Council, which was so in the case of Iraq. In addition, all members of the United Nations are bound to exhaust all possible means set out in Article 33 of the UN Charter to resolve a conflict, which was not done in the present case.

Courtesy, *Cat's Eye* 23rd April 2003