

Iraq: The US Sponsored Sectarian “Civil War” is a “War of Aggression”, The “Supreme International Crime”

Only Law Can Save Iraq - and Ourselves

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More than 11 years ago, high ranking government leaders in the United States and Britain likely broke international law in planning and waging the Iraq War.

The great command of the Nuremberg Tribunal convened after the Second World War to punish the evil that had shaken Europe was to abolish the “supreme international crime” – the planning and waging of wars of aggression. “War is essentially an evil thing,” the Tribunal held as it passed judgment on German leaders. “Its consequences are not confined to the belligerent states alone, but affect the whole world.”

Decades later, today, Iraqis experience the stark truth behind these words. Iraq descends into chaos; even after 11 years of war, there is seemingly no end to the innocents who are chased from their homes, shot at, maimed and killed as a direct result of decisions made by leaders thousands of miles away, in other time zones, speaking other languages, and without apparent concern for the consequences of their actions.

The world was supposed to have learned from the catastrophes of the 20th century. But it was only a few years into the 21st before that supreme crime was initiated yet again – this time, by the authors of that same law, forgetting that it was another American, Robert H. Jackson, who had placed his trust that law would put an end to aggression once and for all.

There is only a single antidote to the “civil war” that is now breaking Iraq apart – and that is a return to law and a convening of justice. The war launched by government leaders in 2003 against the people of Iraq was not a mistake: it was a crime. And those leaders should be held to account, under law, for their decisions.

Only law will save Iraq. And only law will save those Americans — a great many Americans, perhaps even the majority of Americans — who understand, deeply, that something truly wrong happened in 2003 that should not and cannot happen again. Iraqis have paid for this with blood; but Americans pay, too, in the loss of a national character that holds deep and abiding convictions regarding the good that America does in the world.

The fate of Iraqis is now tied indelibly to the fate of Americans. Americans may have been fooled into war and permitted it; but they can do much to help end it. They can return to a

cherished tradition of legalism that sparked the Constitutional Convention and that Tribunal which sat in judgment at Nuremberg. There is a powerful, humbling and radiant American legal tradition that recognizes that even rulers are under the law.

Law is the bulwark that sustains civilization. Without law — as so many Iraqis now bear witness — there is only chaos, and anarchy, and the rule of the strong over the weak. If Americans permit their leaders to commit the supreme crime, what else can follow? Iraq may be a portent of things to come in that sense. But it also presents an opportunity for Americans, and Iraqis, and people of all nations, to reject militarism and aggression in favor of dignity and civilization.

Let us call the war in Iraq what it was: an illegal act of aggression. And let us remember the legal maxim that for every wrong, there is a remedy. Let us summon the courage to call for such a remedy, under law.

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