

EDITORIAL

REPORT FROM GERMANY

German Government on the Slippery Slope: Blank Check for Breach of International Law

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April 28—When the Berlin government unhesitatingly supports the military aggression against Syria, knowing that it would be considered a breach of international law by the Scientific Service (*Wissenschaftliche Dienste*) of the Bundestag, the alarm bells should go off. Mrs. Merkel characterized the air strikes by the U.S., Britain and France—which were carried out even before investigations could be made into whether chemical weapons were even used, and if so, who was responsible—as “necessary and appropriate.” And the Minister of Defense, Ursula von der Leyen, reaffirmed Germany’s willingness in principle to participate in future such aggression, saying “What Great Britain contributed from the air, we can also perform. However, we were not asked this time.”

The expert opinion of the Scientific Service, released on April 18, characterizes the military strikes of the 14th of April as a clear breach of international law.¹ They were a relapse into the pattern of military interventions called “reprisals” in the period prior to the First World War. In assessing them from the standpoint of international law, the opinion notes, it is even more significant that the allied military did not wait for the OPCW inspections. Nor did the recent aggression differ fundamentally from the attacks already carried out by

the United States alone in April 2017, which were unanimously considered to be contrary to international law.

The principle of international legality, the experts found, was thus abandoned in favor of a subjective “political-moral legitimacy,” which in turn constitutes a violation of the prohibition of force under international law (Article 2 No. 4 of the UN Charter). Thus, the air raids were a blatant return to a form of armed reprisals—believed to have been vanquished by international law—but this time in “humanitarian” garb.

Such reprisals—also known as gunboat diplomacy—used to be common practice before the First World War, and occasionally between the wars. After the terrible catastrophe of the Second World War, they were banned under international law, as set out in the UN Charter.

There was neither an issue of self-defense nor a decision taken by the UN Security Council, the opinion states, and only the United Kingdom laid out its own legal position in a policy paper of April 14, 2018.

In this paper, the British government sets out the typical argument for “humanitarian interventions,” as we have known them since the 1999 Blair Doctrine. The Scientific Service commented: “The British legal position on the military strikes against Syria, which Germany has apparently backed in principle, is unconvincing in the final analysis.” The British approach, it

1. See <https://www.bundestag.de/blob/551344/f8055ab0bba-0ced333ebcd8478e74e4e/wd-2-048-18-pdf-data.pdf>

continues, merely represents another “variety” of the legal concept of so-called “humanitarian intervention” without a Security Council mandate, and of the concept of “responsibility to protect” (“R2P”) under international law. Because of the risk of abuse, it explains, the admissibility of humanitarian intervention is extremely controversial in international law, and does not appear valid as an exception under common law to the prohibition of force under international law.

We would just add to that, that Article 26 of the Basic Law [Germany’s provisional constitution] prohibits a war of aggression and makes such preparation a criminal offense. But the implementing law required for this article (Art. 80 StGB) has been suspended since January 1, 2017—by the same Merkel government!²

Lawyer Andreas Kulick of the Eberhard Karls University in Tübingen points to another fatal consequence of a relapse into the era of reprisals. If western alliances violate international law and instead use subjective moral criteria as pretext for military intervention, every country in the world could in principle use that as a precedent for military aggression against any others.

But what is the deeper reason for this scandalous behavior of a German government which takes positions as though there had not been a history of the Twentieth Century with two world wars?

After all, it is not only that German Defense Minister Ursula von der Leyen was aware of the report of the Scientific Service of the Bundestag; one can also assume that she knows the historical and strategic background of the tragedy of the Near and Middle East. During the mid-70s, Zbigniew Brzezinski played the “Islamic card” against the Soviet Union, without which there would never have been the radicalization of Islam. In the decades since then, various geopolitical forces of the West have used the Mujahedin, Al-Qaeda, Al-Nusra, or the Islamic State (ISIS/ISIL/IS), to name but a few, in support of “good” Islamists vs. “evil” ones, in order to impose regime change on governments that opposed the idea of a unipolar world.

It can’t have escaped the attention of the Defense Ministry that former U.S. Defense Intelligence Agency (DIA) head General Michael Flynn accused the Obama administration, in an interview with *Al Jazeera* of July

29, 2015, of having built up ISIS deliberately, and not as a result of a miscalculation.³ The intention behind this, he said, was to build an “Islamic caliphate” on the territory of Iraq and Syria. In May of that same year, in the context of an FOIA lawsuit, Judicial Watch obtained a DIA memorandum from 2012 containing the analysis that the U.S. had weapons from Qaddafi’s arsenals shipped to the Syrian rebels, with the same intent, i.e., to build an Islamic caliphate. The DIA reports were the basis on which then U.S. Chief of Staff Martin Dempsey was able to prevent Obama at the last moment from carrying out the planned military strike against Syria in September 2013. It would be very strange if General Flynn’s insights had nothing to do with the reason he became the first victim of the attempted coup d’état against President Trump, staged by MI6 and the secret service heads of the Obama Administration.

Former British diplomat and secret agent Alastair Crooke commented on Flynn’s allegations about Obama in a November 13, 2015 article on the Conflict Forum website: “No one wanted to touch the ‘live wire’ of possible U.S. collusion with Caliphate forces. But it was clear enough what the American General was saying: the jihadification of the Syrian conflict had been a ‘wilful’ policy decision, and that since Al-Qaeda and the ISIS embryo were the only movements capable of establishing such a Caliphate across Syria and Iraq, then it plainly followed that the U.S. Administration, and its allies, tacitly accepted this outcome, in the interests of weakening, or of overthrowing, the Syrian state.”

The same view as that of General Flynn—that the U.S. administration had deliberately built up ISIS and was therefore responsible for the refugee catastrophe—was put forth in 2015 by the head of the Russian Republic of Chechnya, Ramzan Kadyrov. He said that he was in possession of information that the former CIA chief and commander of the coalition forces in Iraq and Afghanistan, General David Petraeus, had personally recruited the head of ISIS, Abu Bakr Al-Baghdadi, to work in the interests of the USA. The later head of the Islamic State, who according to Kadyrov was in Petraeus’ service, had previously founded Al-Nusra.

The long history of supporting the “good rebels”

2. See <https://www.heise.de/tp/features/80-StGB-Vorbereitung-eines-Angriffskriegs-ist-seit-1-Januar-2017-gestrichen-3590763.html>

3. See <https://www.aljazeera.com/programmes/headtohead/2015/07/blame-isis-150728080342288.html>

with money, weapons and training by various Western governments against the legitimate sovereign governments of Southwest Asia, is well known. The Obama Pentagon, among other things, provided \$500 million to train 5,000 Syrian jihadists, who then joined the terrorist groups.

Incidentally, the tacit acceptance of this policy by the allies is one of the direct causes of the migration which is responsible for the refugee crisis. If Mrs. Merkel wants to fight the “causes for fleeing,” as she has at least occasionally claimed she does, then she could start with the guilty entanglement of the West in this policy. It is all the more hypocritical if the Minister of Defense wants to participate in the future in further military interventions, which would only result in further suffering for the affected populations. It is equally abhorrent that the EU and the German government are only willing to participate in reconstruction measures for areas in Syria that are not under the control of the

Assad government. So regime change is still on the agenda.

While the German government obviously has no problem in wrecking international law as established after the Second World War, and venturing further along the dangerous path of geopolitics, the nations of Asia are demonstrating what peaceful coexistence for mutual benefit can look like. The historic summit between North and South Korea, which China, the United States and Russia were instrumental in bringing about, as well as the equally important summit between Chinese President Xi Jinping and Indian Prime Minister Narendra Modi, represent the policy of the new paradigm which, unfortunately, the German government is miles away from even understanding.

We urgently need a new policy in Germany!

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