

Obama did not launch that war, but as a former constitutional law professor, he almost certainly knows it was illegal. When he was a state senator, he told a 2002 rally in Chicago that Saddam was “a bad guy” but that “I also know that Saddam poses no imminent and direct threat to the United States.”

Will Obama act on this knowledge? Not unless he is pushed by US citizens who push for trials of the Bush administration on war crimes related to torture. Trials for torture are a very good first step.

Accountability for the illegal war on Iraq must follow.

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ACTION

Write / call President Obama and urge him to pursue accountability for torture and the illegal Iraq war.

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Write: www.whitehouse.gov/CONTACT/

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IRAQ WAR IS ILLEGAL Not Just Unpopular

Nadia Hijab 17 Feb 2009



Nadia Hijab, Institute for Palestine Studies

Here's something President Barack Obama probably doesn't want to be reminded of ...: Bush's Iraq war was not just unpopular. It was illegal.

Today, six years after the United States invaded Iraq in March 2003, nearly 60% of Americans think the war was the wrong thing to do. But try and argue it was illegal, and you'll often hear: So what?

That's what a UN civil servant -- an otherwise intelligent woman -- said when I recently worked on a report for her organization. I had quoted an impeccable source: then-UN Secretary General Kofi Annan. He told the BBC a year after the US invasion "**from the [UN] charter point of view, it was illegal.**"

**What makes a war legal?
Two things: self-defense
or authorization by the
UN Security Council.**

Iraq was never an imminent threat to the United States, nor did the Security Council authorize the war.

There were many other sources I could have quoted: international lawyers, a US hawk, and a federal German court. The US hawk was none other than Richard Perle, one of the war's main architects. He told a London audience after the invasion, "International law stood in the way of doing the right thing." The real Bush doctrine: one law for the United States and one for the rest.

The judgment of the German Federal Administrative Court was particularly damning. Remember, this is a country that knows about invasions and war crimes. It had been asked to consider the case of a German

soldier who had refused to obey orders. (The German government opposed the war but allowed the United States and Britain to use bases and airspace.) After examining the evidence, the court ruled that the Iraq invasion was clearly a war of aggression in violation of international law.

But "so what if the war was illegal," said the UN staffer, as she firmly excised the Kofi Annan quote from my report. "Our job is now to deal with the impact on the civilian population."

So what? So...a lot.

Countries can be made to pay for wars deemed illegal. After Iraq flagrantly violated the UN Charter by invading Kuwait in 1990, a UN Claims Commission was set up so that countries, companies and individuals could submit their war losses. Iraq was required to pay over \$52 billion. By January 2009, it had paid nearly \$27 billion. And Iraq is still paying: five percent of its oil revenues go to this fund.

Reparations for Iraq

It is safe to assume the stimulus bill Obama fought so hard to get does not include reparations for America's Iraq war. Why bring this up now, when the United States is reeling from the worst economic crisis since the Great Depression?

Well, first, because the war is not over. Iraq suffered enormously and still does. Lest we

forget just how much, John Tirman's short, powerful tally in *The Nation* earlier this month reminds us: "4.5 million [persons] displaced, 1-2 million widows, 5 million orphans, about 1 million dead -- in one way or another, affecting nearly one in two Iraqis."

Second, because there are plans to escalate the US-led war in Afghanistan, which is itself of dubious legality, and which is spreading to Pakistan.

Third, because when the law isn't applied, people take it into their own hands. Imagine the Wild West that America would be without the law. Or imagine the lives that would have been saved if the law had been applied to the Israeli-Palestinian conflict back in 1967 -- or in 1948.

And, fourth, because when peoples recognize their leaders have broken the law, it helps to make sure those wars don't happen again. If the older generation of imperialists -- Britain at their head -- had done so, the United States might not be fighting imperial wars today. (Imperialism: countries whose populations are generally white, and who believe they are entitled to the resources of other peoples, who are generally brown or black.)

The current Iraqi leaders did not invade Kuwait. Like the rest of the Iraqi population they were -- whatever their religion or ethnicity -- victims of Saddam Hussein's dictatorship. But still they pay.

Americans have and are suffering for Bush's war, which punched a trillion dollar or so hole in the US economy -- to say nothing of lives and opportunities lost.