Letter from Beirut

On War, International Law and Good German Foreign Policy

Jens Hanssen

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I find myself writing these words no longer *from* Beirut, but *about* it – my professional home. It is a city to which I am deeply bound, one that was the subject of my doctoral thesis over twenty-five years ago, and where I have had the honour of directing the Orient-Institut Beirut (OIB) since September 2023. When the asymmetric war between Israel and Hizbollah reignited on 2 March 2026, and once again forced Lebanese civilians south of Beirut to flee through the ruins of the last war, the German embassy raised its crisis level to "3a". A distressing new low: even during the Israeli ground offensive in the autumn of 2024, we had "only" reached "2c". Consequently, my wife, my seconded colleagues, and I were instructed to leave the country.

The OIB has been based here since 1961. It survived fifteen years of civil war on the Green Line; after the 2020 port explosion, it fortunately emerged with only its ornamental windows and wood panelling damaged. It has weathered every crisis of the past sixty-five years. Our historic villa in Zokak el-Blat, a stone's throw from the Goethe-Institut, houses a library of over 145,000 titles and serves as a workplace for more than thirty staff members and researchers. On 12 March 2026, and again during the night of 18 March, rockets struck the immediate vicinity.

Next door to the institute, on 2 March 2026, a school once again became a shelter for hundreds of displaced people. Our staff are taking in dozens of family members who arrived from southern towns and villages with little more than the clothes on their backs. Students and former interns are volunteering in the city's relief organisations and soup kitchens. The institute itself is currently housing our security guards and their families, who were forced to leave the southern suburbs.

Israeli shelling no longer spares civilian institutions. On 14 March, a drone strike killed two professors in the courtyard of the Rafic Hariri campus at the state university in Beirut-Hadath. On 9 March, Père Pierre al-Rahi, a Catholic priest, was killed by artillery fire in his southern village; a personal envoy of Pope Leo XIV visited the community this past weekend to offer condolences.

The Israeli military claims four hundred Hizbollah members have been killed – but how are AI programmes such as "Lavender" and "Gospel" supposed to determine "membership"? They produce little more than unchecked probabilistic calculations. This kind of warfare violates international law. According to the Lebanese Ministry of Health, more than 1,000 people have been killed since 2 March, including more than one hundred children. Christians and Muslims alike are left without protection, security, or hope – unless the international community acts decisively.

The Fourth Gulf War

The First Gulf War lasted eight years, sparked by Saddam Hussein's 1980 invasion of Iran to exploit what he perceived as the weakness of the nascent Islamic Republic. It was during this conflict that the Iranian regime developed its doctrine of strategic depth. The Reagan administration pursued a policy of "dual containment," arming first the Iraqis and then the Iranians ("Irangate" and the "Tanker War") until, by 1988, Saddam had exhausted both his ammunition and his oil reserves.

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I am old enough to remember the Second Gulf War of 1990–91. I was an Arabic student in Alexandria when Foreign Minister Genscher arrived in the Egyptian port city for negotiations. The proposal was for Iraq to withdraw from Kuwait in exchange for Saudi Arabia cutting oil production. Higher oil prices would then have funded Iraq's reconstruction. Saddam refused. The Kuwaiti oil fields burned for weeks. We could smell the smoke even in Egypt. Saddam's annexation of Kuwait was a flagrant breach of international law, met by a UN-mandated coalition of over thirty states, including Germany. George Bush Sr. acted within the legal framework of the time.

Yet even lawful decisions come at a price: in return for Syria joining the coalition, President Assad was given a tacit green light to seize military control over a war-torn Lebanon. This 1991 deal shaped both nations for three decades, turning Syria into the hub of the anti-imperial "Axis of Resistance" linking Iran and Hizbollah. Only with the fall of the Assad regime and the rise to power of a Sunni militia in Syria has this axis been broken. To date, however, the new leadership in Damascus has not been goaded by Israel into taking action against Hizbollah. Damascus remains quiet; Syria is even taking in displaced Lebanese.

The American-British invasion of Iraq in 2003 – the Third Gulf War – lacked any mandate and was a violation of international law. Millions protested across the world. Joschka Fischer was right when, supported by his French counterpart Dominique de Villepin, he voiced Germany's opposition with the famous words: "I am not convinced." This stance was not a sign of weakness, but the expression of a mature, independent foreign policy. It enhanced Germany's international standing and, ultimately, did not break transatlantic ties. Iraq, however, has yet to recover from that occupation.

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In this Fourth Gulf War, into which Hizbollah has dragged Lebanon, we face a situation far more dangerous than that of 2003. The current policies of Donald Trump and Benjamin Netanyahu pose an even greater threat to Middle Eastern stability and the international order than the regime in Tehran. This is an assessment I share with regional colleagues and governments both within and beyond Europe. This imperial war of aggression against Iran – without a UN resolution or a mandate – is setting the entire region ablaze and is already starting to impact the global economy negatively.

Good Foreign Policy

In Lebanon, people are surprised that the German government has spoken out against an Israeli ground offensive, apparently rediscovering its obligations under international law. Yet, as Israeli bombs continue to fall unhindered and indiscriminately – destroying bridges and roads, damaging critical infrastructure, and depopulating entire villages – they don't entirely trust this rhetoric.

The Lebanese government under Nawaf Salam deserves active and substantial support. This government – perhaps the best Lebanon has seen in decades – represents the rule of law, sovereignty, and state control over the country's national defence. It has inherited a dysfunctional state and desperately needs Europe's backing. Without it, the state will collapse under the pressure of escalation – and with it the last realistic hope of stability.

Germany, alongside its European partners like Spain and the Arab Gulf states, must clearly distance itself from the militaristic policies of Washington and Tel Aviv. Europe must not allow itself to be instrumentalised for the agenda of others. EU member states must find an independent, credible voice, just as Germany and France did in 2003. This is not an anti-American stance; it is the fundamental duty of a democracy to act in accordance with its constitution and international law. Article 25 of the German Basic Law elevates international law above *Raison d'état* and the whims of allies. Indeed, it was only through the explicit embrace of international law that Germany was welcomed back into the international community after the horrors of Nazi rule.

This conflict – the eighth Middle East war since 1948 – must be brought to an end. Peace must be negotiated on the bedrock of international law, and must finally address the root cause of the region's instability.

I would like to thank Andrea Kazzer and Mirjam Brusius for helping to polish the text.

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Editor's Pick

by EVA MARIA BREDLER



This week, France finds itself between two municipal elections, between right and left. But what if the real divide runsbetween above and below?

In Rachel Kushner's "Creation Lake", we follow the American spy Sadie Smith deep into the south of France – I mean, really deep, down beneath the surface, where Bruno Lacombe is said to live. Lacombe, a friend of the revolutionary theorist Guy Debord, supports the "Moulinards" – a somewhat dysfunctional eco-commune that Smith has been sent to infiltrate – via email. We read these exchanges alongside Smith and burrow ever deeper into the world of the Moulinards. Smith is irresistibly hard-boiled, drinks a little too much, and her observations are not only the funniest I've ever come across in a novel, but also so witty that the book reads less like a spy novel than a philosophical treatise. And thanks to Lacombe's contagious fascination with Neanderthals and caves, one ends up facing our own post-apocalyptic future a bit more calmly. I'm voting for below.

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The Week on Verfassungsblog

summarised by EVA MARIA BREDLER

The German government still has not called the **war against Iran** what it is: a violation of international law. In a STATEMENT (ENG/GER), numerous scholars of international law and international rela-

tions call on the German government to return to the foundations of German foreign policy, based on the UN Charter and the Basic Law.

The UN, too, is struggling with international law. On 12 March, the **United Nations Security Council** condemned Iran's attacks as a "breach of international law". SAFIA SOUTHEY (ENG) argues that the resolution is probably binding, but methodologically flawed – because it assesses Iran's conduct without taking into account the prior use of force by the United States and Israel.

The US administration justifies its use of force against Iran through contradictory narratives, all revolving around the protection of "Western civilisation" – from regime change and pressure from Israel to self-defence of the homeland. PAVLOS ELEFTHERIADIS (ENG) warns that this rhetoric revives an old logic of domination that threatens the foundations of **international law**.

It was with this very rhetoric, too, that the United States justified the killing of Khamenei. Whether international law prohibits the **targeted killing of heads of state and government**, however, remains unclear. MARGOT DONZÉ (ENG) argues that positive international law contains no such rule – rather, the protection afforded to leaders depends on their status under different legal regimes.

A domestic case may now also provide protection under international law: before the Higher Regional Court in Koblenz, the **war crime of starving civilians** is being tried for the first time under the German Code of Crimes against International Law. Where does a militarily justified siege end, and where does criminal liability begin? ROSA-LENA LAUTERBACH (GER) shows what standards in international criminal law this case may set.

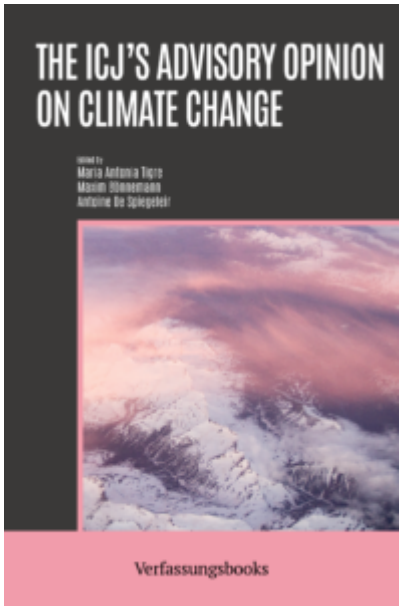
Yesterday, new international legal standards came straight from The Hague. While the ICJ has been very reluctant to allow **third-party interventions**, it has now responded to sustained criticism and, in its unanimous judgment in *Sovereignty over the Sapodilla Cayes/ Cayos Zapotillos (Belize v. Honduras) – Application by Guatemala for Permission to Intervene*, significantly broadened the possibilities for intervention. ZAHRA MAGHSOUDZADEH and DWIGHT NEWMAN (ENG) explain the new standards.

This week, **Guatemala** also mobilised international law before the Inter-American Court of Human Rights – though in relation to an internal conflict. Since 2023, authoritarian forces have been pressuring the pro-democratic government. Guatemala therefore requested an advisory opinion from the IACtHR on the protection of democracy and political rights; today, the public hearings come to an end. For PHILIPP ROTHKIRCH (ENG), Guatemala is strategically using international law here to generate resources for its domestic struggle over democracy.

That same domestic struggle is also playing out in full force in the US. In its widely noted annual Democracy Report, the Varieties of Democracy (V-Dem) Institute recently warned that **US democracy** is being dismantled at unprecedented speed. KASH RADOCHA (ENG) shows how executive overreach and attacks on elections are pushing the United States into a democratic grey zone.

The democratic grey zone is also expanding in the EU. EU funds are therefore tied to compliance by Member States with the Union's fundamental values – in particular fundamental rights, democracy and the rule of law. But what happens when the Commission fails to take those criteria into account when releasing funds? JACQUELYN D. VERALDI (ENG) analyses Advocate General Ćapeta's Opinion in ***Parliament v Commission***, arguing that limiting Commission's discretion and strengthening transparency are key to protecting conditionality under the EU budget.

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In Germany, we keep circling back to the question of whether the **AfD** still inhabits a democratic grey zone or is already in the dark. The Administrative Court of Cologne has provisionally barred the classification of the AfD as "confirmed right-wing extremist". It held, for instance, that it remains unclear whether the AfD will turn words into deeds. Hence, one needs more intelligence findings – including for any prohibition proceedings, argues ANDRÉ BARTSCH (GER).

Even without intelligence findings, the AfD's official programme can be examined. In its "government programme", the AfD in Saxony-Anhalt proposes replacing compulsory schooling with a broader duty to receive education. Why this would fail not only politically but also under the state constitution is shown by ISABEL LISCHEWSKI (GER).

On 26 March, the Federal Administrative Court will hear a claim brought by the AfD district association against the City of Nuremberg. The association wants the city to withdraw from an alliance against right-wing extremism. For ANDREAS FUNKE and MARKUS KRAJEWSKI (GER), it is precisely this engagement that exemplifies a preventive form of constitutional protection.

FABIAN PELTZER (GER), too, believes in prevention – albeit in a very different context: it is no longer appropriate, he argues, that the **Bundestag** should have to approve a Bundeswehr deployment only once Russia has attacked the Baltic states. Rather, the Parliament should give its approval for such deployments in advance.

Just over a year ago, we were discussing not only a conscription for women but also gender diversity in prisons. Several federal states have now quietly amended their prison laws to safeguard **gender self-determination in detention**. But not every highly differentiated regulatory framework is also a constitutional one, says CLARA WELLHÄUßER (GER).

Meanwhile, **South Korea** has introduced constitutional complaints against court judgments. JEONG-IN YUN (ENG) explains how the reform brings judicial decisions under constitutional review and why it marks a turning point for constitutional justice in South Korea.

While South Korea is bringing courts to the Court, in **Ecuador**, a toad has won in court: the judges halted a road construction project in order to protect the Jambato toad. JENNY GARCÍA RUALES and ANDREAS GUTMANN (ENG) use the case to show that rights of nature are very much contested at the local level, but that this also broadens participation in environmental decision-making.

Can such participation be extended through time as well? In pending advisory proceedings, the African Court on Human and Peoples' Rights is now considering whether human rights can also protect future generations against climate harm. SIMON WASWA (ENG) sees in the open-ended notion of "peoples" in the African Charter a doctrinal basis for **intergenerational justice**.

It is precisely this open-ended notion that DAN JERKER B. SVANTESSON (ENG) discusses in the context of the **Nobel Peace Prize**. According to the standard English translation, the prize is awarded to the person "who has done the most or best to advance fellowship among nations". But, he argues, the Swedish original, *folkens förbrödrande*, goes further – pointing also to peace within the "people". Svantesson therefore proposes a different translation of the criterion: as "advancing fellowship among peoples" or "advancing fellowship among, and within, nations".

Peace between and within nations, then – and perhaps even across time, as intergenerational justice demands. There is hope in that. While we may feel at the mercy of individual (mad) heads of state when it comes to peace between states, we can contribute to peace among ourselves and across time, every day. There is actually a UN resolution (66/281) that enjoins us to do just that, of all days, on 20 March.

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That's it for this week. Take care and all the best!

Yours,

the Verfassungsblog Team

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