Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 1316 (2003)[1]

Iraq

Parliamentary Assembly

1. The Parliamentary Assembly refers to its Resolution 1302 (2002) on the threat of military action against Iraq, and notes that the Iraq crisis more than ever remains a threat to peace and stability in the Middle East and Persian Gulf region, as well as throughout the world.

2. United Nations Security Council Resolution 1441 (2002), unanimously adopted on 8 November 2002, was the expression of the common will of the international community to achieve the disarming of Iraq by political and diplomatic means. It notes that the United Nations has repeatedly warned Iraq that it would face serious consequences as a result of its continued violation of its obligations. It set up a strengthened inspection regime making it possible to verify Iraq's compliance with its obligations under the relevant Security Council resolutions.

3. The chief United Nations international inspectors, Mr Blix and Mr El Baradei, presented an interim report to the Security Council on 27 January 2003,at the end of two months of inspections. According to this report, the Iraqi authorities are not co-operating sufficiently with the inspectors and have not presented concrete evidence of the dropping of all the prohibited programmes or of the dismantling of the weapons of mass destruction, particularly the stocks of VX paralysing agent and of substances enabling anthrax to be produced. In spite of the promises made by the Iraqi Government, the inspectors have not yet been able to conduct interviews with scientists and experts who have participated in the country's weapons programmes. Furthermore, Iraq has denied the inspectors the possibility of flying over its territory in the U2 reconnaissance aircraft placed at their disposal.

4. Therefore, the inspectors have neither confirmed that Iraq has disposed of its weapons of mass destruction and ballistic missiles nor concluded that it has ceased to produce them as required under Security Council Resolutions 687 (1991) and 1441 (2002).

5. However, the inspectors have been able to carry out their work in Iraq since 27 November 2002 without major hindrance and, to date, have found nothing to prove that Iraq still possesses weapons of mass destruction or ballistic missiles, or that it is preparing to produce any.

6. Some countries, however, consider that the inspectors have not been able to carry out their mandate, since Iraq has not actively co-operated in carrying out its obligations in response to Security Council Resolution 1441 regarding the onus of proving that it has destroyed all weapons of mass destruction and ballistic missile delivery systems of such weapons, that were known to be in its possession in December 1998, when the previous United Nations inspection team was forced to leave the country.

7. The Assembly also notes that, to date, it has been impossible to establish any substantive link between Iraq and international terrorist networks.

8. The Assembly concludes from this that, in the current circumstances, the use of force against Iraq would not be justified. The inspectors must continue and intensify their work one last time, objectively and impartially and without external pressure, so as to conclude the inspections within a reasonable time. They must be provided with all necessary personnel, equipment and logistic support.

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1. Assembly debate on 30 January 2003 (6th Sitting) (see Doc. 9690, report of the Political Affairs Committee, rapporteur: Mr Martínez Casañ). Text adopted by the Assembly on 30 January 2003 (6th Sitting).

9. Public opinion in the member states of the Council of Europe is generally in favour of the solution of the Iraq crisis through political means, and against unilateral intervention in Iraq. American public opinion increasingly favours a multilateral solution in accordance with international law.

10. However, the Assembly notes with great concern that the United States declares its readiness to take unilateral action even in the absence of an explicit Security Council decision authorising the use of force.

11. The United States and United Kingdom affirm that they have information such as to prove that Iraq still possesses weapons of mass destruction and/or has the intention and capacity to produce them. The Assembly points out in this respect that, in pursuance of Security Council Resolution 1441, any state is requested to provide the inspectors with any information related to prohibited Iraqi programmes.

12. The Assembly reiterates its firm conviction that the solution of the Iraq crisis must be in accordance with the principles of international law and be based on specific United Nations Security Council authority and on broad international support, including that of the countries of the region. The Assembly welcomes in this context the efforts of all the governments which are working for a peaceful solution to the crisis, and particularly those of the government of Turkey, with a view to finding a common position among the main countries of the region so as to avoid war and to obtain Iraq's full and complete co-operation with the United Nations.

13. The Assembly takes the view that Saddam Hussein's regime is responsible for the sufferings of the Iraqi people and is guilty of the human rights violations of which a very large number of Iraqis have been victims. It expresses its solidarity with those in Iraq who are fighting against the dictatorship and for the establishment of democracy.

14. The Assembly calls on:

14.1. the Iraqi authorities:

a. to co-operate actively, immediately, openly and unreservedly with the United Nations inspectors and to provide irrefutable evidence of the dismantling of its arsenals of weapons of mass destruction and of the dropping of its programmes in this field, in order to dispel the international community's suspicions about Iraq's compliance with the UN Security Council resolutions requiring it to disarm;

b. to raise no obstacles and to encourage co-operation by Iraqi scientists and experts with the international inspectors;

14.2. all Council of Europe member states, Observer states and candidate states for membership:

a. to step up their efforts to obtain, by political means and within the framework of the United Nations machinery, the verifiable disarmament of Iraq, as provided for by the relevant UN Security Council resolutions;

b. to give their full support to the international inspectors, to provide them with any information and any means which might help them to complete their work, and to create the conditions enabling them to discharge their mandate within a reasonable period;

c. to refrain from any action detrimental to the authority and role of the United Nations and to exclude any use of force outside the international legal framework and without an explicit decision of the United Nations Security Council.