Parliamentary Assembly
Assemblée parlementaire
https://pace.coe.int

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 1326 (2003)[1]

Europe and the war in Iraq

Parliamentary Assembly

1. The Parliamentary Assembly agrees with the goal of disarming Iraq as stated in UN Security Council Resolution 1441, but regrets that the war in Iraq has started, expressing its deep concern for the civilian population whose lives are exposed to the dangers of war and deploring the loss of lives, both civilian and military.

2. The Assembly regrets that the situation which led to the war triggered off a series of crises and revealed divisions between Europe and the United States and between European countries themselves, as well as between some governments and the majority of their people. It is also our task to bridge these gaps, analyse their causes and prevent them from opening up again.

3. The Assembly recalls that, since September 2002, it has firmly opposed the unilateral use of force outside the international legal framework and without an explicit decision by the United Nations Security Council.

4. The Assembly stresses that the leader of the Iraqi regime is a cruel dictator, responsible for the worst violations of human rights. It condemns the use of civilians, including children and women, as human shields by the Baghdad regime and appeals to the belligerent parties to respect the rules of international humanitarian law. It also expresses its solidarity with those Iraqis who are fighting against the dictatorship and for the establishment of democracy.

5. The Assembly deplores the interruption of the international community's efforts to disarm Iraq by peaceful means, which had begun to yield positive results. The responsibility for the failure of the international community's political and diplomatic approach, mostly within the framework of the United Nations Organisation, also lies with the Baghdad regime which had at its disposal twelve years and seventeen resolutions of the Security Council to disarm.

6. The Assembly notes that the great majority of the international community was against military intervention at this stage, and that this was favoured by only four of the fifteen members of the United Nations Security Council.

7. International pressure on Iraq, including military deployment, had borne fruit, and it had been possible, using the inspection procedures, to destroy more weapons of mass destruction than during the Gulf war.

8. The Assembly remains convinced that the use of force at this stage to disarm Iraq is not justified, and that there is as yet no evidence that this country posed a threat to the states which attacked it. In the absence of an explicit decision by the United Nations Security Council, it considers this attack unlawful and contrary to the principles of international law, which prohibits the use and threat of force except in cases provided for in the United Nations Charter.

9. The Assembly considers that the military intervention in Iraq can find no justification in the United Nations' earlier decisions. It condemns this intervention firmly and asks the governments of the states involved to put an end to it.

---

1. Assembly debate on 3 April 2003 (15th Sitting) (see 9768 and addendum, report of the Political Affairs Committee, rapporteur: Mr Gross). Text adopted by the Assembly on 3 April 2003 (15th Sitting).

10. The United Nations Security Council muststop the war and restore international peace and security. Should it be unable to do this, an extraordinary session of the United Nations General Assembly must be convened as a matter of urgency.

11. The Assembly urges the European Union to play an active part in this process of restoring peace and the world legal order.

12. The problem the world is facing with the Iraqi regime should, as the situation stands, be referred back as a matter of urgency to the legal framework of the United Nations with due respect for the sovereignty and the territorial integrity of Iraq and the other states in the region.

13. The Assembly acknowledges the difficult position which might face neighbouring countries as a result of the war and the urgent need for international support.

14. The United Nations must play the key role in the post-war period in order to give a legal base for the reconstruction of the country. In this context, the Assembly expresses its indignation about the cynical spectacle offered by calls for tender and construction contracts at a time when the fighting is continuing and human lives are in danger.

15. The Assembly welcomes the United Nations Security Council's decision to authorise resumption of the "oil for food" humanitarian programme, as necessary albeit insufficient relief for the sufferings of the Iraqi population.

16. The Assembly regrets the Council of Europe member states' failure to adopt a firm, united stance on respect for international law, which might have prevented the war. Europe will not be a political reality until it is prepared to assert its unity, on the basis of its principles and values. It must be able to anticipate the course of international events, so that it can formulate joint approaches and positions well before a crisis worsens.

17. The Assembly believes that the strategic alliance between Europe and the United States, which was strengthened by the terrorist attacks of 11 September 2001, must remain the cornerstone of progress, security and democracy in tomorrow's world. It should never directly or indirectly be exploited to confront Europeans with unacceptable choices, divide them or, worse, encourage them to abandon the fundamental principles of European democracy and violate international law. The Assembly underlines the importance of transatlantic relations and European unity in promoting stability, democracy and peace in the world. Consultations on a democratic basis among all the interested countries are necessary in order to ensure the implementation of these objectives.

18. The Assembly is greatly concerned that the war in Iraq, regarded as unjust by the majority of world opinion, may undermine international cohesion against terrorism, strengthen the position of terrorist and fundamentalist groups and further destabilise the Middle East region. In this regional context, the Assembly is firmly convinced of the need to present and implement the Quartet's "roadmap" for a settlement that will resolve the Israeli-Palestinian conflict.

19. The Assembly is deeply concerned that the intervention in Iraq, conducted in the name of preventive war, could endanger all the achievements in the field of the preservation of peace, collective security and international stability of the past fifty years and could set a dangerous precedent which might be exploited by other countries.

20. The Assembly considers that the media covering the war should refrain from broadcasting or publishing tendentious and provocative material which may fuel anti-American, anti-European, anti-Arab, anti-Muslim, anti-Israeli, anti-Semitic or anti-Christian feelings.

21. The Assembly is aware of the unprecedented media dimension that the war in Iraq has acquired through embedded journalists and through live, round-the-clock reporting by a panoply of Western and Arab television channels. It regrets the resulting rush to uninformed speculation. It warns against the danger of turning the media into a weapon of war affecting public opinion and political and military decision-making. It also condemns the harassment of "unilateral" journalists and the treatment of media installations and journalists as military targets.

22. The Assembly observes with satisfaction the impressive mobilisation of many people around the world for peace, which should neither be misinterpreted nor exploited as anti-American demonstrations. It also notes the opposition to the war within the United States and United Kingdom themselves.

23. The Assembly is convinced that a lasting solution to the crisis requires that women take on an active role in conflict prevention and peace keeping.

24. The Assembly considers that Europe must act quickly and resolutely, first, to relieve the sufferings of the population, then to do everything it can to help organise the post-war period and stabilise the region.

25. The Assembly is shocked by the deliberate shooting and killing of a vehicle carrying Iraqi civilians on 1 April 2003 and expresses its concern that these blunders are likely to occur again in the days to come if adequate measures are not taken.

26. The Assembly is convinced that Europe must make great efforts to build cohesion and unity and that the European Union needs a common foreign security policy in order to affirm its values and implement them in effective policy.

27. The Assembly expresses its regret that representatives of the United States Congress did not deem it necessary to accept the invitation to participate in the debate on the war in Iraq.

28. The Assembly is convinced of the need to respect the international borders of Iraq at the end of the conflict.

29. The Assembly calls on:

29.1. the belligerents:

a. to put an end without delay to hostilities and resume efforts to settle the conflict within the United Nations and using its machinery;

b. to respect the laws of war, to protect prisoners of war and other persons hors de combat, to comply with the Geneva Conventions, to give all such prisoners immediate access to the International Committee of the Red Cross, to protect civilians and strictly respect humanitarian law, the Geneva Conventions, the freedom of action of humanitarian NGOs, the free circulation of information and the independence of the media. It reminds the belligerents that they may be required to answer for any crimes against humanity or war crimes committed;

c. to treat all prisoners in strict accordance with the requirements of the Geneva Conventions.

29.2. the neighbour states of Iraq:

a. to refrain from any military action, legitimate defence and necessities generated by humanitarian requirements excepted, which may complicate the existing situation;

b. not to close their borders to refugees, and to provide them with sufficient protection in accordance with the Geneva Conventions;

29.3. the member states of the Council of Europe:

a. to intensify their efforts to find, as a matter of urgency, a peaceful solution, putting an end to the hostilities in Iraq and bringing the settlement of the conflict back to the United Nations;

b. to restore the unity of the international community on the basis of mutual respect and international law;

c. to contribute to efforts to prevent a humanitarian disaster in Iraq, help the refugees and victims of the war, more readily respond to the special appeal by the United Nations High Commissioner for Refugees (UNHCR), and provide the people of Iraq with the food and medical assistance they require;

d. to give economic and humanitarian support to Turkey, the only member state of the Council of Europe sharing a frontier with Iraq, and which will suffer from the direct consequences of war, including the potential humanitarian crises caused by refugee flows;

e. to insist that the democratic rehabilitation and reconstruction of Iraq take place under the direct auspices of the United Nations;

f. to devise effective machinery to enable, well before international crises develop, the alignment of national positions and the formulation of a joint European approach based on European principles, values and interests;

g. to reaffirm their commitment to the basic principles of international law and to help restore the authority and strengthen the role of the United Nations;

h. to redouble their efforts to promote relations with the Arab and Muslim countries, as well as interreligious and intercultural dialogue;

i. to intensify the search for a just and lasting solution to the conflict in the Middle East;

j. to ensure the effective protection of refugees and asylum seekers, including by affording them durable protection and access to member states' territories.