



Resolution 1578 (2007)¹

The concept of preventive war and its consequences for international relations

Parliamentary Assembly

1. Since the end of the Second World War, a norm has taken root in international law that, with the exception of legitimate defence, states should not engage in military action unless explicitly sanctioned by the United Nations Security Council. After the events of 11 September 2001, in the new context of the global war against terrorism, the United States justified Operation Enduring Freedom in Afghanistan as a legitimate act of self-defence against the state harbouring, supporting and sponsoring al-Qaeda terrorist camps. However, in 2003 the United States tried to overstretch the concept of self-defence by invoking the doctrine of preventive war with regard to the strike on Iraq, in order to pre-empt future attacks by a “rogue state” in possession of weapons of mass destruction (WMDs).
2. The Parliamentary Assembly reiterates its long-standing commitment to multilateralism and to the principle of collective response to global threats, as opposed to unilateralism. It is more than ever convinced that a multilateral system founded on the United Nations and its charter is the only way to meet the complexity of today's challenges, including old and new threats to international peace and security, such as those posed by terrorism or the proliferation of WMDs.
3. It should be acknowledged, however, that unilateral actions purportedly justified under the doctrine of preventive war do take place in practice. Moreover, sometimes these actions are supported explicitly or tacitly by a number of countries, including Council of Europe member states, as they are considered the lesser of two evils, especially in the light of the difficulty for the United Nations system of collective security to react swiftly and promptly, even in the case of major threats to peace and security.
4. The Assembly is convinced that, even where allegedly justified by the urgency of averting an imminent threat, unilateral recourse to preventive war, in addition to being unlawful under international law, entails considerable risks for the maintenance of international peace and security in the long term, as it could be invoked as a precedent by a growing number of countries. In addition, as force is resorted to in order to prevent threats that have not yet materialised, it is difficult to prove its compliance with the legal requirements of necessity and proportionality. Above all, the unilateral use of force undermines the relevance, credibility and legitimacy of the United Nations Security Council in these matters.
5. The Assembly notes, moreover, that conventional war does not always produce the desired results in the context of the fight against terrorism, a task for which the armed forces are not intended and for which they do not have the basic training, especially as, in this type of situation, there is a grey area where international conventions, such as the 1949 Geneva Conventions on International Humanitarian Law and their protocols, and traditional military ethics are not necessarily applied.
6. On the other hand, the risk of unilateral recourse to preventive war highlights the urgency of finding an agreement on the reform of the United Nations Security Council, with a view to restoring its legitimate and unique role in deciding over responses to threats to peace and security in a rapid and efficient manner, and making it fully representative of the current geopolitical reality of international relations.

1. Assembly debate on 4 October 2007 (34th Sitting) (see Doc. , report of the Political Affairs Committee, rapporteur: Mr de Puig). Text adopted by the Assembly on 4 October 2007 (34th Sitting).



7. Similarly, the reform of the United Nations should enable the Security Council to act more swiftly and effectively against the risk of the population of a country being subjected to gross human rights violations, genocide or ethnic cleansing as a result of some deliberate state action, state neglect or a failed state situation. In this context, the Assembly fully endorses the duty of assistance to peoples in danger as described in Security Council [Resolution 688](#), a concept also known as the right of interference, which is currently developing into the more general “principle of the responsibility to protect”.

8. The Assembly, therefore, calls on Council of Europe and observer states to:

8.1. reject the principle of unilateral preventive war, considered as unlawful and illegitimate under international law, and take into account the disastrous results of the application of the notion of preventive war today and in the recent past;

8.2. always act within a multilateral framework and by favouring political and diplomatic action when dealing with international crises and conflicts;

8.3. refrain from any unilateral use of force outside the cases allowed by international law, and in particular by the United Nations Charter;

8.4. intensify their diplomatic efforts to finalise an agreement on the reform of the United Nations Security Council; and

8.5. support the principle of “the responsibility to protect” and the right of the United Nations Security Council to act to prevent or stop gross human rights violations, genocide, ethnic cleansing or crimes against humanity taking place in a country which is unwilling or unable to protect its own population.