

## THE MORALITY AND LEGALITY OF A WAR AGAINST IRAQ A CHRISTIAN DECLARATION

The following ecumenical declaration is intended to express the concerns of British Christians regarding the ongoing effects of the so-called 'war on terrorism', particularly in view of the prospect of a renewed attack on Iraq. The document was produced by a consultation team including *Tina Beattie, Rob Esdaile, Bruce Kent, Clare Prangley, Frank Regan, Phil Shiner* and *Brian Wicker*, and it has the support of *Pax Christi* who are helping to publicise the declaration and to gather signatures.

If you would like to add your name to the signatories, please either send an e-mail to [declaration@uk2.net](mailto:declaration@uk2.net) or send a postcard to *Pat Gaffney, Pax Christi, St. Joseph's, Watford Way, Hendon, London NW4 4TY*, including your name, title and institutional affiliation if relevant. If you would like to receive updates including lists of signatories, please indicate this and provide either an e-mail or postal address. Unless otherwise indicated, we will assume that you are willing for your e-mail address to be included in a group mailing - this considerably reduces the administrative workload.

There will be a press release to launch the document in the middle of June, so we would hope to receive a substantial number of signatures by **Friday, 14th June at the latest.**

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*'Given the neglect of peaceable virtues and the destructiveness of today's weaponry, serious questions still remain about whether modern war in all its savagery can meet the hard tests set by the just-war tradition.'*

From *The Harvest of Justice Is Sown in Peace*,  
A statement by the United States Catholic Bishops' Conference, November 1993

September 11th, 2001 demonstrated the new threat posed to the international community by groups seeking to achieve their political ends through violence and terror, outside the framework of the nation-state. This is an urgent problem that calls for a far-sighted and effective response through the authority of United Nations and the processes of international law, bearing in mind that 'terrorism' lends itself to different interpretations in different contexts. We deplore any military action that regards the deaths of innocent men, women and children as a price worth paying in fighting terrorists, since this is to fight terror with terror. We call upon the world's leaders to seek a just and peaceful solution to the problem of terrorism by setting in place an international system of law supported by all states, including the United States of America, that would allow for the arrest and trial of terrorist agents in properly appointed courts of justice.

The so-called 'war on terrorism' is an act of political rhetoric that must be distinguished from a military campaign against a sovereign state. It cannot be used to justify an attack on Iraq, and any offensive planned to counteract the perceived threat posed by Iraqi weapons of mass destruction should not be represented as a war against terrorists. We are pleased to note that Prime Minister Tony Blair has assured Parliament that Britain will not support any military action against Iraq without the authority of the United Nations. With this in mind, we make the following observations concerning the morality and legality of any such proposed action.

Conflict resolution must seek to address the historical circumstances that create and perpetuate hostilities. Apart from the effects of having lived for a generation in states of war of various kinds and under the cruelty of their own government, the terrible toll exacted on Iraq's civilian population by a combination of UN sanctions and US/UK bombing (including the premature deaths of hundreds of thousands of children) has contributed to the devastation of Iraq's infrastructure. Denis Halliday, former UN Assistant Secretary General and Humanitarian Aid Co-ordinator for Iraq, resigned in October 1998 in protest against the continued use of sanctions. In his resignation speech he said, *'We are in the process of destroying an entire society. It is as simple and terrifying as that. It is illegal and immoral.'* However necessary sanctions may be, both humanitarian measures and diplomatic overtures are needed if the Iraqi nation is to be reincorporated into the international community - even if its leaders must retain their current pariah status. International contacts often serve to weaken totalitarian regimes more than isolation. The people of Iraq must not be made to suffer further

because they are living under a dictator who in his early years in power enjoyed the collusion and support of the western nations.

Christian reflection on the justice of going to war has always insisted that only duly constituted public authorities may initiate war. Since the signing of the UN Charter in June 1945, the only body with the authority to initiate military action is the United Nations Security Council, except in the case of self-defence when an armed attack has actually occurred against a sovereign state. Even then, the exception of self-defence, like all exceptions, is to be strictly construed. All signatories are bound by Article 2.4 of the Charter which says that *'all members shall refrain in their international relations from the threat or use of force ...'* Today, in the light of the UN Charter, especially Articles 2 and 51, it is plain that

- the only circumstance under which a sovereign state might invoke the authority to go to war is when an armed attack occurs;
- even in self-defence, it may do so only 'until the Security Council has taken measures necessary to maintain international peace and security' (Article 51).

It follows that, however dangerous Iraq's mass destruction weapons programme is claimed to be (though the evidence has yet to be produced), there can be no justification for war by another state unless and until the Iraqi government itself launches an attack. Pre-emptive war by one state against another is not permitted by the UN Charter, no matter how much evidence there may be of a potential for violence. Short of actual attack, *'all Members shall settle their international disputes by peaceful means'* (Article 2:3).

The above conditions must all be met when considering the possibility of a war against Iraq. They are based upon the traditional 'just war' requirements of Lawful Authority, Just Cause and Right Intention. They also illuminate the principle of Last Resort, given that the parties to a dispute *'shall first of all seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement ... or other peaceful means'* (Article 33:1).

Re-introducing UN Inspectors to Iraq must be a necessary early step in this process and the call for the return of UN inspectors to Iraq is a reasonable one, granted current allegations. As a sign of good faith, it would be helpful if those countries calling for the return of inspectors, especially the United States and Britain, were to open their own nuclear, chemical and bacteriological facilities to the same process of international inspection. The demands made on Iraq should be matched by the actions of the existing eight nuclear weapons states. Moreover, it is essential that these countries abide by their own legal obligations. In 1996, the International Court of Justice declared there to be an obligation on the nuclear weapon states to bring to a conclusion negotiations aimed at the abolition of such weapons, but to date Britain has done little to achieve this. Moreover, it is a matter of grave concern that Geoffrey Hoon, Britain's Secretary of State for Defence, has threatened the use of nuclear weapons against Iraq, if an attack with weapons of mass destruction were to be launched against British forces deployed in the region. The use of nuclear weapons would violate all accepted international standards concerning the conduct of war, and it would constitute an act of indiscriminate violence not only against Iraqi civilians but against future generations living in the Middle East.

It is our considered view that an attack on Iraq would be both immoral and illegal, and that eradicating the dangers posed by malevolent dictators and terrorists can be achieved only by tackling the root causes of the disputes themselves. It is deplorable that the world's most powerful nations continue to regard war and the threat of war as an acceptable instrument of foreign policy, in violation of the ethos of both the United Nations and Christian moral teaching. The way to peace does not lie through war but through the transformation of structures of injustice and of the politics of exclusion, and that is the cause to which the West should be devoting its technological, diplomatic and economic resources.